

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA**

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 2, 2018 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

ITEM A., CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
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| Rita Pritchett | Chair | Present | |
| Jim Barfield | Commissioner District 2 | Present | |
| Curt Smith | Commissioner District 4 | Present | |
| Kristine Isnardi | Vice Chair/Commissioner District 5 | Late | 5:20 PM |
| John Tobia | Commissioner District 3 | Absent | |

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

ITEM B., MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

ITEM C., PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

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ITEM F.1., REQUEST AUTHORIZATION TO INCREASE AMOUNT OF PURCHASE ORDER

The Board approved increasing Purchase Order 4500095615 with Nextran Truck Center from \$91,000 to \$140,000.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

ITEM F.2., RENEWAL OF EXISTING AGREEMENT WITH RSM US LLP FOR INTERNAL AUDITING SERVICES

The Board approved and authorized the Chair to execute Agreement to Extend Existing Contract for Internal Auditing Services with RSM US, LLP and Carr, Riggs & Ingram, LLC, which renews the existing Agreement for one year.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

ITEM H.11., PUBLIC HEARING, RE: W.K.& R. GROVES, INC. (CHAD GENONI) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO RR-1. (17PZ00158)

Chair Pritchett called for public hearing on a request by W.K. & R. Groves, Inc. for a change of zoning classification from AU to RR-1.

Chad Genoni requested this Item to be tabled until October 4, 2018.

There being no further comments or objections, the Board tabled the request for change of zoning classification form AU to RR-1 by W. K. &R. Groves, Inc. to the October 4, 2018, Zoning Meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

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ITEM H.1., PUBLIC HEARING, RE: HOUSING AUTHORITY OF BREVARD COUNTY (MICHAEL BEAN/ STEVE MONROE) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM PUD TO RU-2-15. (18PZ00051) THIS ITEM HAS BEEN AUTOMATICALLY TABLED BY THE APPLICANT TO THE SEPTEMBER 6, 2018, BCC MEETING. (LETTER RECEIVED 07/24/18)

Chair Pritchett called for public hearing on a change of zoning classification from PUD to RU-2-15 by the Housing Authority of Brevard County.

Chair Pritchett commented there needs to be a motion to table.

There being no further comments or objections, the Board tabled the change of zoning classification from PUD to RU-2-15 by Michael Bean and Steve Monroe to the September 6, 2018, Zoning meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

ITEM H.2., PUBLIC HEARING, RE: JINKIE A. BAYS, TRUSTEE (TROY AND AUDREY TAYLOR) REQUESTS A CUP FOR ALCOHOLIC BEVERAGES (FULL LIQUOR) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, IN A BU-1 ZONING CLASSIFICATION. (18PZ00052) THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. (LETTER RECEIVED 07/25/18)

The public hearing for a request of Jinkie A. Bays, and trustees Troy and Audrey Taylor, for CUP for alcoholic beverages for on-premises consumption in conjunction with a restaurant in a BU-1 zoning class has been previously withdrawn by the applicants.

ITEM H.3., PUBLIC HEARING, RE: JULIAN AND MARTHA GOLDSMITH REQUEST A CHANGE OF ZONING CLASSIFICATION FROM GU TO RU-1-7. (18PZ00055)

Chair Pritchett called for public hearing on a change of zoning classification from GU to RU-1-7 by Julian and Martha Goldsmith.

Erik Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by Julian and Martha Goldsmith requesting a change in zoning classification from GU to RU-1-7 on a property that is .33 acre in size and located at 3165 Ernest Sans Road, Rockledge.

There being no further comments or objections, the Board granted the change in zoning classification from GU to RU-1-7 by Julian and Martha Goldsmith on a property located at 3165 Ernest Sans Road, Rockledge.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

ITEM H.4., PUBLIC HEARING, RE: MHE, LLC (MIKE ERDMAN/SHARON HARRELL) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM NC TO CC.

Chair Pritchett called for public hearing on MHE, LLC's request for a Small Scale Comprehensive Plan Amendment from NC to CC.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a proposal by MHE, LLC, represented by Mike Erdman and Sharon Harrell, requesting a Small Scale Comprehensive Plan Amendment from NC to CC on a property that is 1.21 acres, located on the south side of 520 in Merritt Island.

Commissioner Barfield commented he has no problem with this.

There being no further comments or objections, the Board adopted Ordinance 18-18, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the third Small Scale Plan Amendment of 2018, 185.03, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

ITEM H.5., PUBLIC HEARING, RE: MHE, LLC (MIKE ERDMAN/SHARON HARRELL) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM RU-1-7 TO BU-2. (18PZ00056)

Chair Pritchett called for public hearing on MHE, LLC's request for a change in zoning classification from RU-1-7 to BU-2.

Erin Sterk, Interim Planning and Zoning Manager, stated this Item is a companion rezoning from RU-1-7 to BU-2 on the same property at the same location.

There being no further comments or objections, the Board granted the change in zoning classification from RU-1-7 to BU-2 by Mike Erdman and Sharon Harrell; and agreed to granting the County an easement where stormwater and future stormwater utility has agreed to by the applicants.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

ITEM H.6., PUBLIC HEARING, RE: 1322 CLEARLAKE, LLC (MICHAEL DRYER) REQUESTS THE FOLLOWING: (1.) REMOVAL OF AN EXISTING BDP IN A BU-2 ZONING CLASSIFICATION (1.21 ACRES); (2.) A CHANGE OF ZONING CLASSIFICATION FROM BU-1 TO BU-2 (0.02 ACRE). (18PZ00058)

Chair Pritchett called for public hearing for a request by 1322 Clearlake, LLC represented by Michael Dreyer for removal of an existing Binding Development Plan (BDP) in a BU-2 zoning classification on 1.21 acres; and a change of zoning classification from BU-1 to BU-2 on .02 acre.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by 1322 Clearlake, LLC represented by Michael Dreyer by requesting a removal of a BDP in a BU-2 classification on a property that is 1.21 acres; and a change of zoning classification from BU-1 to BU-2 on a property that is .02 acre, located on Clearlake Road, Cocoa.

Chair Pritchett inquired if Commissioner Barfield wanted to make comments on this.

Commissioner Barfield inquired if there is actually two different parts to this.

Chair Pritchett responded in the affirmative.

Ms. Sterk stated they are requesting the change to remove the BDP on most of the parcel; there is a small five-foot strip on the southern property line that retains an old BU-1 zoning; and they are seeking to make that consistent with the rest of the property.

Michael Dreyer stated he is in attendance to request the Board lift the BDP on the BU-2 zoning that is in place; most of the zoning surrounding the property is BU-2; none of the other zonings have a BDP on them; the gentleman who wants to use the building is Mike Milford, he has been in the area for 42 years, and he runs a play action sports company which is high end sports, fishing, and tackle; and he wants to use the property for small sales and a small manufacturing. He continued they were told after an extensive meeting with P&Z that the BDP has to be lifted and that there was no reason for it to have ever been put on there.

Commissioner Barfield inquired if he has to make two separate motions.

Chair Pritchett explained she has one quick question; there was one part in the BDP as far as access from Clearlake Road, and she inquired if that would cause any conflict if the Board were to remove the Plan; and she stated she does not know why the BDP was put on it.

Commissioner Barfield stated this was because the document shredding facility they were trying to put in there.

There being no further comments or objections, the Board granted the removal the BU-2 restrictions in the BDP and keep the other conditions; and approved the BU-2 zoning request.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith |
| ABSENT: | Kristine Isnardi |

Commissioner Isnardi's presence was noted at this point.

ITEM H.7., PUBLIC HEARING, RE: VININGS PALM BAY INVESTMENT, LLC (TOM CABRERIZO/BRUCE MOIA) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RES 15 TO CC. (18PZ00060)

Chair Pritchett called for public hearing on a request for Small Scale Comprehensive Plan Amendment from RES 15 to CC.

Erin Sterk, Interim Planning and Zoning Manager, stated she will read both Items, seven and eight, into the record so they can be discussed together; the proposal is by Vinings Palm Bay Investment, LLC, represented by Tom Cabrerizo and Bruce Moia, requesting a Small Scale Comprehensive Plan Amendment from Residential 15 to Community Commercial on a property that is 3.43 acres in size, located on the east side of Wickham Road; and the companion application is a request for change of zoning classification from RU-2-15 to BU-1 and replacement of an existing BDP.

Bruce Moia stated the Board is probably familiar with this property as he has been before it for rezoning a land use to take this from Industrial to Residential; since then the property has been sold, and the people who want to develop it want to have a commercial component to it; they are going to substantially reduce the amount of multi-family units on the remaining property and preserve a bunch of the oak trees, build a pond and common area, and take out these three acres for commercial to continue what is to the north; and he mentioned one of the proposals in the BDP is to guarantee they will provide an easement so the commercial piece can go to the north and get out at the signal.

Chair Pritchett inquired if Mr. Moia would consider putting a restricted use in there, if the capacity on that road is overloaded it could cause issues.

Mr. Moia stated obviously they do not know what is going to go there so when they get to that point they would do the necessary traffic studies; they envision it being cut into three lots and they would do one-acre parcels for whatever uses are typical in that area whether it be a restaurant or whatever; he commented no one knows if a gas station might come along, but he has not been authorized to change the request at this time; and he noted they would definitely work with County staff if there were any traffic issues as far as access to Wickham Road.

Commissioner Smith stated he has a concern because this is in his District and in the past they had talked about the density of the traffic; he really likes the idea of making that Commercial because it would limit the amount of vehicles more so than if there were more houses there; he would like to see a stipulation restricting gas stations and drive-thru from there, because it could really overload that road; and he advised they are really pushing capacity on that road now.

Mr. Moia explained when they first came on this overall piece of property it was zoned Industrial and the traffic count was extremely high; when it was reduced down to Residential it reduced

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that traffic impact significantly, that was when they were proposing 450 units, and now they are only proposing 275 on the remaining portion so they are reducing it even further; and to have some small commercial, he does not feel that it is going to have the negative impact any more than if it were developed as a 30-acre Industrial Park. He continued he does not think they would like to limit it so that they could not have a drive-thru restaurant; and he thinks that is something the applicant might desire so he cannot authorize what is being asked. He noted they have reduced the traffic significantly, with studies to back that; he thinks because of the rezoning, they provided worst case scenario of what the traffic might be on this property if it was every super high traffic-generating use that could be done; and he mentioned it is probably not the reality of it. He advised when they get to that point they would be doing traffic studies and working with staff if they need to add turn lanes or whatever needs to be done; however, they do not believe it will be an issue to go back to a little bit of Commercial.

Commissioner Smith stated he likes the fact that it has been reduced, but he is really concerned about that parcel because it is right on that bend to have a high use there; a turn lane might help; and he inquired what staff thinks about that.

Mr. Moia stated that is one of the biggest reasons they are doing a Joint Access Agreement to make sure they are moving all that traffic to the one traffic light; and there will not be a lot of movement in the parcel because they will be able to go to that light to go in and out of to reduce the impact. He mentioned they will also have a pedestrian connection for the multi-family units so they will not have to drive to get to those uses.

Commissioner Smith commented that is a good point.

John Denninghoff, Assistant County Manager, stated staff has a couple concerns; while there is a reduction of total Residential, thus residential traffic reductions associated with that, they do not know what the Commercial component will do to that because they do not know what it is going to be; drive-thru restaurants and convenience stores can have huge traffic volumes associated with them; in addition, if the site results in justifying a traffic signal at that location, there will be a desire to have a signal, but it will be too close to Jordan Blass Boulevard to meet the spacing requirements; and they believe that would have a detrimental effect on Wickham Road. He continued to say Mr. Moia is correct in saying traffic studies would be needed and used to try to deal with those, but ultimately the impact on Wickham Road would be there and they would have expended a pretty good amount of money trying to move down the road. He reiterated staff's concerns are increased traffic on Wickham and that it could easily exceed the reduction that the Residential count would suggest.

Commissioner Smith stated he is not a traffic engineer, but that is his concern as well; and he asked if Mr. Moia would be willing to table this and go back to talk to his people.

Mr. Moia stated he thinks that would be best because he is not prepared to address this to this extent.

There being no further comments or objections, the Board tabled the request for a Small Scale Comprehensive Plan Amendment for RES-15 to CC, to the September 6, 2018, Zoning Meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |

ITEM H.8., PUBLIC HEARING, RE: VININGS PALM BAY INVESTMENT, LLC (TOM CABRERIZO/BRUCE MOIA) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM RU-2-15 TO BU-1, AND REPLACEMENT OF AN EXISTING BDP. (18PZ00059)

There being no further comments, the Board tabled the request for a change in zoning classification request from RU-2-15 to BU-1: and to replace the existing Binding Development Plan (BDP) to the September 6, 2018, Zoning Meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Jim Barfield, Commissioner District 2 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |

ITEM H.9., PUBLIC HEARING, RE: MERRITT SQUARE REALTY, LLC; MERRITT SQUARE CH, LLC; AND MERRITT SQUARE NASSIM, LLC (PHIL NOHRR) REQUEST A CUP FOR TRAILER AND TRUCK RENTAL IN A BU-1 ZONING CLASSIFICATION. (18PZ00061)

Chair Pritchett called for a public hearing on a request by Merritt Square Realty, LLC, Merritt Square CH, LLC and Merritt Square Nassim, LLC for a Conditional Use Permit (CUP) for a trailer and truck rental in a BU-1 zoning classification.

Erik Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Merritt Square Realty, LLC, Merritt Square CH, LLC, and Merritt Square Nassim, LLC, represented by Phillip Nohrr, requesting a CUP for a trailer and truck rental in a BU-1 zoning classification; and the property is 5.38 acres located at 777 East Merritt Island Causeway, in a Merritt Island redevelopment area.

Cal Conner stated he represents U-Haul, and he provided handouts to the Board; his company is currently under contract with the Merritt Square Mall to purchase what was formally the Publix Shopping Center located behind the mall; it is at the entrance of Veterans Memorial Park; it is an old dilapidated building that has been sitting there vacant for many, many years; and what he is intending to do is open a self-storage facility at that location which he already has the zoning for. He continued he is looking for a CUP to be able to rent U-Haul equipment from the same location; he is not talking about the typical box trucks, he is looking at putting only cargo vans and pick-up trucks at the location; that is not to say that a box truck will never show up on the property, they are a large company and customers come into the area from outside the Merritt Island community and they will see U-Haul so he knows it will happen at some point; and they have set in place a way that the equipment when it does come in, they will send that back out, therefore, the only equipment staying at the location would be the cargo vans and pick-up trucks. He went on to say with the equipment they are assigning to the location, and he has set it up so that they will only put military imaged pick-ups on site assigned to compliment the Veterans Memorial Park located right behind them; as shown in the handouts, there are some artist renderings of the design they are looking at putting on the building, which will also compliment the Veterans Memorial Park and the entire community; it will blend everything

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together; he does understand the vision of the County and Merritt Island and what they are trying to do with that area by keeping it military themed and more of a down town area, up and coming, for the community; and what his company is doing is trying to blend in with what is already there and what he understands the vision to be. He advised what he is looking for is to be able to put the cargo vans and pick-up trucks assigned to the location; other equipment as it comes in, be afforded the opportunity within a reasonable amount of time to remove the equipment over to one of his other locations; and the agreement he made in the prior-to meetings was that 72 hours would be a reasonable amount of time for the removal.

Ms. Sterk advised the Board in its packet there is the P&Z Board's recommendation which includes 11 conditions, which she believes Mr. Conner has previously agreed to; the board asked them to work on some revised language for condition number four in that list, regarding landscaping to have it become something more clear and enforceable; they submitted some revised language and that is in the package as well for the one single condition; since then they had a community meeting with the adjacent neighbors who submitted a request for two additional conditions; and she is not sure where the applicant stands on agreeing to those conditions.

Mr. Conner stated he is not against the additional two recommendations with the exception of some language within them that would need to be changed, the intent behind them he is in agreement with.

Ms. Sterk advised the intent is to park the trucks on the west side of the building and to put the kiosk on the west side of the building.

Chair Pritchett inquired if Mr. Conner is good with that.

Mr. Conner responded he is good with the language of it; he thinks what they are referring to is the equipment that is not assigned to the location; and he advised the equipment assigned to the location would be on the east side of the building, and will compliment Veterans Memorial Park and the imaging to the facility.

Chair Pritchett inquired if all of the equipment that is not already assigned would be parked on the west of the building and the kiosk.

Mr. Conner responded affirmatively.

Bruce Kerr thanked the Brevard Veterans Memorial Council, the Board and staff, the Merritt Island Redevelopment Agency (MIRA) staff, and the U-Haul staff for working in partnership with the Merritt Towers homeowners in an amicable and helpful manner; he stated he is in support of this project with additional conditions and considerations; in the Zoning Agenda Package a document dated August 1, regarding the CUP request so as to not adversely affect the use and enjoyment of the residential character of the area, this document is a request for two additional conditions as submitted by the two approximate properties to the commercial property in question; and the two parties are the Brevard County Veterans Council maintaining a beautiful center, museum, park, and grounds for the enjoyment of the public and veterans, and the other a luxury 240 unit, multi-tower gated community of homeowners. He noted item one is that the U-Haul company will park all non-conforming vehicles and or other undefined equipment that may be dropped off by lessees at the far west end of the parcel, hidden from view of Merritt Towers with their storage facility in between in order to prevent a further industrial look to their very residential area, adversely affecting their use and enjoyment of their homes and any sale-ability issues that may arise; additionally, that all nonconforming vehicles, which could include trailers as clarified by U-Haul company's staff during a July 31 meeting, be removed within the 72-hour period; the kiosk for return of vans, pick-ups, cargo trucks, and other vehicles or equipment

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which would be located on the west side of the structure, with signage containing verbiage such as this is not a drop off site, please drop vehicles at the Rockledge U-Haul site; and he noted although U-Haul personnel stated they would not list this as a drop off site on the website, he has not seen it in writing and although it has been stated this will not occur often, there is no qualification in writing, nor any means to monitor as this is an unmanned site 24 hours a day, seven days a week, 356 days per year; and if there is one thing he has learned throughout his careers is, the only person who always got something correct was a man named Murphy. He continued in the MIRA memo dated June 29, 2018, it should include the phase military imaged and read outdoor parking would be limited to 40 military imaged cargo vans and or pick-up trucks, no repairs to be done on site, from what he thinks he heard Mr. Conner say, is those that would remain at the suggested site on the plan; they believe the addition of these conditions will substantially avoid an industrial look to their residential area by maintaining only the military imaged conforming vans and pick-up trucks on this site near the Veterans Memorial Center, thus removing the potential visual blight of cargo trucks and trailers in the front yard of their homes; and therefore, he requests the inclusion of the conditions as proposed. He stated he believes Administrative Policy 4 addresses their concerns as well as the introduction of the types of vehicles into a neighborhood which they are not already present.

Philip Nohrr stated it is a little disconnected on how this presentation is being made; Cal Conner who spoke first is the U-Haul representative; he is the one who represents the mall; he is really not the one to talk about specific conditions on the way they run the business; he would refer that to Mr. Conner; his comments are going to be very brief; the Board has a report with 11 conditions that U-Haul has already offered and the mall is fine with those conditions; and they feel they have reached out to the community. He continued the idea of having these vehicles, the cargo vans, to reflect the military he thought was very unique; their commitment to the VA as far as making their facility, parking specifically, available when there are events going on, he thinks they are going to be a very valued partner to the overall community; in doing that, it is not their intention or design to harm anyone; if people want to talk about blight, blight is already there at the building that has not been used for over a decade; they are committed to spend millions of dollars to improve and make it a viable building within the community; and he noted this is not about blight, it is about vehicles being parked in a parking lot which is already there to take care of people who come into the mall. He mentioned he can assure people that there are plenty of trucks already parking there that have nothing to do with the mall; having said that, what he thinks U-Haul is saying is that it is an unmanned station and they cannot dictate if there is a person who rents a box truck in Virginia and drives it down to Florida and deposits it at that site, because it is a nationwide operation; they have committed, since it is an unmanned site, that they will have someone there no later than 72 hours to get the vehicles out; they are not housing those types of vehicles at the site, they are housing cargo vans which are seen every day on the streets; and he thinks when looking at the particular concessions that have been made, even the ones that have come in at the 11th hour, they have reached out, adjusted, and he urged the Board to allow for this to go forward.

Rose Kerr stated they have been very pleased with the cooperation from everyone; knowing that even though there are concerns being aired and spoken of, there is consideration by all parties to make this the best transition for the visual "front yard." She provided a document that shows the site plan from U-Haul. She stated Merritt Towers is where she lives; the plan is for the military imaged cargo vans to be placed there, as she pointed to a spot on the plan; what is being requested, to be clear, is that all the nonconforming equipment be parked on the west side of the property to avoid any appearance of an industrial look; they realize it will be very rare that people will randomly drop off these larger trucks; and she commented should it happen, if at all possible, they should design it so that area is for nonconforming trucks and equipment, with signage to say that is not a drop off site, and hopefully people will go somewhere else to drop off. She went on to say the people understand there will not be any listing of this as the drop off for U-Haul; they are very happy about that; she just wanted to show the Board where

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they live and that their concerns were about other kinds of vehicles and equipment being parked right in their front yards; and they are very pleased that the Publix building will have beautiful silhouettes. She went on to say they are also happy that the vans will have a military look to them conforming with the neighbors; and she asked that the company do everything in its power to make sure the random drop-offs not be in their front yards.

Gail Saporito stated her concerns have been covered other than this being a 24-hour facility with no one there; in a perfect world that is wonderful but not in reality; maybe there will be some kind of direction or signage for people to be directed to the west side for drop offs; she commented that is 40 trucks plus all of their private vehicles; and she asked where their private vehicles are going to be parked when they pick up the cargo vans, as there is no mention of that. She added private vehicles could go from trucks, jalopy cars, or vans of their own, no one knows where these are going to be parked and for how long. She asked if these unknown entities could be parked on the west side of the parcel; she stated if someone smokes in front of the building, the people who live at Merritt Towers can open their windows or doors and smell it, so unless things are on the west side it will be a problem for them; and she noted there is no direction for the customers of these rentals. She inquired if there is anything for bathrooms and garbage pickup for what people will be dropping off from out of their private vehicles or rentals; and she noted when people are on a trip they are eating, drinking, or whatever and she has not seen anything addressing that either.

Marilyn Light stated she was at the first meeting and there was no mention of trailers but it is on the Agenda, so she is confused about that; she thought it would be all U-Haul vans and pick-up trucks; this effort to have all the U-Haul rental cargo vans and pick-ups kept parked on the west of the parcel, there was no mention of the conforming ones being parked right in their front yard, or on the east side; and that was a shock to her because requests for the condition of the CUP, as she understood it, was to have all the rental cargo vans and pick-ups being parked on the far west of the parcel of land.

Mr. Conner stated he believes just about everything that has been brought up has either been addressed either in prior meetings and agreed to or in the two items that were presented to the Board as part of its package; the two items presented last minute, one was all nonconforming vehicles would be parked on the west of the building; as he stated earlier he does not have a concern with that, he is fully willing to do that; and his only concern is the very last portion of the statement where it refers to the equipment being removed within 72 hours, it is simply repetitive and has been brought up in a previous item and agreed to from the prior meetings that they had and the negotiations. He continued the other item with the key kiosk and item 13 that was proposed, his only concern is the fact that it just needs some language changed to show that it is only referring to the nonconforming equipment; he thinks there is still a lot of confusion, and he fully understands this is their homes, but currently they are looking at a shopping mall and that would not be the view he would pick for his home; he understands they want something to change and he is there to be a part of this community; he is looking at investing millions of dollars in renovating this and putting a lot more into this property than they normally would for this type of operation; and he noted he is going a little bit beyond what the CUP request is, but he wants everyone to understand his company is doing everything within its power to try to comply and help beautify this area. He added the equipment they are talking about bringing to the site and will be there at all times is cargo vans and pick-ups; he asked to show a slide so that everyone understands what they are looking to place on the property; his concern to the Board is that if he says that is all that will ever show up on this property, he would be lying; he has been with his company for a long time and he knows someone out of Tennessee is going to show up on the lot at 2:00 a.m. whether it is manned or unmanned and drop their equipment off on the lot; and there are safe guards in place to prevent this to the best of their ability. He went on to say they have the best technology there is in the moving industry; when a customer picks up they are given specific drop off locations; the problem comes in when the customer drives

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through an area and they see a U-Haul place, they just drop the equipment off and call the next day saying where they dropped it off; he knows it is going to happen and that is why he is being careful with what he is saying; there is concern with some of the residents about this being called an unmanned location; although there will not be staff assigned to the location nor a showroom at the location, they will be monitoring the location on a constant basis; and he advised they have a state of the art security system going in that will monitor both inside and outside of the building. He stated with an investment this large he is not just going to walk away from it and hope for the best; this is something they do; there are unmanned facilities across the nation that are married up with a manned facility; and in this case, they are looking to marry this location up with the Rockledge location on Dixie Lane and the manager of that location will be responsible for both facilities. He mentioned that manager will be constantly, typically at least once a day going to the property and taking care of whatever needs taken care of; there will be housekeepers who will constantly be in and out taking care of the property and in communication with the general manager of the facility as well; his cell phone number will be on the wall of the building as well as the general manager's number; and he mentioned he understands their concerns of not knowing what is coming, but being within the company and being on the other side of this, he knows exactly how this is going to work. He noted there will be hiccups, they will make some mistakes, but he lives here in Brevard County and he will be going by that property on a constant basis; what these residents have right now is a horrible view out their front doors; the customers who come to the mall are some of the same customers he will have; the cars they drive today will be the same cars they drive when they come to rent his equipment; where it is going to be, he does not know, it will be wherever they chose to park their vehicle; he is going to place some assigned parking, but the customers are going to do what they want to do; and he really does not know what else to say to appease the residents other than an investment this large will not go un-supervised.

Commissioner Smith inquired what they intend to use the building for.

Mr. Conner replied storage.

Commissioner Smith inquired how long it has been since this building was an active Publix.

Mr. Conner stated 15 to 20 years.

Commissioner Smith inquired if it has just been sitting there.

Mr. Conner informed it has been just sitting there, going downhill.

Commissioner Smith clarified what Mr. Conner was going to do was to improve the image 1,000 percent, but it is still going to be a parking lot and it will still have vehicles in it.

Mr. Conner replied affirmatively.

Commissioner Smith stated he does not know if the Board needs to get into the when and how; he understands they are going to do everything they can to make this amenable as possible; business is business and he does not have control over who parks where; and he thinks the people in the condominium unit should be happy he is there sprucing the place up and willing to work with them as much as he possibly can.

Mr. Conner stated it will not be perfect but he will do his part to make it as painless as possible.

Commissioner Barfield expressed his appreciation to U-Haul, Merritt Towers, the Veterans, and MIRA for working together; he stated his office helped out as well and that is the way this should work; everyone should get together, hash it out, and figure out what is best with open minds;

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and he wishes that would happen in a lot of other situations. He continued he wants to make sure Mr. Conner is okay with the changes that were discussed.

Commissioner Isnardi stated she would like to echo what Commissioner Barfield stated about everyone working this out together. She asked for clarification on the two additional items since the petitioner had some concerns with the language.

Mr. Conner stated it is only minor language changes; in item 12 the very last statement refers to moving the nonconforming equipment from the site within 72 hours, it is repetitive as it is already in item three; item 13, in the first statement it refers to the key kiosk for return of the vans and pick-ups it should be changed to the nonconforming; he is not sure how the conforming system will be set up at this point; and he does not want to be locked into something that will not work.

Commissioner Isnardi stated she just wanted to make sure she understood it correctly.

There being no further comments or objections, the Board approved the request by Merritt Square Realty, LLC, Merritt Square CH, LLC, and Merritt Square Nassim, LLC, for a CUP for trailer and truck rental in a BU-1 zoning classification including recommendations by the Merritt Island Redevelopment Agency (MIRA) Board of Directors, including new language submitted by the applicant relating to Condition 4; the Company to park all non-conforming vehicles, and/or other undefined equipment that may be dropped off by lease(s), at the far west end of the parcel; and the key kiosk for return of non-conforming vehicles also be located on the west side of the structure, with signage advising it is not a drop off site.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |

ITEM H.10., PUBLIC HEARING, RE: RONALD E. DIMENNA (MALCOM KIRCHENBAUM/JACK KIRCHENBAUM) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO EU, WITH A BDP. (18PZ00054)

Chair Pritchett called for public hearing for a change of zoning classification from AU to EU with a Binding Development Plan (BDP) requested by Ronald E. Dimenna.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Ron E. Dimenna, represented by Malcom Kirchenbaum and Jack Kirchenbaum, requesting a change of zoning classification from AU to EU with a BDP; and the property is 163 acres located on the north side of North Tropical Trail, North Merritt Island.

Jack Kirchenbaum stated he will make a few comments, but he brought some experts with him, Joe Mayer an expert in drainage, and Josh Black a traffic engineer and an expert with LTG; he is coming to the Board with a 5:0 favorable vote from the P&Z Board; they have submitted a BDP and he would like to hit on some points of that; there will be no septic tanks at these lots; they have agreed at the owners expense, to extend the force mains from where they are on Courtenay around Church all the way to the site; and that was one of Ron Dimenna's most critical elements that he would not do any development there that required septic tanks. He continued this will be limited to one unit per acre; there are 163 acres and there will be no more than 163 lots maximum; they will limit the ingress and egress; there is one existing driveway that

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goes to a home on the property and it will remain for that one home; and the other access will be in the southeast portion of the property, and the only other access to the property. He added, most importantly, the BDP provides that immediately upon acceptance of the BDP that they will engage in analysis and study to attempt to solve significant drainage issues there, at the applicant's expense, for subdivision planning before all the other things that need to be done to develop a piece of property. He stated Mr. Mayer will address that and provide some good data with regards to what is there now; the historical drainage that runs north and then west is not and has not been adequate; and what they can do with the final analysis in planning and development stages to supply some drainage solutions that will help that property and more importantly the neighbors in that whole Merritt Island section.

Joe Mayer stated he is the engineer of this project. He advised they have been acutely aware of the drainage issues as they have gone through this process; the project will of course meet all of the State and County regulations regarding taking care of their own water, just like any project would have to do; what they have found going through this process is they think they can be more a part of the solution to the regional drainage problems that are occurring in this area because of the given characteristics of this particular piece of property; and he noted the second picture in the handout he highlighted the approximate location of the drainage ditches that provide for historic drainage and have been there a long time to address historical drainage for the properties; however, those ditches over the course of time have become clogged, filled up, there are restrictions on the ditches, and there are places where there are small pipes and dirt driveways that are limiting the flow where water just cannot get through there. He continued they truly believe, they do not have the topographical data yet nor a design, but he believes they can be part of the solution by improving the flow capacity, improving the conveyance capacity ditches; they think it will help their client, but also it will help the drainage problems that are occurring in the entire area; they have learned in this process that water sits there in a ponded-condition for sometimes 21 days; that should not be happening; he understands in big storms the river rises and there is nowhere for it to go so it may sit for a few days, but not 21 days; and he reiterated they truly think they can be part of the solution. He went on to say the P&Z Board asked them if they would be part of the solution and to bring that part forward right away, and to start working with County staff and the St. John's River Water Management District (SJRWMD) right away even before they submit for the subdivision approval; they talked to the applicant, who did not have a full understanding of how this was affecting the neighborhood, and he agreed to allow them to do that by funding some early research, design work, and topographical work to help solve the problems; and he noted from everything he has seen from flood maps, talking to County staff, and other conversations, they believe they can be part of the solution to an ongoing problem and make improvements in the drainage situations as part of this project. He stated he does not get to say that very often with projects, but in this particular project he does believe that will be the case.

Josh Black stated he has been retained by the applicant to provide a rezoning transportation impact study; he explained in their basic analysis they look at the maximum build out for the proposed property versus the existing property uses; in their report they found that the proposed use is a reduction of 653 daily trips and 364 peak hour trips for the use of one unit per acre; and it is his understanding that there are people in attendance that have concerns which he will address later.

Jim Carboneau stated he is a member of the North Merritt Island Dependent Special District Board; the plan that they have been asked to look at is a draft; he has a hard time understanding how they can look at proposed drainage ditches, and proposed water flow solutions without knowing the exact details of what is being prepared; there are a lot of flooding pictures in the packages provided to the Board; one of things that has happened, historically on Crisafulli Road the north side water flowed north and the south side flowed south; he understands there is a program underway right now where the County is studying the water flow

on the south side and they have been talking to some owners about doing some easement studies; on the north side of Mr. Dimenna's property, the ditches have not been maintained and he has not run his pumps; and he is not so sure why all of the sudden people think they can solve the solution of the water flow with the study that is going on. He advised he thinks they need to look at the combination of those studies; Mr. Dimenna has two pumps located on his property which currently have been permitted by SJRWMD to Agricultural Use; if those pumps are going to be used as part of the solution to the drainage, according to SJRWMD, if zoning is changed, the permit for Agricultural Use will probably be rescinded and he thinks that should be looked at; and he mentioned they have issues with drainage to the north. He stated Mr. Dimenna has not previously, as a good neighbor looked at cleaning those ditches or improving that water flow. He went on to say they have heard a lot about the BDP but it does not address flooding or the pump usage; the sewer line that was mentioned by Mr. Kirchenbaum is a step in the right direction with this property; the BDP also says if North Merritt Island incorporates, the BDP goes away, and he asked what happens to the ownership and the maintenance of that existing sewer line; and once it is in place who and how many others might be able to connect to that line for future use. He continued currently there is another program going on in North Merritt Island, a small area study, which is being finalized and is up for completion in the very near future; he would like to see the County's solution to the drainage problem and the North Merritt Island small area study conclusions reviewed together and addressed by the County to see how to move forward; and with regards to the traffic, Merritt Island has one major highway, State Road 3, north and south. He added it has the ancillary road to the west, North Tropical Trail, those are the north and south roads; as a group, they have not reviewed all of the impacts, of these subdivisions that have been approved over the last year, the total impacts to the traffic, to the schools, and to the infrastructure; he noted the east and west roads all have large ditches and the water flow in those ditches are a problem and hopefully part of the study being conducted; and he would like to see this whole rezoning issue tabled until those two things are done. He announced if Mr. Dimenna wants a legacy then he recommends he donate the property to the Historical North Merritt Island Preservation Society in his name.

Terri Dingman stated her and her husband live south of the proposed development; she has many concerns that are shared by fellow residents; one of the main concerns is the historical rural atmosphere they live in and what this proposed development will do to that; where North Merritt Island is considered rural, along North Tropical Trail they are definitely a rural area with most people residing on larger lots; that is what drew them there and what drew Mr. Dimenna there years ago; and while they have stated that is his sanctuary, it is also the residents sanctuary, and adding another 163 houses to that small area will definitely do detrimental damage to this rural environment. She continued there has been many hundreds of houses that the Board has already approved for north of the Barge Canal; the traffic resulting from that and combined with this is going to be more than the small narrow North Tropical Trail can handle regardless of what the studies say; she does not think the majority of the traffic is going to run out to Courtenay, she believes it will be going up and down North Tropical Trail; this development is also going to erode the rural atmosphere they have with increased traffic and overcrowding of schools resulting in redistricting; and she believes it will also jeopardize endangered animals and their habitats including the wetlands in the area, not to mention the reduction in property values. She went on to say the density is a huge concern for all the residents; they all know there is a small area study that has been conducted and is currently in the hands of the County for finalization; this new study, she believes recalls for further reducing the proposed density for this property; she would strongly recommend that this whole issue be tabled until that small area study can be reviewed in conjunction with this so it does not end up worsening the situation; and lastly, the historical drainage and flooding that has been experienced, in the last 15 years, the continued development in North Merritt Island has caused drastic changes in the historical drainage and that combined with the fact Mr. Dimenna, the self-proclaimed good neighbor, has stopped maintaining those drainage ditches, not running the pumps as he should be, and has resulted in all of the residents having tremendous amounts of

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standing water for weeks following storms and high rain periods. She went on to say she finds that the information conveyed in the proposal and the BDP is still too vague; there are not enough details; they say their proposed drainage will help the situation but she would like to see some of that before the Board goes forward with approving a rezoning because without an improved drainage situation, the increased capacity will just put Merritt Island further under water; and she requested this be tabled until after all the studies can be looked at together.

Arnold Dingman advised in the Board's package is a presentation he would like to run through. He stated everyone has already talked about the 163 homes and that North Merritt Island really cannot sustain that many homes back in that area; the first three slides are of his house; he has nine acres and they have lived there since probably 1970; in the last eight years, his property has begun to flood; on slide two is how his property looks when it really rains; the picture on the right is how it looks today; they used to have a garden out there, but it is now completely under water 80 percent of the time; and he has added his own personal money, as a good neighbor, to dig ditches and clean them out so there would be better water flow. He continued the next slide is pictures of his property; the slide on the left is his front yard and the slide on the left shows the flooding; the pictures above and below are 22 days of standing water in his yard; that is not acceptable to anyone; he cannot get to the other side of his property even with his tractor; the picture on the bottom left is a picture showing the water went from his house all the way to Crisafulli Lane; the neighbors actually paddled up to his house through the orange groves in a canoe; and slide number five is the neighbor at 6370 North Tropical Trail who had to go in and out of his house, this is directly south of the proposed entrance, for a month on a canoe. He went on to explain the neighbor directly south of the project, 6345, shows his car on the right and that is what his house looked like last week; there are obviously flooding issues here; he noted these are the two roads that are directly across the street from the proposed entrance; the Kangaroo on the left when it rains real bad and how it looked a couple of days ago; the neighbors all on Littleton Lane are all opposed to this as well; and he showed pictures of their properties a few days ago when it only rained three inches. He stated there are ditches there that go north, fortunately on the west side is a County maintained ditch that stays pretty clean; the pictures on slide eight are directly south of the project and they are typically always under water; the three houses on slide nine have been raised up so all that water goes to his property; and slide 10 is an aerial map that shows where the properties are located. He explained on slide 11 it shows the drainage ditches maintained by the County that flows in front of his aunt's old house, the one in the middle goes under the road and flows at least two feet before it is completely clogged, and the one on the right flows five feet before it is completely clogged; and he mentioned there is no maintenance from anyone and it does not help the flooding situation.

Mary Hillberg stated she is representing the North Merritt Island Special Advisory Dependent Board; they are an elected Board by the citizens of North Merritt Island; they met and listened to the applicant, all his representatives, and reviewed all their data; they voted 7:0 to recommend denial of this proposal because of the flooding and the traffic; this is historically a low, wet, flood zone area; the Board knows it is because they have discussed this over and over again; the over-development in areas are putting people at risk, properties at risk, and lives at risk; and eventually it is going to turn around and bite everyone. She noted the County has spent multiple dollars, multiple weeks, months, and years of time, used pumps, plans, projects, and have had tours of all the things it has tried to do to stop the water from continuing to collect in a bowl; it can only be moved so much and then it gets moved to the river, and the river is rising; and she feels it is not appropriate to put such high density in that location. She went on to say AU is the proper zoning for that; BDPs have a varying life span so she has no faith in them; someone may feel they are honestly representing something, but they do not feel that is appropriate to bank on, not because the Board may change it but because it is not going to work; water knows about gravity and it is going to flow where it is going to flow; and the more things are developed the harder it is going to be for the people who already live there. She advised the residents are depending on the Board to protect them.

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Michael Hirkala stated he is not a neighbor of these people but water is all over the place; the biggest problem is the high density and the Board keeps packing them in; almost everything that is voted on is granted to the people because they want more density to make more money; mother nature is going to kill it no matter what the developers do; he cannot understand them saying they are going to put a one acre zone in the darn thing when it turns out to be a half-acre, then the half-acre ends up being a quarter-acre lot; and even though it makes it look better on paper, it makes it worse. He continued there is a ditch behind his back yard, between the property and the orange groves; that property used to be lower than his, but it is now four and a half feet higher and now that ditch constantly has water in it all the time, it cannot be maintained; and someone has to be able to take one hard look and determine if they can or cannot do it. He stated he cannot understand how something can be called a one-acre zone when the house is not on one acre; it is almost like a misrepresentation; the environment could be maintained by placing houses on small lots and keeping forever green properties that cannot be developed without going to court to make it something else; and he advised things like that can happen. He explained increasing density is something that will mess up the area real bad, and it has already started.

Darleen Hunt stated she has lived on Merritt Island for 40 years and the residents have been talking about flooding for just as long; she remembers when Ron Jones was the Director of Surface Water Management and he contracted with a company to do a study over 25 years ago and then did another study a couple of years later to identify flooding problems for North Merritt Island; the County has been spending millions of dollars to help the residents on North Merritt Island with flooding problems; they purchased land, cleaned ditches, and added pumps; a lot of very smart people have been working on the water problem in North Merritt Island; and they are doing surveys right now. She continued the flooding is worse than it has ever been in the 40 years she has lived there; she knows the Board is sick and tired of hearing about this, but it is the truth; in the past couple of years the Board has given an unprecedented number of higher density zonings, even though the residents come and let the Board know what is happening; she inquired if the Board does not believe its constituents; and she added the Board has the power to make the decisions for people and that is why so many keep coming and appealing to the Board. She added she is not blaming the County for any of the flooding problems, the County has been trying to help fix the problems; she thinks the most important thing the Board can do for the constituents and residents is to pay close attention to the increase of density; when someone has 163 acres, they do not have to put 163 houses on it; it is a rural atmosphere and people are happy to have two and a half acres so they can have a horse, or five acres and have a horse; they can live with the flooding if it is not over-bearing and impacting the people who are already there; and she asked the Board to not allow this density or at least postpone it until the studies are completed, so it can review the data that the County has put together.

Jack Ratterman stated he is representing the North Merritt Island Homeowners Association which represents about 7,000 people from the barge canal to the NASA gate; all the zonings coming out there have no studies to show the impact of the ones that have been proposed and the ones that have been proposed, but not completed; his tally is there are at least 700 homes in the process of being built out there; and there has been no study done for as far as the impact on the traffic, the flooding, on the schools, or on the safety. He continued it seems as though every time the people come to talk to the Board, he feels like the gavel is up and the Board is just waiting for the people to finish the last word and then the Board will approve; he is trying to go a different route this time; this nation was founded on individual rights, and it appears the Board is all about property rights; just like he has rights to freedom of speech, but he cannot go into a movie theater and jump up and yell fire because that would jeopardize someone else's right of safety; he cannot do other things like accuse someone on the Board of a felony offense unless it was true, because that would jeopardize someone else's right and their safety; and Ron Dimenna is wanting to use his property rights but they are going to harm many other people in the area. He went on to say his property rights do not go over everyone

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else's rights that are already there; Colony Park, which abuts up against Mr. Dimenna's property, is often referred to as the White Hood, it is not the worse place to live but the gang out there is the worst gang on the Island and no one goes up against them; Colony Park is a hard place to live; he is not saying anything about the residents that are there, because the most beloved person he ever knew lived there until he passed away; when this issue came up, Colony Park came up and it did not want Mr. Dimmena's houses behind them; and he advised if people are living in the White Hood and someone there does not want these houses behind them, that is a sign that they are worried about something. He stated now their traffic engineer comes in on the last stance, and if he is the traffic engineer how about he tell everyone how wide that road is going to be for the entrance coming in and out of this community; he does not know because he has not done an engineering study out there; if 18-feet wide, that is a narrow road, the ditches are a good eight feet deep; and they are going to have that one entrance come in and out of there. He mentioned the last thing he would like the Board to think about is the people of Merritt Island expect the Board to represent them in a Democratic process; the Board is supposed to represent the majority of people and North Merritt Island has voted against this; at the homeowners meeting it was a unanimous vote against this development; and he is asking them to come back and show more details as to what they are going to do with the flooding, traffic, and safety issues, not just tell the residents at the last minute what they might do. He add if they are so sure about all this, then maybe Mr. Dimmena or Mr. Mayer would like to put up a bond and guarantee they are going to do these things, so the community can sleep at night.

Nancy Minerva stated she agrees with what everyone has said and there is not a lot to add to what has already been stated; she just wanted to emphasize Administrative Policy 4 is the character of the neighborhood shall be a factor in considering whether rezoning be approved; that is certainly changing the character of the neighborhood where there is Environmentally Endangered Lands (EELs), the park right next to that property, there are residents with very large pieces of property in that area, and as everyone has stated that is a problem; and a lot of people have mentioned roads which is Administrative Policy 5. She noted people have spoken before and will speak again about the volume of traffic, not just what is happening with this development but what is happening with one more of many that are coming, on top of the parking that has been slipped in, so they are going to have a lot more traffic; she asked how that is going to impact everybody; and she noted she is not talking about one place, she is talking about many developments, and this is just one more. She went on to say since 1986 North Merritt Island Homeowners has published *Courtenay Notes*, which she believes the Board may have received copies of, comes out every month; periodically they have done surveys of what the residents would like to see in their area, and as Mr. Ratterman just said, the Board represents the people and it should try to do what is good for everybody; the residents in these studies have stated over and over again that the most important quality of life is safety, retention and enhancement of the rural agricultural character, continue close monitoring and defense of planning and zoning, and environmental issues such as water quality; all of what is being discussed today applies to this and are present there; and she asked that the Board place a moratorium on development until the small area study is completed and presented to the Board so it can all the results of work that has been done for many months and years culminating in this, until it sees what the effects of Egrets Landing has when there are residents there, and until it sees what has happened with what has already been approved.

Chris Minerva provided a handout and explained this is just a sheet of what has happened in the past year and the three items that have numbers for the new home approvals; just from these 633 new homes, plus more approved that have not been built, and this is just from the past year, there are over 1,000 cars from the 633 homes that were added to traffic and he does not think any of the traffic studies include the estimated cars only the existing cars, not any of the other things that have been approved but have not yet been developed; there are more than 1,000 cruise parking spaces at the bridge that are approved and grand-fathered in so that is going to cause a bottleneck there at the bridge; and he thinks there really needs to be a new

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egress off of the Island, all they have is a controlled bridge that raises up and down every so often and two lanes in each direction. He went on to say John Denninghoff, Assistant County Manager, knows during heavy storms the rivers on either side of the Island often rise higher than the land, particularly the older homes on the lower properties; 279 homes were already approved and the Board has the opportunity to approve or deny the next three request which are 354 homes including the one for 163 today; everyone moves for their personal search in quality of life; he would image the Board members have also done so based on each person's personal interest; and he reiterated this is just this year's not including everything else that has been approved but not developed yet.

The Board recessed at 6:47 p.m. and reconvened at 6:58 p.m.

Commissioner Barfield stated he knows there has been some discussion about the processes the County goes through to approve things or not, this could all go as planned without studies, and he asked staff to clear things up and explain the process of each stage from zoning to development and what it entails.

Tad Calkins, Planning and Development Director, explained tonight they are considering the zoning and with the zoning they have a pretty specific BDP that has some stipulations that they would be looking for and the Board is taking into consideration; typically within 120 days the item comes back before the Board for the final approval; after that they move into the subdivision process which is where they view all of the engineering for the development; in this case, it is unique because in part of their BDP they stated they would engage in some engineering up front and look at making some drainage improvements in cleaning up the historic drainage either in partnership with the County or on their own; and once they move into the subdivision phase is where they get the engineering going, they do the design, and the County makes sure they meet all the requirements of the BDP and the local Code.

Commissioner Barfield asked during the engineering is that when they would address all the drainage and much more.

Mr. Calkins explained they would address the drainage, the traffic, transportation, and on-site and off-site improvements; and there was a mention of the road way width, and at that point they would be looking at that improvement to see what would be the necessary to facilitate the traffic that would be generating with the background traffic.

Commissioner Barfield asked what approval process comes before the Board.

Mr. Calkins advised the Board would be approving the BDP when they bring it back, and then approving the final plat; and that the engineering and the preliminary plat is an Administrative approval.

Commissioner Barfield asked for an explanation of how density is determined because there are questions about one unit per acre.

Ms. Sterk stated there is a Policy in the Zoning Code that allows for smaller lot sizes to become consistent with the future land use designation; she believes what the people are concerned about is how they get to a zoning that is less than one acre in a future land use designation that allows one for one unit per acre; the Comprehensive Plan and the future land use designation restricts the density over an entire property and the zoning is the individual lot size; therefore, they end up requesting a smaller acre lot size so they can consolidate the development and preserve some of the open space for potentially some of the un-developable or wetland areas on the property and limit those 163 units to a smaller portion of the greater area. She continued overall it does not exceed the one unit per acre threshold regulated by the Comprehensive Plan.

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Commissioner Barfield inquired if the future land use is at the one-acre threshold.

Ms. Sterk replied affirmatively.

Commissioner Isnardi inquired when the study will be done on Merritt Island.

Ms. Sterk advised they are putting the final touches on it; they had their last committee meeting but they may bring it back before them one more time because they placed some additional maps in at the last minute to show the history over time with the comprehensive Plan changes that have taken place in North Merritt Island; and it should be before the Board within the next two to three months.

Commissioner Isnardi stated she knows it is difficult to predict, but she asked if the County believes this project will interfere with any plans or recommendations that are coming forward.

Ms. Sterk advised the only specific recommendations she thinks is potentially in conflict with what is being proposed is the proposal for future land use designation change; the recommendation they have, and staff has no idea if the Board will support it, is to change the land use designation from R-1 on properties of AU zoning, which this property currently has, to R-1-2.5 which would reduce the density potential to one unit for 2.5 acres; their zoning currently is 2.5 acre lot sizes; this brings the Comprehensive Plan consistent with the zoning classification that they currently have; and that is what the committee is primarily focused on with land use changes; they have some other provisions in there such as seeking stormwater modeling, improvements in the stormwater code, things that affect development in later phases, but that is the primary recommendation, which is in conflict with this proposal.

Commissioner Isnardi stated she thinks most important for the future of Merritt Island is coming up with a plan to address all this drainage, even if it is something that is not obtainable in the next couple of years; something long term that they can look at to address the future, that way it will eliminate some of the guess work; and that is probably obvious to everyone in the room. She mentioned that is something she would get excited to see.

Chair Pritchett inquired who is doing the small area study.

Ms. Sterk responded she is doing it, and that many of the people in this room have sat as voluntary committee members on that study for three years now.

Chair Pritchett asked if there is good representation of all the property owners that show up for it.

Ms. Sterk stated there are no large property owners; she thinks the largest property owner they have is a five-acre lot for the individual residents; and everyone is a resident of North Merritt Island but there is no larger property owner or agricultural user of land on that committee.

Chair Pritchett advised they have been hearing a lot about it.

Ms. Sterk stated there is no one who is running cows or doing anything like that; they are all using their properties for agricultural purposes.

Chair Pritchett inquired if there is good representation on the Board when everybody is making these decisions.

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Ms. Sterk responded there is, they are all tuned in and the committee chair women was the chair women in 1992 when the first small area study was done, so they are all long term vested stake holders.

Mr. Calkins pointed out that most all of those meetings have been in a public forum so there has been public advertisement which has gone out to all of the citizens and residents of North Merritt Island.

Commissioner Barfield stated Mr. Denninghoff knows about the drainage issues there, and inquired what his take is on Ron Dimenna's property when it is flooding and it all goes north across the road; he stated they were having discussions with Mr. Mayer and others and it seems as though the whole area they were talking about could have been or can be something that is causing a lot of the flooding as it is right now.

Mr. Denninghoff stated he is a little familiar with this property; there was a great deal of drainage systems throughout that area which were privately owned and a part of the infrastructure that homeowners had created over many decades and thus as grove owners do, they either flood their property or drain their property by using pumps; there are many pumps up there for that purpose; they would keep the ditches as clean as they needed them to be for their own purposes; and as fewer and fewer of the groves were actually operating groves, that infrastructure had fallen into disrepair. He continued there were never really any comprehensive designs associated with them, they did it by trial and error; as a result there were pipes that were undersized or maybe bigger than they had to be, but those problems were solved by hauling them out and opening ditches up to allow the water to go if they needed it to; in addition to that, as their groves fell into being less of an importance for source of revenue, they would stop operating their pumps; and over the years they would also sell property to individuals to build houses, where the new home owners were unaware of the exact circumstances of how the drainage for their area worked. He noted as such those pumps fell offline and the result was the water levels would rise; that along with development and coupled with the ditches falling into disrepair has resulted in a cumulative effect of increasing the frequency and level of flooding; in his view there never has been an adequate study to really identify how bad or not North Merritt Island is; there has been focused studies dealing with what can be done for a specific area or location, but not a comprehensive one; and he thinks the recommendation and the small area study is to suggest that the County get that done. He went on to say currently they have estimated what they think it might cost but they have not started such a study because they do not have funding for it at this point; in the case of Mr. Dimenna's property, it has all the above associated with it; there has been houses that developed around it; his ditches are privately owned and there are no public easements on them, therefore, no legal obligation for him to maintain them; and they have fallen into the state of disrepair. He stated there is no doubt in his mind if those ditches were improved and cleaned there would be a visible improvement in the performance of the drainage system overall for the area extending to at least West Crisafulli Road going to the south of the Dimenna property; he thinks it would also benefit, currently a lot of the water that floods into the Dimenna property or in that vicinity does eventually work its way to the Pine Island Road ditch and has to be pumped out during flood conditions at the Pine Island Conservation area; if they improved the performance of that system it would be able to run to the west as Mr. Mayer had suggested and take pressure off everything that drains up towards Pine Island, which extends down to Hall Road; and he thinks it will help, but he does not know to what extent it will help. He added there are data, survey information, and drainage analysis that is needed, but cannot be done at this minute.

Commissioner Barfield stated it looks to him like when they originally started looking at this, the ditch system if it was all working properly it would flow north then west with an outfall to the Lagoon, but the south part of the South Lake from Pine Island; and he inquired if that is correct.

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Mr. Denninghoff stated that would relieve pressure from Pine Island, but he does not know how much; right now the water has a great deal of difficulty getting there; and he can tell everyone, from his youth, that it used to be much more difficult to get across those ditches.

Commissioner Barfield asked for more detail in what the developer has planned for the drainage.

Mr. Mayer noted he completely concurs with Mr. Denninghoff and Commissioner Barfield; the idea of the water being blocked up and not flowing to the west, even the FEMA flood maps show this; in the area the flooding occurs, the elevation is 3.5 or 3.6 for the 100-year flood elevation, they are where they are trying to get the water to, the 100-year flood elevation is 1.7, which is almost a two-foot difference; the engineers who have looked at this are all on the same page; and what they are proposing is to commence with some topographic data for all the ditches, roads, and etc. and then they will sit down with the County engineers and the SJRWMD to review and analyze the data. He went on to say he believes out of that data they will see things that can be done right a way to help alleviate the situation immediately; he also believes as the actual subdivision project is developed there will be other things that can be accomplished to ultimately end up with a positive drainage outfall system publicly owned and maintained with maintenance access next to it, where it is accessible, none of which exists today; he sees this as a two-prong approach; and he reiterated they will do the analysis, both topographical and engineering, early on to see what can be done immediately, and then they will permanently establish that positive drainage outfall system through Mr. Dimmena's land so that the local flooding problem can be fixed and they will not have to rely on pumps or private folks.

Chair Pritchett stated from what she is hearing they will be fixing the local drainage problem; and she inquired if that will be done on their own dime.

Mr. Mayer advised they are going to investigate it and do everything within their power, he cannot say what they are exactly going to do at this time because he does not have the data, but his client has committed to them doing the topographical studies and getting with the County engineers to figure out what can be done; he thinks there is a high likelihood that they can improve the drainage system right away; and he cannot give that a guarantee without the data and a SJRWMD permit in his hand but he can say it is highly likely that they can improve the situation.

Chair Pritchett asked if they are going to pay for it.

Mr. Mayer responded in the affirmative.

Chair Pritchett asked if they are bringing in sewer lines instead of septic.

Mr. Mayer stated that is correct.

Chair Pritchett stated that would be hooked up to sewer.

Mr. Mayer advised that force main will have excess capacity beyond what they will need so that other properties will be able to hook up to it, it will not be exclusively for their capacity.

Chair Pritchett responded that is a big deal. She inquired after they do all this, if the sewer lines would belong to the County.

Mr. Mayer advised it would.

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Chair Pritchett clarified that they will put it in and the County will be maintaining it.

Mr. Mayer stated that is the way it is normally done, this is not anything special; and that is the way the Utility Department would want it.

Chair Pritchett stated what she is looking for with these items is, drainage being a County-wide problem, to develop wisely so it can help take care of a lot of these problems; and when she hears a project that is willing to do that she gets excited about it.

Commissioner Isnardi inquired when the recommendation comes back, if the applicant would be willing to allow for more retention ponds on the property, if necessary; and she advised she knows there are a couple existing, but it is hard to tell on the map.

Mr. Mayer commented in general he would say yes if that is part of the solution, they would be willing to look at those types of things; he is not 100 percent sure if those additional lakes are the answer in this particular case as opposed to a positive drainage outfall ditch that moves the water to the Lagoon.

Commissioner Isnardi stated she knows that is a much larger area, she was just looking at the map and saw that there is an area for a stormwater pond, but it does not look like there is an existing one, so she assumes that is part of the plan.

Mr. Mayer replied it is; there are existing lakes on the property; and they expect there to be more.

Commissioner Isnardi stated she likes that they are preserving some of that area, because it was some of the concern of the surrounding residents.

Commissioner Barfield stated Mr. Mayer talked about the sewer and he asked what that involves.

Mr. Mayer stated he believes it is over a mile of sewer; he should have that number in his head, but he does not; he believes it is roughly a mile of sewer, which is off-site, up North Courtenay Parkway and for about a tenth of a mile along North Tropical Trail to the entrance; they will then have to build at least one on-site lift station to pump the gravity lines that are in the subdivision into that force main and down to the plant; and they will also be required to pay into the special assessment for their fair portion of that section of the line.

Commissioner Barfield explained he will make the motion to approve because he thinks this is a great opportunity; he is very specific that no developments go in unless they have sewer, and they are doing it and footing the bill for it; he has walked that area with Mr. Denninghoff and it does appear to be the area that is the cause of a lot of the flooding; it would be interesting to see what happens with the study; and the County needs to look at doing this side of the study before the small area study is done, because he feels it is important to get that data into it.

Commissioner Smith disclosed he has talked with Jack Kirchenbaum on the phone about this project.

Commissioner Barfield disclosed he spoke with the group about it.

Chair Pritchett stated one came up recently and they were not going to bring in the sewer line so she did not vote in approval of that one; as far as density, she thinks an acre lot is good if hooked onto the sewer system; it is beautiful property out there and if they are able to fix a

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drainage problem that exists and bring in sewer to connect these lines, which is important to her being so close to the river; and she thinks that is a pretty good path for this project.

There being no further comments or objections, the Board approved the change of zoning classification from AU to EU with a BDP including limiting one unit per acre, extending the sewer, and improving the drainage.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |

ITEM L.1., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER

Frank Abbate, County Manager, stated Natural Resources received notification that five flood mitigation flood prone property acquisition projects they have been working on are going to be eligible for submittal to the Florida Department of Emergency Management for available hazard mitigation grant program funds; that hazard mitigation grant program provides a 75 percent cost-share with 25 percent local match being required; and the Board's local match for these projects can come primarily from stormwater funds. He continued the CPI for FY 2018-2019 contains funds to cover local match for three of these five eligible projects; the applications for these grants are due by August 6, and it requires the Board Chair's signature, so staff is requesting the Board authorize the Chair to sign these grant applications so we can get them in by August 6; typically the Florida Department of Emergency Management Review Process takes somewhere between 12 and 18 months to complete; during this time period, staff is going to address any needed budget requests and bring them to the Board for consideration at some future date as the funding that is going to be needed for the remaining projects related to these grants can move forward as they are approved by the FDEM; and he requested a motion from the Board to give the Chair the authority to sign on behalf of the Board.

Commissioner Barfield asked Mr. Abbate to at least discuss the area he is talking about.

Mr. Abbate reiterated there are five; he stated one is the West Cocoa Flood Prone Property Acquisition; second is the Mud Lake Acquisition for the West Cocoa Drainage improvements; third is the Merritt Island Church Horseshoe and Crisafulli Areas; the fourth is Legay and it is in District 2; and the fifth one is Silver Pines.

The Board authorized the Chair to execute the hazard mitigation grant documents to be sent to the Florida Department of Emergency Management by August 6, 2018.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |

Mr. Abbate stated there is not a topic set for the August 16, Board Workshop and he requested the Board cancel that Workshop.

The Board approved cancelling the August 16, 2018, Board Workshop.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jim Barfield, Commissioner District 2 |
| SECONDER: | Kristine Isnardi, Vice Chair/Commissioner District 5 |
| AYES: | Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi |

ITEM L.4., BOARD REPORTS, RE: JIM BARFIELD, COMMISSIONER DISTRICT 2

Commissioner Barfield stated they were talking about the small area study and he would like to go ahead and make a motion that the County go ahead and do the water study, the drainage study beforehand, before it gets into that study, as we were talking about.

Tad Calkins, Planning and Development Director, stated they will incorporate that in there and he we will let the other Departments know that has been requested and they will get it going.

Commissioner Barfield inquired if he needs a motion on that.

Chair Pritchett asked if that means the County is going to study where the water is going as, before they do the report.

Eden Bentley, County Attorney, responded yes.

Commissioner Barfield stated they are going to do all that beforehand; and once it is all done it will go into the small area study.

Chair Pritchett stated okay.

Erin Sterk, Interim Planning and Zoning Manager, inquired, just for clarification, if that is before she brings the study to the Board.

Commissioner Barfield responded affirmatively.

Chair Pritchett stated okay.

Commissioner Isnardi mentioned she has questions about the cost.

John Denninghoff, Assistant County Manager, advised just for clarification purposes, he does not know what the cost of that study will be; however, he knows they had put some sort of estimate on it, but he does not recall what it was.

Commissioner Isnardi stated \$300,000.

Chair Pritchett asked if that was for the small area study.

Mr. Denninghoff stated he is skeptical that \$300,000 is enough.

Commissioner Barfield asked him to come back with an estimate and let the Board know.

Mr. Denninghoff stated but then they have to come up with a source of the revenue for that as well, so we would probably need to come back to the Board with necessary information so that it would know.

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Commissioner Barfield asked him to just come back with a firm estimate.

Ms. Sterk advised they would incorporate those results into the study itself and have another committee meeting.

Chair Pritchett asked if Commissioner Barfield had anything else.

Commissioner Barfield stated other than that no report.

ITEM L.6., BOARD REPORTS, RE: CURT SMITH, COMMISSIONER DISTRICT 4

Commissioner Smith stated he assumed Merritt Island Redevelopment Agency (MIRA) would pay for that study.

Commissioner Barfield responded it would not be MIRA, when staff comes back with an estimate, the Board will figure it out then.

John Denninghoff, Assistant County Manager, stated the area of interest is outside of the MIRA boundaries, so he does not think they would be able to fund it.

Commissioner Smith stated he has no report.

ITEM L.7., BOARD REPORTS, RE: KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, VICE CHAIR

Commissioner Isnardi stated she would like to apologize to her fellow Commissioners for being tardy today; I-95 had two lanes closed and she was going to hop on at Eau Gallie but there was another accident, so she was stuck taking Minton from Palm Bay to Wickham all the way down to Viera, so it took her a lot longer to get there; and that was leaving early.

Chair Pritchett responded she is glad she is safe.

Commissioner Isnardi stated she will make sure she is in the area in the morning so it does not happen again.

ITEM L.3., BOARD REPORTS, RE: RITA PRITCHETT, DISTRICT 1, CHAIR

Chair Pritchett stated she was surprised the other two Commissioners did not mention it, but they got to go to the ribbon cutting for the Viera Soccer Fields; all the children that were present and all the excitement from everyone who participated in that was wonderful; USSSA was there and they stated 25,000 more hotel rooms were added; the tourist dollars coming out of USSSA is good; and they are continuing to increase. She added it affects the whole District; she noted they had a group playing in the USSSA stay in one of the hotels in her District and they flooded the restaurant; and she appreciates them.

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Upon consensus of the Board, the meeting adjourned at 7:29 p.m.

ATTEST:

SCOTT ELLIS, CLERK

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

DRAFT