

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 October 5, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Remote	
Kristine Isnardi	Commissioner District 5	Present	

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.

INVOCATION

The invocation was provided by Reverend Gary L. Jackson, St. Mark's Episcopal Church, Cocoa.

PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

ITEM II.A.1. WAIVER REQUEST #17WV00009 OF SUBDIVISION SIGN, RE: BRIDGEWATER NORTH AT VIERA - LENNAR

The Board approved waiver request #17WV00009 by Lennar, of Section 62-2889(b)(5) of the subdivision sign requirements to allow for a 16 foot high, 575 square foot subdivision entry sign at Bridgewater North, Viera.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., WAIVER REQUEST #17WV00012 OF SUBDIVISION SIGN, RE: PANTHER RIDGE - D.R.HORTON, INC.

The Board approved waiver request #17WV00012 by D.R. Horton, Inc., of Section 62-2889(b)(5) of the subdivision sign requirements to allow for entrance features including a 10.5 foot high, 375 square foot subdivision sign, and three columns 17 feet in height at Panther Ridge.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.2., REQUISITION, RE: FISCAL YEAR 2018 BUDGET

The Board approved the requisition of 25 percent of the Fiscal year 2018 budgeted funds at the first Board of County Commissioners' meeting in October 2017, and 6.82 percent of the total budget on the first of each month thereafter, unless otherwise notified.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.A., CONDITIONAL USE PERMIT, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION - KAYDENLEW, LLC (CARMINE FERRARO). THE PROPERTY IS LOCATED AT 6555 N. WICKHAM RD, UNIT 101, MELBOURNE. (17PZ00080)

Vice Chairwoman Pritchett called for a public hearing to consider a Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption for property at 6555 North Wickham Road, Unit 101, Melbourne.

Rebecca Ragain, Assistant Planning and Development Director, stated this is a request for a CUP for on-premises alcoholic beverages in conjunction with a 2,190 square foot restaurant

October 5, 2017

located at 6555 North Wickham Road; the Planning and Zoning Board recommended approval of the request; and this is located in the Medical City Complex.

Carmine Ferraro, Carmel Development, stated he is here this evening representing the applicant, Charlie Granger's Hotdogs, who is seeking a CUP for the sale of alcoholic beverages, beer and wine, for on-premises consumption; they went through the application process and they filled out the questionnaire, submitted it back to staff, and they received back their comments; and he would like to read in summary part of those comments. He read, "The requested Conditional Use Permit for on-premises consumption of beer and wine in conjunction of a 56-seat restaurant and a Planned Industrial Park (PIP) Zoning Classification is consistent with the Planned Industrial Future Land Use designation. The proposed use is compatible with the surrounding area, and the preliminary transportation concurrency analysis did not indicate that the proposed development would cause a deficiency of adopted levels of service." He went on to say additionally, as is the case in any of the applications he brings before the Board, they mailed out to the same radius that the County mails out notices, and they invited people to come in for an informal meeting, which was held at 902 Jordan Blass Drive, Melbourne, at the public library on August 2, 2017; and they did not have anyone who attended that meeting nor did they receive any telephone calls either in favor or against the application. He concluded by saying since they are consistent, they did receive unanimous recommendation of approval from the P&Z board, he is asking the Board vote in favor of this tonight. He noted he will reserve any of his time for rebuttal or to answer any questions.

There being no further comments or objections, the Board approved Conditional Use Permit (CUP) for alcoholic beverages for on-premises consumption on property located at 6555 North Wickham Road, Unit 101, Melbourne, as petitioned by Kaydenlew, LLC.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.B., SMALL SCALE COMPREHENSIVE PLAN AMENDMENT, RE: NC TO CC (6.72 ACRES) – GAICH/MAUN GROVES PARTNERSHIP. THE PROPERTY IS LOCATED ON THE WEST SIDE OF N. COURTENAY PARKWAY, ACROSS FROM CHASE HAMMOCK ROAD. (17PZ00070) NMI RECOMMENDATION: APPROVED. LPA RECOMMENDATION: APPROVED.

Vice Chairwoman Pritchett called for a hearing to consider a Small Scale Comprehensive Plan Amendment for NC to CC of 6.72 acres, for property located on the west side of North Courtenay Parkway, across from Chase Hammock Road.

Rebecca Ragain, Assistant Planning and Development Director, stated Items IV.B. and IV.C. are companion items but are two separate action items; Item IV.B. from Michael Gaich is a request for a change to the Future Land Use Designation for Neighborhood Commercial (NC) to Community Commercial (CC) on 6.72 acres, which is a portion of a 21.59 acre parcel; the property is located on the west side of North Courtenay Parkway, across from Chase Hammock Road; the North Merritt Island (NMI) Board and Local Planning Agency (LPA) both recommended approval of the request; and she will read the companion item for zoning. She went on to say Item IV.C. is a request to change from AU Zoning to BU-1 Zoning on 6.72 acres, and to BU-1-A on 14.82 acres of the 21.59-acre parcel; NMI also recommended approval of this request.

October 5, 2017

Michael Gaich stated as the Board knows he has presented to the North Merritt Island Homeowners Association and for the North Merritt Island District Board, and they approved this item they are seeking; he wants to share with the Board a little history with it that he thinks is important because it shows what is happening to North Merritt Island now; Gaich/Maun Groves Partnership bought this property in 1990; in 2007, they sold off two parcels of land for development, one for Blain Nelson Engineering Company, five acres, and the other was 88 acres to a church there; and during that time, both of those developments had to put in septic tank systems at a high expense cost to have that operation there. He stated with that in mind, looking at the staff report and the comments, he wants to make a few comments about that; under the Comprehensive Plan area the applicant intends to retain the adopted Neighborhood Commercial (NC) Future Land Use Designation on the 14.82 acres remainder of the parent parcel establishing a transition from higher to lower intensity land use; the second major item in that area was the County Utility Services Department is currently extending sewer and water service to that North Merritt Island area; and he is pleased to say the staff and the County indicated that the sewer line would be finished by June 18, 2018. He went on to say they obtained a statement from Tammy Hurley of the Utilities Department that the current treatment plant there has capacity of six million gallons a day, and they are currently at 3.3 million gallons a day; and the extension of that sewer line is going to take down some of that capacity. He advised the applicant is encouraged to adhere to the recommendations of the 2005 North Courtenay Parkway Corridor Study; the North Courtenay Parkway corridor from State Road 528 to the boundary of Kennedy Space Center was established as a scenic highway; developments along the corridor should be done in substantial manner in order to enhance the social and natural environment while minimizing any potential negative impacts; and when he transacted those two transactions in 2005, they recorded deed restrictions that followed the scope of the study. He pointed out he has indicated to those parties that when this property sells, those same restrictions would be applied there. He stated the applicant is seeking companion change to Zoning Classification from AU to BU-1; the proposed BU-1 Zoning Classification is consistent with the requested CC Future Land Designation; the land use compatibility, the BU-1-A Zoning Classification is consistent with the adopted Neighborhood Commercial Future Land Use Designation; and the BU-1 Zoning Classification is consistent with the requested Community Commercial Future Land Designation. He stated the area of North Merritt Island is characterized by a mixture of commercial and low density residential plan; under the Comprehensive Plan Policies, the subject parcel has frontage on North Courtenay Parkway, it's an arterial road; the applicant may be required to limit access to North Courtenay Parkway or to donate a sufficient amount of land in order to establish legal access with Forshay Road, they will do that; the County Utility Service is written up, and they know there will be sewer service there; and North Courtenay Parkway is a State Road, and it is currently operating at 35 percent of its total capacity, so there is not a traffic problem. He stated the Natural Resources Management Department reviewed the application and has stated they will deal with any wetlands or anything else during site plan permitting; the re-zoning request over the 21.59 acres, BU-1-A is requested for 14.28 acres and BU-1 for 6.72 acres; this request is driven by the falling development activities in the area; Jeff Beos project, \$230 million, 750,000 square feet of space; the building is scheduled to be finished sometime in December, January, or February; and there is One Web is building 150,000 square feet; they are employing 250 people; and the average salary for Jeff Beos is \$88,000, and for One Web is \$80,000. He added that does not count the infrastructure development that the government and NASA has placed to get those companies there; another development factor is the demographics of this area; it is long been known as an area that is rural, large lots, close proximity to shopping, but when looking at the demographics of the area it is not a sleepy lagoon; and right now North Merritt Island has in a three mile radius from Forshay Road and State Road 3, it does not go beyond the Barge Canal, it does not include anything on the mainland and nothing to the east; the report they use is an ESRI report and it is a part of the package submitted to all the other meetings he attended and presented; there are 8,100 people in that three-mile radius; the total households is 3,200; and the median household income is \$62,289, and the average household income is \$89,962. He noted by going down to

October 5, 2017

State Road 3 south to the area of Diana Shores and Crockett Boulevard, their median household income is \$47,868 and the average household income is \$68,000. He stated there are some new residential developments that are occurring there, but he wants to share a little bit about that and bring forth what the dollar value will mean for the County for taxes and what it means for increasing the demographics that are very good; Egrets Landing is 220 units, the first phase of it is 50 lots; those lots are all developed; there are 40 contracts there now, houses under construction; there are 14 lots purchased by the developers; and there is one lot remaining in that first phase. He went on to say the second phase is under construction; the infrastructure right now with all the rain and water, it slowed down a little bit; it is his understanding from the company selling there they begin to take second phase reservations in November or December of this year. He pointed out the Crisafulli townhouse project, which is directly south of his project is 48 townhomes; Savannah Landings is 54 acres; there presently is a contract pending on East Crisafulli Road for 148 acres for future residential development. He concluded by saying he came away with three suggestions that he provided to the various boards; the North Merritt Island Homeowners Association should move forward in two directions, one to begin to figure out where they want to use the reclaimed water coming off the road to enhance the roadway; and the second aspect is they should encourage people that front State Road 3 to clean up their yards and bring the appearance back. He commented with the traffic on that road today, and considering its position going into Exploration Park, he thinks Brevard County should look at some aspect of creating signs on North Merritt Island welcoming people there to Exploration Park and to KSC. He expressed his appreciation to the Board.

Kim Smith, representing the North Merritt Island Homeowners Association, stated to clarify for the Board the North Merritt Island representation, on August 3 of this year an applicant's lawyer stated, "Kim Smith of the North Merritt Island Homeowners Association cited her reasons." She stated she wants to say the Board it is surely aware that when she or anyone is sent in and stands before it and says they are speaking for the North Merritt Island Homeowners Association, they are not speaking on opinion; they are reporting to the Board the results of a vote of the North Merritt Island Homeowners Association board representing over 500 active members and over 8,000 residents on North Merritt Island; and this way the meetings will be shorter than if 1,000 North Merritt Island people come here and fill out pink cards, so they send one of them instead. She noted the HOA has asked her to tell the Board is the result of their decision which is a consideration of what the County has directed all of the people to consider before proceeding with Zoning changes to ensure compliance of the laws in Brevard County's growth management regulations; if this HOA sees conflict possible from a re-zoning request with one or more of the directed administrative policies, the body of the HOA will state them to the Board through a representative; and no one applicant or their representative can say these North Merritt Island Homeowners Association statements are only one person's reasons or opinions, they are the County-directed considerations or objectives of this large group of North Merritt Island residents. She commented tonight for Mr. Gaich, the Gaich/Maun Grove Partnership, the North Merritt Island Homeowners Association did not object to this request as it is in the North Merritt Island commercial corridor.

Commissioner Barfield inquired if one of these items must be done before the other item.

Ms. Ragain replied affirmatively; and she stated the Future Land Use Plan item.

Commissioner Barfield stated this property is definitely compatible within the context of administrative policy; it is an enhancement to Courtenay Parkway, to North Merritt Island, and it fits very well with the future plans and future growth of the community as Mr. Gaich said; he believes with the growth, especially with the new businesses coming to the community, it will also be good; and it makes sense to go ahead and change this.

October 5, 2017

There being no further comments or objections, the Board adopted Ordinance No. 17-23, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the ninth Small Scale Plan Amendment of 2017, 17S.05, 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; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.C., CHANGE OF ZONING CLASSIFICATION, RE: AU TO BU-1 (6.72 ACRES); AND AU TO BU-1-A (14.82 ACRES) – GAICH/MAUN GROVES PARTNERSHIP. THE PROPERTY IS LOCATED ON THE WEST SIDE OF N. COURTENAY PARKWAY, ACROSS FROM CHASE HAMMOCK ROAD. (17PZ00070) NMI RECOMMENDATION: APPROVED.

Vice Chairwoman Pritchett called for a public hearing to consider a change of Zoning Classification from AU to BU-1 on 6.72 acres, and AU to BU-1-A on 14.82 acres of property located on the west side of North Courtenay Parkway, across from Chase Hammock Road.

There being no objections, the Board approved Change of Zoning Classification from AU to BU-1 on 6.72 acres, and AU to BU-1-A on 14.82 acres on property located on the west side of North Courtenay Parkway, across from Chase Hammock Road, as petitioned by Gaich/Maun Groves Partnership.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.D. REMOVAL OF BINDING DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT, RE: STEPHEN PROCTOR MANGUM; JULIAN SIDNEY MANGUM, JR.; AND SANDRA E. BAKER – (HARVEY BAKER). THE PROPERTY IS LOCATED AT 1740 W. KING STREET, COCOA. (17PZ00059) P&Z RECOMMENDATION: APPROVED IMMEDIATE REMOVAL OF THE CUP, AND RECOMMENDED THAT THE BOARD OF COUNTY COMMISSIONERS GRANT THE APPLICANTS 45 DAYS FROM SEPTEMBER 7, 2017, TO REMOVE REMAINING EQUIPMENT AND ANYTHING ASSOCIATED WITH THE BUSINESS

Vice Chairwoman Pritchett called for a public hearing to consider removal of a Binding Development Plan and Conditional Use Permit on property located at 1740 West King Street, Cocoa.

Rebecca Ragain, Assistant Planning and Development Director, stated this is a request for a removal of a Binding Development Plan and a Conditional use Permit that allows a metal salvage and junk yard in an IU-1 Zoning Classification; the property is located on the north side on State Route 520, west of Clear Lake Road; the property is subject to Code Enforcement due

October 5, 2017

to the requirement of a wall that was not built; the Planning and Zoning Board approved the Item subject to the applicant removing the remaining items from the property within 45 days; and that was from September 7th. She went on to say Code Enforcement conducted an assessment of the property on October 3rd, and they noted there was one junk vehicle, a car left, a wrecker, and a John Deer Tractor.

Harvey Baker stated he is here to talk about the 16CE 01694, Code violation at 1740 West King Street; he gave the Board a little run down of this issue; it has been going on for a year; and the property itself was gotten as an inheritance due to the death of a parent. He went on to say Mangum's Auto Parts was on the property when all of that came about; during the process they had it re-zoned under one address, and with a Binding Development Plan to operate the junkyard, which called for an eight-foot fence; during this process the remaining owners had filed suit to get Mangum's off of the property for lease violations; and the majority of the property owners did not find out about this Code violation until April 2017. He pointed out Mangum's keep it to themselves for all of that time; when that happened, that is when an action got started through the Zoning Board trying to work this violation out; during the process of the violation and the court action, an agreement was made and signed by Mangum's Auto Parts that they would be off of the property by August 10th; it was signed on June 26, 2017, which was 101 days ago; after that it went through the Planning and Zoning Board; it was explained at that time they were in the process of cleaning; and the P&Z Board gave them 45 days to finish this up, and he thinks today is that 45th day. He noted attached to that the Board will find photos he took on October 1st of the stuff that is remaining; the lights were on, water running, office active, and the computers were working; he thinks if the Board looks at the pictures, there are more items left on the property than staff described; he has an email that spells out what is in the Agenda today as far as removing remaining equipment associated with the business. He went on to say he has an email from the President of Mangum's Auto Parts saying Code Enforcement was there yesterday to see if the cars were gone; there are a couple of vehicles; and as of today at noon, the white car was still there, but he has not been back by there today. He inquired if Mangum is in contempt or compliance of the P&Z ruling; and he stated it is up to the Board.

Vice Chairwoman Pritchett stated yesterday when she spoke with Ms. Ragain about this item, she had mentioned there is a substantial amount of the items moved off of the property, they are doing their due diligence trying to comply with P&Z's request; and she also mentioned this could be a situation that would make the County Attorney a little uncomfortable with the agreement, because it would be hard to make sure this is done if it is approved tonight.

Ms. Ragain advised it is hard to place a condition on a BDP for staff or Code Enforcement to try to enforce after the fact, so their preference would be that the motion that is made is to remove the BDP and CUP in its entirety or to continue the item if the Board feels the property has not been cleaned up and staff would need to make sure it is done before they are removed.

Eden Bentley, Deputy County Attorney, stated the Board cannot have contingent zoning, so it will need to either approve it or continue it if it is concerned about the items on the property.

Vice Chairwoman stated it may be best to table this for a meeting.

Mr. Baker inquired if he would just come back for another meeting; and how long would that be.

Vice Chairwoman asked how long Mr. Baker would need.

Mr. Baker replied they signed the paperwork 101 days ago to do that and it has not been done yet, so he will leave it up to the Board; P&Z gave them 45 days.

Vice Chairwoman inquired if Mr. Baker is the applicant.

October 5, 2017

Mr. Baker replied affirmatively, and he stated he is just speaking for them as he does not own the business. He pointed out his wife is one of the property owners, and no one else wanted to come before the Board.

Vice Chairwoman inquired how long Mr. Baker would like this to be tabled to comply with P&Z's request.

Mr. Baker replied he does not see why they cannot finish up by the next Board meeting.

Commissioner Isnardi asked if Mr. Barker is leasing them their property, or his representative's property.

Mr. Baker replied that is being leased to Mangum's Auto Parts, which is really in violation of the BDP.

Commissioner Isnardi inquired how did it get to this point, and did Mangum's initiate the Code Enforcement.

Mr. Baker responded they do not know who initiated the Code Enforcement, it was listed as anonymous.

Commissioner Isnardi stated the Board wants to be helpful to him being the property owner and getting it into compliance based on the Code.

Mr. Baker pointed out that is what they are trying to do so the property can be sold.

Tad Calkins, Planning and Development Director, inquired what the date that would be looked at is; he stated the next Zoning meeting is November 2nd; and he asked if that is the meeting the Board is taking into consideration.

There being no further comments, the Board tabled consideration of removal of a Binding Development Plan and Conditional Use Permit for property located on 1740 West King Street, Cocoa, as petitioned by Stephen Proctor Mangum, Julian Sidney Mangum, Jr., and Sandra E. Baker, to the November 2, 2017, Zoning meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.E., CHANGE OF ZONING CLASSIFICATION, RE: SEU TO EU-2 – NAJJAD, INC. (NOEL DROOR). THE PROPERTY IS LOCATED ON THE NORTH SIDE OF SMITH ROAD, APPROXIMATELY 0.12 MILE EAST OF N. COURTENAY PARKWAY. (17PZ00005) NMI RECOMMENDATION: DENIED. P&Z RECOMMENDATION: DENIED.

Vice Chairwoman Pritchett called for a public hearing to consider a change of Zoning Classification from SEU to EU-2 on property located on the north side of Smith Road, east of North Courtenay Parkway on 26.11 acres.

Rebecca Ragain, Assistant Planning and Development Director, stated the next item is a request by Noel Droor for a change of zoning from SEU to EU-2, with a Binding Development

October 5, 2017

Plan limiting the development to a maximum of 40 homes on 26.11 acres; it is located on the north side of Smith Road just east of North Courtenay Parkway; the North Merritt Island and Planning and Zoning boards both recommended denial; there are 48 letters of objection as of 4:15 p.m., a petition with 490 signatures against, and three letters in support.

Vice Chairwoman Pritchett stated she spoke with Mr. Droor and she did send in a letter for public record stating who she spoke to on these items.

Commissioner Isnardi stated she did as well, she believes a couple of months ago.

Commissioner Barfield stated he spoke with Mr. Droor as well.

Commissioner Smith stated he spoke with Mr. Droor about three or four months ago.

Noel Droor, NAJJAD, Inc., expressed his appreciation to the Board for their time in meeting with him. He stated he has been a resident of Brevard County since 1975, and has owned and operated a small family business since 1995; and NAJJAD is a family-owned company, which drives the namesake, which represents each of the members of his family. He went on to say since he purchased the subject parcel in January 2005, it has always been his intention to develop this parcel into something that would be an asset to the community as a legacy and source of pride for his wife, sons and grandsons; as the market continues to evolve, as a result of the financial crisis that has been experienced since 2008, they have just proposed their density be more consistent with the surrounding land use and the reality of today's real estate market; the proposed scope of development for this project is intended to be a low density, up-scale, single-family and residential development; and the project will feature all up-scale amenities that add value to the community, including large lots, underground utility services, side walk, curb, gutter, and paver driveways. He stated the proposed density of this project is one and a half units an acre, which is consistent with the density of the parcel located along the north project boundary; the density is also far less than the Crisafulli Enterprise project, located two miles north of proposed parcel, which was approved by the Board in August 2017; and the request of zoning is consistent with the historical land use pattern. He added the requested density is also equivalent to or lower than other communities approximately one mile from the property, such as Palmetto, Sea Gate, Sea Gate West, River Isles, Sunset Groves, River Oaks, and Sunset Lakes; the proposed density is also consistent with the Comprehensive Plan; the existing zoning to the north is EU-2, to the west is Institutional, and to the south on Smith Road is a Planned Industrial Park proposed to use zoning as a transitional zoning from EU-2 to the north to existing zoning along Smith Road, the proposed parcel; and this project will result in a substantial benefit to the community, each of the homes is estimated to be valued at approximately \$500,000 each, which significantly increases the neighboring property values. He commented this will increase County revenue, as the additional units will increase in the tax base by an estimated \$20 million; each unit will require the developer to pay County Impact Fees at approximately \$15,000 per unit, for a total of \$600,000 to be paid to various County agencies; and the development should have no negative impacts to established residential neighborhoods. He went on to say to the side will be a large retention pond; the nearest home is approximately 300 feet through the thick, dense woods; older developments in North Merritt Island historically have had drainage issues and these areas are drained with pumps during and after heavy storms; the proposed parcel is currently draining to the east through the Barge Canal via Sykes Creek, and will continue to do so after development; and the proposed development does not aggravate the drainage problem on surrounding properties, and will likely alleviate off-site drainage or runoff. He pointed out the drainage from the proposed development should not be an issue since the County has a Code that sets the standards for all new development to follow to insure the new development does not aggravate its drainage issue; the majority of the areas having drainage issues currently are older developments and have not followed Brevard County and St. Johns River Water Management rules; newer

October 5, 2017

developments tend to not have drainage issues, not to mention that based on his conversation with Mark Crabtree with Brevard County Central Maintenance Division, the only major issue that the surrounding area had was road washing due to their road, which is part of the dirt road to the northern property line of the access parcel, would be paved; and it should alleviate some other washout problems. He added the proposed development does not avoid any impact to the existing developments with proper buffers; the current traffic volume for the North Courtenay Parkway is 35 percent of the maximum acceptable volume and there are no unknown traffic issues for this area; he understands that there are some people that are prepared to speak in opposition of this request; although development is often unpopular in the community, it is important to mention that this one be done right without cutting corners or taking shortcuts; and it has and always been his intention to be an asset to the Merritt Island community and to the surrounding neighbors. He advised he reached out to the immediate neighbors on several occasions, and he is proud to say they have come together and worked as a team to start with some development guidelines above and beyond County Code for the community; these guidelines include re-configuration of the site, such as a proposed retention pond located along the southern boundary, providing additional buffers to the existing homes; the proposed layout includes a landscape berm along the entrance; initially the Zoning request was for EU-2 Zoning Classification, which will allow a minimum of 9,000 square foot per lot; and he has subsequently amended his request to ask for a less intense Zoning Classification of EU, which requires a minimum of 15,000 square feet per lot. He went on to say this was done in order to alleviate the local residents' concerns regarding the ability to modify the Binding Development Plan at a later date, so limited development to a density is something they could agree on; working together as a team, they have been able to establish a development plan which has been submitted to the County and will be included in the conditions of approval for the development as a Binding Development Plan; and it is their willingness to work together and make accommodations to enhance this development. He noted he has received signed statements from three out of the five resident adjacent property owners to support the development; although these concessions will ultimately be more costly, he thinks it will be worked on additional time and effort to add value to the community and to be a good neighbor; for the remainder of people who have elected to come and speak against this development, it is important that most of them do not live anywhere close to this proposed development, many living several miles away; and it is his hope that these residents take the time to consider his effort to work with the community to provide something that they can be proud of. He concluded by saying he is requesting an EU Classification with a Binding Development Plan to maximize the number of lots to 40 lots; as the owner, he has taken several steps to revise the development program above and beyond the Brevard County minimum to add features that will benefit the neighbors and incorporate their property values; and he is happy to say that he has received support from some of the residents. He went on to say the development is consistent with the Comprehensive Plan; it is consistent with the neighboring density and land use, and will meet all of Brevard County roads, drainage, water, sewer, and any environmental requirements for the development; the proposed re-zoning request will maintain acceptable levels of service on local roads and is consistent with the Future Land Use and Comprehensive Plan; and for this parcel, the proposed zoning will be consistent with administrative policies in the Future Land use element which establishes the expertise of Brevard County staff who have approved and supported this project with regards to zoning and land use issues and criteria for considering increased zoning. He stated he hopes the Board will see the project as the asset it will be to the community, and it will grant approval of the re-zoning request. He expressed his appreciation to the Board for its time and consideration; and he stated he will be glad to answer any questions the Board may have.

Vice Chairwoman Pritchett stated there are 20 cards for this Item, and there are 40 cards all together tonight; she is going to call people up, and she would like them to come up one after the other; and perhaps if someone spoke something another person agrees with, he or she can say they agree to help keep the time a bit more efficient.

October 5, 2017

Tamy Dabu stated she is physically located less than a half a mile from Mr. Droor's proposed site, so she is in the immediate vicinity, and she has been a resident for over a decade; she wants to mention that her background is, and has been previously for decades working for the Florida Department of Environmental Protection (FDEP), and in addition with the U.S. Army Corp of Engineers; her specialty is in wetland delineation, threatened and endangered species, looking for drainage, and so forth; she is quite familiar having worked with these two agencies for an excess of 25 years, with the importance of proper zoning and right zoning in the right location; and unfortunately, tonight, Mr. Droor, she does not support him with what he is proposing to do because it is not conducive to what the forefathers thought from the get go. She went on to say when the zoning and Comprehensive Plan were put together way back, it was done for a reason; they looked at the land, the soil, hydrology, and what the proper land use is; the proper land use for this parcel with the amount of wetlands on there, and drainage problems in the area, it is not conducive to reduce that zoning to allow more residential use; it is not the right place or the right location; it cannot be compared to the Crisafulli's location that was recently approved; they are entirely different parcels. She commented the shoe does not fit in this particular spot; it was fine for Crisafulli just like it was fine for the Gaich development; in this particular location the amount of wetlands, the amount of flooding that the system is already inundated on a regular basis on a good portion of the property due to other incidences; the traffic at Grant, Smith Road, and Courtenay, because Grant goes to the west, Smith goes to the east, and Courtenay to north and south, that intersection has numerous accidents on it; and unfortunately there is not an arrow for cars that are going southbound to turn east onto Smith Road. She added there is no right turn lane for folks to turn going northbound on Courtenay Parkway to turn eastbound to Smith Road; increasing traffic on these roadways will increase accidents and cause harm to the public health and safety. She advised the Board she is before it as a resident who cares about the environment, public health and safety, and she is pushing and encouraging it to take a strong look at all of the public health, safety, and welfare. She asked the Board to not approve the request.

Vice Chairwoman Pritchett expressed her appreciation to Ms. Dabu; and she stated Mr. Schantzen and then Jack Kirschenbaum are the next speakers.

John Schantzen stated he has lived on North Merritt Island since 1980; recently the County published its Annual Report 2016 Year in Review, and it says backed by half cents sales tax approved by the voters this fall to save the Indian River Lagoon initiative will invest an estimated \$340 million to clean up the Lagoon, and another \$1.7 million was spent on flood pumps on Pine Island Road to take care of flooding north of East Crisafulli; and of course, they are proposing to spend more flood pump money to the Mosquito Impound, which is directly adjacent to this property, to prevent flooding experienced since Hurricane Irma, in fact, before Irma. He went on to say as a matter of fact, Pine Island Road is still flooded, but that is countering what the County is spending out of people's sales tax initiative, because when the flood pumps kick in, it goes right to the river, and everything that is in those canals goes directly into the river. He commented the FEMA flood map for North Merritt Island shows that this property has both the flood plain, AE, and Z, and better than half of it is either AE or the floodplain; every square inch of driveway, road pavement, of roof or house slab is one square inch that is impervious to water; it runs off to the adjacent land, and then that land is required to absorb that water, which was absorbed by the house plan; it continued to increase the density on North Merritt Island, which is nothing but a bowl; and they are going to look like Houston before they know it.

Vice Chairwoman Pritchett advised Steve Semonich is after Mr. Kirschenbaum.

Jack Kirschenbaum, Lawyer for Gray, Robinson, stated there is a Binding Development Plan that was entered into on March 10, 2005; that BDP allowed the applicant to have 18 one-acre lots; and what the Board will hear from the testimony of his clients, Earl and Mary Nancy McMillin, and the expert planner Steve Semonich, that this application is an attempt to squeeze

October 5, 2017

40 stuffs into an 18-pound bag; and this is not an appropriate application for this particular property. He went on to say a land owner seeking to re-zone property has the burden of proving that the proposal is consistent with the Comprehensive Plan and complies with all procedural requirements of the Zoning Ordinance; according to the Snyder case, the burden of proof lies with the applicant by providing substantial, competent evidence that this is an appropriate re-zoning; what the Board has heard fails to meet that burden; and nothing else it hears this evening will assist in meeting the burden. He noted what one wants to do with one's property is not unrestricted; a balance is met by the law, by the Comprehensive Land Use Plan, and by the Zoning Ordinances; and the burden falls with the applicant to achieve this balance. He advised his clients will present evidence themselves and so will their planner that this is neither a consistent nor a compatible use with the Comprehensive Plan; the planner will submit to the Board evidence based upon his expertise; the second point is the Board is not the first public body or public board to review this application; two advisory boards have met, held public hearings, hear testimony, taken evidence, heard from staff, and recommended denial unanimously; and there was not one vote on either board to approve the application. He stated that says volumes about this application. He pointed out the citizens want and deserve consistency and certainty from government; a BDP is intended to be just that; and here they are a few years later unbinding the BDP sought by the applicant. He stated they are trying to take 40 units and squeeze them into an 18-unit bag; the ingress and egress is a huge issue in this particular case; the Board has seen its staff report showing the egress and ingress from this proposed development will be on skinny lots that goes to the south and then west on Smith Road; and the Board has heard testimony from the residents out there regarding the problems that exist and what additional problems will be created. He concluded by saying maybe the most important, this project, if approved, will significantly change the neighborhood; it would significantly change the lifestyle of the residents on Smith Road, particularly his clients; and he reiterated as the Snyder case says, even if the burden was met by the applicant, which is has not been, then it shifts to the government to demonstrate that maintaining the existing zoning classification accomplishes a legitimate public interest; if he met the burden, then it shifts to the Board to demonstrate a public interest, and his clients property and the neighborhood is just that; and he asked the Board to deny the application.

Vice Chairwoman Pritchett stated Mr. Semonich is next and then Ken Smith.

Steve Semonich stated he was retained by Mr. McMillin and Mr. Kirschenbaum to provide his professional assessment of this re-zoning; his expertise is in the field of land planning, he is an expert witness in court, and he testifies on behalf of property owners in trials to determine highest and best use of properties; and in addition, he has worked for 13 years with the land planning firm of Rahenkamp Design Group on dealing with projects over 500 acres, 500-unit subdivisions in commercial, industrial, and so on. He commented he is obviously an advocate for his client; one of the concerns he has is that the application before the Board prior to the amendment is previously an EU-2 Zoning; as the applicant indicated that was 9,000 square foot lots; and it is going to now be a burden on him that he is going to re-zone to EU, which has a 15,000 square foot lot requirement. He advised the Board that is not the case; the previous application was binded by a 15,000 square foot lot minimum with 40 lots, so he is still getting 40 lots and he is still getting 15,000 square foot lot sizes; and he does not see any concession on the applicant's part in regards to that. He went on to state in accordance with Section 62-1255 of the Land Development Code, it deems this property to be inconsistent of the EU Zoning; and obviously, per the staff's report, it stated that the Board would be allowed to address if there was a substantial decrease in density. He stated even the County's Code itself recognizes that the EU, EU-1, and EU-2 Zoning is inconsistent with the Residential 2 Future Land Use, and there is a reason for that; and obviously there are ways to get around that, which he believes the applicant is trying to do today, but he does not believe that there is enough concession on the applicant's part to meet that criteria. He noted the applicant is requesting 40 lots, he currently has an approval for 18; something around the lines of 25 to 30 would be a little bit more

October 5, 2017

consistent as a transitional use from the northern adjacent property to the properties to the south, which are two and a half acres; just because the property to the north was re-zoned with EU-2 does not necessarily make this property owners property EU-2 as well; another concern is the transitional from the EU-2 to his clients property; and he does not think EU is enough either. He stated it is really the density not the lot size; it is the amount of trips that are put on Smith Road, not necessarily Courtenay Parkway; and the staff reports application indicated what the trips would be on Courtenay Parkway, but there was not anything in there for Smith Road. He pointed out there are going to be 40 cars at minimum going in and out of there on a daily basis; he will not testify to that as he is not a traffic engineer, but he knows that if there is a home there is generally a vehicle and people that go to work in the morning and home in the evening; and that is a substantial increase in that road, which is by fact a shell road, it is not even a paved road. He explained the applicant has indicated that he would pave a portion of that road, but he just does not believe that is within the character of that neighborhood; and the Policies to the Comprehensive Plan, Policy 3C and 4C which talk about compatibility and character of the neighborhood, have not been met. He stated Policy 3C indicates that historical land use patterns, actually development over the immediate proceeding three years, and development approved through the past three years but not yet constructed; and he does not believe that historical pattern is there to justify that this applicant should get a re-zoning. Commissioner Tobia inquired what degrees Mr. Semonich has after Landscape Architecture.

Mr. Semonich replied that is it.

Commissioner Tobia stated according to *Wikipedia*, Landscape Architecture is the art and practice of designing the outdoor environment, especially designing parks and gardens; and he asked if that is correct.

Mr. Semonich responded affirmatively.

Vice Chairwoman Pritchett stated Kim Smith is next, then Earl McMillin and Nancy McMillin.

Kim Smith stated she has a letter that was sent to residents of North Merritt Island from Randall Holcombe who is a DeVoe Moore Professor of Economics; she is going to read the letter aloud to the Board; it has some fantastic information; he did not accept a fee for this consultation; and there is information he would like the Board to hear. She read, "The accepted wisdom on this among academic economists, which is residential vice commercial development, is that taxes levied by residential development do not cover the costs of providing government services to the development. So, costs are shifted to existing taxpayers. Higher density development pays a lower share of its infrastructure and service costs. In contrast, taxes on commercial development more than pay for the services associated with it. The common sense behind this is that residential development brings with it demands for schools to educate children who live there, police, and fire services, and infrastructure associated with development. Meanwhile, property taxes on commercial development are in general higher than for residential development. Multifamily development tends to impose the highest fiscal costs on a municipality, because more residents live in multifamily residences relative to taxes paid. Communities interested in maintaining their fiscal health do best by encouraging commercial development and do worse by encouraging multifamily development. Academic studies on this subject are relatively rare because the conventional wisdom on the issue is generally accepted. Some examples of past studies can give you an idea of the conclusions those who have studied the issue have drawn. Eban v. Fodor, quoted in *The Real Cost of Growth in Oregon, Population and Environment*, 18, No. 4 (March 1977) at page 373 says, about residential development, "most of these public infrastructure costs are distributed across the entire population of a community through property taxes or general obligation bonds, whereas the benefits of these investments accrue primarily to the new development." Jeffrey H. Dorfman, Professor at the University of Georgia, *The Fiscal Impacts of Land Uses on Local Government* (April 2006) says,

October 5, 2017

“While commercial and industrial development can indeed improve the financial well-being of a local government, residential development worsens it.” He goes on to say, “The cost of providing services exceeds the revenue generated by the new houses in every case study.” The conclusion that residential development has a negative fiscal impact on municipal governments whereas commercial development has a positive impact makes sense when you consider that (1) property taxes tend to be higher on commercial development, and (2) that government services are provided to residents, so more residents means higher costs. Because multifamily residences tend to have more people living in them relative to the value of the residence, multifamily has the greatest negative fiscal impact. In short the higher the density of residences per acre, the greater the potential negative impact.” She stated, this is Professor Holcombe, he has taught public finance courses at Florida State University for 29 years and he is interested in these development issues over that period, not only because of his teaching but because of Florida’s experiences with growth management programs going back to the *Growth Management Act of 1985*; and this is a notarized copy of what he sent them, and the Board has copies of that.

Commissioner Isnardi stated she has a question.

Commissioner Tobia stated he has a question as well.

Commissioner Isnardi inquired if this is Ms. Smith’s testimony or does she agree with the letter.

Ms. Smith replied she is reading the letter into the record, because it blew her away how much these folks were saying.

Commissioner Isnardi stated the reason she asked is because everybody that speaks is supposed to provide testimony either showing this is a good project because of ‘x’ and the evidence, or ‘y’ and their evidence; this is written by someone else, that is why she is asking for the record if that is her position, because Professor Holcombe does not believe that residential development has a positive impact as opposed to commercial; and for the record, does Ms. Smith prefer commercial development or does not like residential.

Ms. Smith responded his conclusion, and what was amazing, the evidence that he presented to them was, which is in the last paragraph of the letter, that the higher density of residences per acre, the greater the potential negative fiscal impact.

Commissioner Isnardi stated she appreciates Ms. Smith reading the letter into the record but Professor Holcombe is not here to testify.

Ms. Smith stated there is a notarized copy that she provided to the Board.

Commissioner Isnardi asked if Ms. Smith is reading this on behalf of someone else.

Ms. Smith replied she agrees with what Professor Holcombe said.

Commissioner Isnardi pointed out that is what she needed.

Commissioner Tobia asked if Dr. Holcombe was aware of this property when he composed this letter.

Ms. Smith replied yes, he is; they were researching if this would be a good thing or not; and he was contacted, and this was his opinion.

October 5, 2017

Commissioner Tobia inquired if Ms. Smith finds it unusual that a renowned economist does not cite the specific property in his analysis; he stated he mentions as something it looks like a Georgia land use study in there; the reality of the way that revenue is derived from taxable value is different in the State of Georgia than it is in Florida; property taxes are different as Georgia has a state income tax and Florida does not; and he again asked if it is unusual that the subject property that Ms. Smith is adamantly opposed to is not mentioned in the strong research that she brings forward.

Ms. Smith replied municipalities and governments have general sameness throughout the country.

Commissioner Tobia noted as a government instructor, he would disagree with that.

Ms. Smith stated Professor Holcombe has been teaching these public finance courses at Florida State University so he is familiar with Florida.

Commissioner Tobia stated again, he did not mention that in the letter that was just read; he wants to be correct; and he inquired if the subject property is listed in the letter.

Ms. Smith replied it is not stated in this opinion.

Vice Chairwoman Pritchett stated Mr. McMillin and then Ms. McMillin.

Earl McMillin stated he met with Professor Holcombe, showed him the maps of the property, explained to him what the project was, et cetera, and the bottom line is that every study, whether from Georgia, Pennsylvania, California, or Indiana, none show that residential property generates enough tax income to cover the cost that governments incur; this is an expert opinion they are offering for the Board's consideration; twelve people who know much more about zoning than he ever will said no to this application; there are the six people on the LPA and on the Dependent Special District Board; and Mrs. Blasky who is here tonight, will tell the Board how this Commission in 2007 unanimously voted to preserve the Smith road neighborhood when a former resident wanted to put four houses on five acres. He went on to say the Board is a Quasi-Judicial body, it is not bound by the precedent but it has to consider the precedent; since 2007 two more beautiful homes have been built on Smith Road, one at \$600,000 and another at \$450,000; and in Brevard County v. Woodham, the court said zoning regulations can be employed to promote the integrity of the neighborhood. He pointed out his wife will tell the Board why the NAJJAD property is different than the Harvey Groves property to which the applicant points; and she will explain to the board that Florida has rejected the 'me too' argument because 'me too' would destroy the zoning plan. He commented Mr. Kirschenbaum referred to the memorandum of the Planning and Zoning Department that says, "Since the request of the EU Zoning Classification is not consistent with the current residential future land use designation, a Binding Development Plan is required so the maximum density allowance in the Florida Land Use Map of two units per acre is met" He stated Mr. Droor, the applicant, is hard to pin down; this expert who has a degree in Landscape Architectural but who has also worked with many lawyers on zoning issues has given the Board his opinion; but it does not have to rely on his opinion, it has its own experts; Rochelle Lawandales is a city planner on LPA, Bruce Moia is an engineer who does development work is on the IPA, and Henry Minneboo has worked with the County for years; and they all say 26 acres, 26 homes. He went on to say they asked the applicant several times during that hearing if he would consider 26 homes on 26 acres; and the applicant refused, and one of his reasons were he cannot make money with 26 homes. He explained the law is clear; from a Brevard County case, a zoning ordinance is not invalid because it prevents the owner from using the property in the manner which is most economically advantageous; if the rule were otherwise, no zoning would ever stand; placing a financial burden on taxpayers and making Smith Road residents bear the

October 5, 2017

impact of 40 homes may be for the applicants good but it is not for the public good; and the priest who gave the invocation today prayed the Board would make a decision in the public good or for the public good. He noted in the past 12 months, there have been three developments on North Merritt Island that directly access Courtenay Parkway; they will generate in a year if each residence generates the accepted nine vehicle movements per day, 1,070,000-plus vehicles on Courtenay Parkway; and if this goes from 18 homes to 40 homes it is 122 percent jump. He stated to go from 26 to 40, which the LPA recommended, is a 54 percent jump; and he does not have a problem with 24 to 25 homes of 2,500 square feet.

Vice Chairwoman Pritchett stated Ms. McMillin is next and then Chris Minerva.

Mary Nancy McMillin stated the applicant has claimed that it should have the same zoning as Harvey Groves property to the north; the applicant is saying the Board gave it to Harvey Groves, it should be given to him as well; and Florida rejected the 'me too' argument years ago when the Supreme Court held, "The fact that the applicant's land is situated across the street from that which commercial enterprises maybe operated is not enough alone to support his position that he should be given the same latitude and use of his property. Were this the case, it would be a matter of time before the alterations of the whole scheme by successfully liberalizing the use of abutting property would result in disintegration and disappearance of the entire planets zoning." She went on to state at the Local Planning Agency hearing she tried to make a simple point that the evidence shows that Harvey Groves and NAJJAD are different; the list of those notified by the County of the Harvey Groves re-zoning does not show a single residence; all of those notified were businesses; the NAJJAD list chose four residences, Grivas, McMillin, Jewel, and Armstrong; and a fifth residence, the Storey residence, is next door to the Jewel residence but they have been missed because the property does not show up in the Property Appraiser's website. She pointed out the Rowell and Blasky residences on the south side of Smith Road were omitted because they are both over 500 feet away from NAJJAD's site; both NAJJAD and Noel Droor received written notice of the re-zoning it was proposing but the Rowell's and Ms. Blasky did not; and obviously as residents on a dead end road, they are impacted by the NAJJAD re-zoning. She advised the Board she is not asserting that the NAJJAD list is defective, she has added Serios, Rowell, and Blasky to make the record complete; her point is simple, the two lists are competent substantial evidence that the Harvey Groves and NAJJAD properties are different, zero residences impacted by the Harvey Groves re-zoning, seven residences impacted by the NAJJAD re-zoning; the other proof that Harvey Groves and NAJJAD are different is geographic; access to Harvey Groves is due west and directly on State Road 3, it has no access to Smith Road; and access to NAJJAD is due south directly onto Smith Road. She noted the applicants 'me too' argument is contrary to the holding of the Florida Supreme Court and the evidence does not support its 'me too'; Smith Road is a small, unique neighborhood; she asked the Board to focus on Smith Road and not Harvey Groves; and she stated she has never been contacted by anyone from NAJJAD to ask her what she thought about what was going on.

Vice Chairwoman Pritchett advised Mr. Minerva is next, and then Mr. Ratterman.

Chris Minerva stated he is from the North Merritt Island Homeowners Association; he will try to be brief; a lot of people have covered things he is saying; the Homeowners Association is fine with the existing SEU, one home per acre zoning in the Binding Development Plan; but they cannot support the request for EU based on these. He added at .34 acres per home is a potential maximum of three per acre, potential, even though it said 40; Administrative Policy 3, the incompatibility with the existing land use Criteria A, Site Activity, diminishing enjoyment of a quality of life in existing neighborhoods within the area; Criteria B, causing material reduction in value of existing abutting developments; Criteria C, inconsistent with, point one, historical land use patterns, point two, actual development over the preceding three years, and point three, development approved within three years but not yet constructed, which they heard; and

October 5, 2017

Administrative Policy 4, uncharacteristic with surrounding neighborhoods and areas. He went on to say Policy 8.1, negatively impacting character of the land use surrounding property; Policy 8.2, change of the land use and surrounding property; Policy 8.3, negative impacts on available and projected traffic patterns and the established character of the surrounding properties; and factors to consider please, the character of the land use of the surrounding properties, the change in conditions of the land use of the property, impact on traffic, not compatible with existing land use plans, and not appropriate based on these conditions. He commented the North Merritt Island Homeowners Association asks that the property be zoned appropriately and not require additional binding development restrictions. He expressed his appreciation to the Board for its consideration and the work it does.

Vice Chairwoman Pritchett stated Mr. Ratterman is next, and then Bill and Mary Hillberg will follow him.

Bill Hillberg stated from the audience that he will cede his time and distinctly requests that the Board disapprove of this Item.

Jack Ratterman stated he is speaking in opposition to the applicant; he asked the Board to think back to the last Commission meeting when it approved Mr. Crisafulli and his application for the 48 units; and he stated at the end of that, Commissioner Barfield said it was the law, and almost indicated that was why it was approved. He asked the Board to think back when he or she studied U. S. history, and to have the wheels turn back to the Revolutionary War Act, the Empowerable Acts, the Quartering Act; he advised those are unjust laws and the citizens, law enforcement, government officials, and even government instructors do not follow those laws; and they were unjust, and people made their own decisions on what was right, not what the law was. He explained he is asking the Board to think not so much about what the law is, what it can do, or what it can cram into that short space, but what is right and just for the community; he inquired what is its legacy going to be; and he requested the Board deny the applicants request for those homes and that acreage.

Vice Chairwoman Pritchett stated Mary Hillberg is next, and then Mr. Weber.

Mary Hillberg stated she is a board member of the North Merritt Island Homeowners Association, as well as the chair of the North Merritt Island Special Dependent Special Advisory Board; as a native and life-long resident of Merritt Island, she knows some members of the Board have been in Brevard for several years; however, all may not be aware of the situation on the North Merritt Island area and need current, competent, and a substantial evidence to make a wise decision on the Smith Road issue; and she is prepared to provide that for the Board. She stated she has a 1989 FEMA map of the area; the darkened area is flood area, and the darkened area over here is a flood area; this area right here is the subject area; and because it is very small, she has made a bigger copy of it. She added there is Smith Road, and as the Board sees, everything is an X Zone, which means there is no flooding there; in 1989 North Merritt Island was designated, most of it, as X Flood Zone, which means there was no danger of flooding; after Tropical Storm Faye in 2008, the low elevations in North Merritt Island were painfully obvious; in 2012, the North Merritt Island Homeowners Association invited Frank Scarvales, Director of Flood Management for Brevard County, to explain the new FEMA designations; and he brought maps and answered questions. She explained in 2014 a change happened; this is the FEMA map from 2014; as the Board sees, the post it area here shows this area right here is the subject area, and the blue over here on the side; the blue is the same as this blue on the edge over here; that has something to do with, and it says on the legend on the right, it says it is a flooding area where there are these tiny little dots; and they are concentrated on that side. She pointed out because it was so small; she made a bigger copy for the Board to see. She stated she outlined the subject property so the Board can see exactly where it is; all of this over here is flooding property; FEMA released their flood maps in 2014, these changes still

October 5, 2017

have not been acted on by the County in terms of correcting the Future Land Use Map or the Codes from North Merritt island; and she inquired why. She advised in 2017, FEMA again recognizes there is still an issue; evidently they keep watching them; now they have the FEMA maps, the smaller maps, and the blue is areas of flooding and have basically no flood base elevation; this means there is zip on flood elevation; and she provided the Board with a larger copy of that map. She noted this area says it will flood, it has approximately one foot, 12 inches or less above flood elevation; that means more than 12 inches and it will flood; this area has less than that and it is the same as the edges; FEMA recognizes with advanced LIDAR satellite imaging that this area required further defining and has produced preliminary maps that are more accurate than ever; and from this competent and substantial evidence, it is obvious for the safety of the residents and the protection of the properties that the county needs to correct its Future Land Use Maps and Codes before it allows inappropriate development in documented flood prone areas. She commented Brevard County Public Utilities Department continues heroic and creative efforts to protect the structures and residents of North Merritt Island with pre-storm work and multiple surface water pumps that are manned when a significant rain event occurs. She pointed out John Denninghoff, Assistant County Manager, has done a wonderful job. She requested the Board oppose this item for all of the aforesaid mentioned reasons.

Vice Chairwoman Pritchett advised Mr. Weber is next and then Mr. Rockliff.

Marty Weber stated he is within three-quarters of a mile of the development lay in parcel that is being talked about; he goes left on Grant Road instead of going right on Smith Road at the intersection of Courtenay Parkway, Grant, and Smith Road to get to his property; and he is going to summarize a bunch of what he has on this piece of paper for the Board because of time. He went on to say first of all, they do not need to talk about intricacy of the changes that NAJJAD has asked for; he asked for three different things; he wanted to relieve the BDP, then he wanted an EU-2 Zoning, and now he is asking for an EU Zoning; and he inquired what makes anyone even begin to think he will adhere to something that he agrees to today. He noted secondly, on August 4th, the property north of him was approved for a different Zoning; however, approving the EU-2 Zoning request with a house would allow, and this according to the County's statistics from the EU-2 Zoning, would actually allow 126 lots/houses on 26.11 acres, or 1,137,135 square feet, that is what 26 acres is equal to; and it would support that number of houses and 1,500 square feet without Zoning. He stated obviously the Board has to take things out for infrastructure and so on; now he has changed and wants to do 1,500 square feet, which would allow 76 homes or lots at 2,000 square feet; the next thing he would question is he gave an estimate of \$550,000 per house/lot combination for this new development; and he inquired if any of the Board Members would pay \$275 a square foot. He explained that is what it amounts to; if he is going to sell a 2,000 square foot house on three-quarters of an acre of land, he is going to be asking \$275 a square foot; he just bought his property a year ago on North Tropical Trail, he has 2.78 acres and 2,200 square feet; and he paid less than \$400,000 for three acres of ground. He commented in August the LPA board, which he presented at and so did a number of others who are representing the North Merritt Island Homeowners Association, the board agreed, they suggested that NAJJAD agreed to 26 houses; he at that point refused; the LPA was reluctant to change its decision and hold on to the old BDP to which had previously been agreed to; they asked twice if NAJJAD would agree to this compromise; and he refused. He stated that is when the LPA denied his request. He advised the Board has a chart he handed out to it that show it when the Florida Land Use Plan was approved for this property zoned Residential 2, it prohibits use of EU, EU-1, and EU-2 on this land. He expressed his appreciation to the Board for listening to them this evening; and he stated he hopes the Board denies the request on behalf of all of them.

Vice Chairwoman Pritchett stated Mr. Rockliff is next, and she asked Anita Blasky to be ready to come up.

October 5, 2017

Larry Rockliff stated they have been residents here for one year now; they escaped from Broward County after 24 years; and during that time in Broward County he was president of a homeowners association of a large, rural community. He went on to add they all had four and one-half acre properties in the City of Miramar; there were 32,000 people when they moved there in 1992; their first night was Hurricane Andrew; and when they left there were 177,000 people. He explained during the 1990's there was a euphoria between developers and the Commission and there was also an awful lot of wealth, because the developers were more than happy to pay their impact fees, which made the city and county flushed with money, but it is different today; they discovered in the homeowners association in Miramar, the rural community that they were far more beneficial to the community to the city to work with the commission versus working against them; and that is exactly why he wants to come to the Board today. He pointed out they are not within 500 feet of the development, they are on the river on the opposite side of North Courtenay Parkway; there are three issues here, concurrency, compatibility, and consistency; the issue of concurrency also applies to Broward County, and it is a mess there today; and certainly they want to avoid that here. He noted concurrency takes a look at the amount of road demand, but it looks at it over long periods of time and it does not specifically look at it on the micro, it looks at it more on the macros; but in the case of North Courtenay Parkway versus Smith and Grant, it needs to be looked at on more of a micro basis if more traffic is saturated into that area. He stated consistency is with the land plan, and that is the County's expertise, not his; without a doubt compatibility is an issue that is germane to this topic; the developer to the north of Miramar Parkway in Broward County wanted to go from one house net per acre, not gross, one net per acre, which would have been compatible against the two and a half net per acre; but he wanted to change this to what they call RS 4 to RS 7, meaning four to seven houses per acre net; and of course, he was more than happy to pay the large impact fees and be in his way elsewhere. He went on to say they did not fight it and say they did not want it to happen; they wanted to be reasonable about it; they said they did not want to see it, hear it, or smell it for all intended purposes; and this is the issue here. He commented the developer in this case has suggested the Board have a water buffer, his water retention, which is a requirement of his particular development, which would serve as a buffer; having moved to on the river here, he knows fully well that from the sound point of view, water is not a good buffer; and they hear the train on Highway 1. He noted he can hide from the community, he would suggest that perhaps there is room to work with him; otherwise, there has to be consistency, some compatibility, and there is no compatibility whatsoever between one house net per two and a half acres and several per acre; and he expressed his appreciation to the Board.

Anita Blasky stated they have lived in North Merritt Island since 1972, but in 1977 she and her husband purchased 40 acres at the end of Smith Road; they built a new home there and have lived there since 1981; they lost 32 acres to the Brevard County Mosquito Control in 2006; and her husband passed away in 2016. She went on to state somehow she is not included in Mr. Droor's numbers, but she lives there, the first house on Smith Road, and she adamantly objects to this re-zoning. In 2005, Mr. Droor of NAJJAD tried to re-zone the 26-acre property from AU to SEU; this acreage has ingress and egress to Smith Road; NAJJAD asked to build 18 homes on the 26 acres with a Binding Development Plan; she does not believe she and her husband were notified of the NAJJAD request; but she can say she would not have been opposed to 18 homes in 2005 and she would not object to those 18 homes today. She noted to her knowledge no one on Smith Road opposes the 2005 NAJJAD application; the North Merritt Island Association was in favor; the North Merritt Island Dependent Special District unanimously recommended approval; and the Board unanimously approved it. She stated in 2007, the Lynch family who owned two and a half acre lots requested re-zoning from AU to RR-1 for their combined five acres on the north side of Smith Road to allow four to five houses to be built; Gareth Matthews who owns two and one-half acres that abutted the Lynch property opposed the Lynch request; however, the North Merritt Island Dependent Special District recommended approval. She added she wrote a letter to the Board, which basically said to allow the Lynch's

October 5, 2017

request to break up their two, two and a half acre lots, change the zoning from AU to RR-1 right in the middle of Smith Road, which drastically changed the layout of the neighborhood; the RR-1 would allow them to build at least four, maybe five, houses on the five-acre plot; the change in Zoning would greatly increase traffic, destroy the quiet enjoyment of the area, and severely impact the peaceful neighborhood; and Mr. Matthews spoke against the Lynch application at the Board meeting. He pointed out the board agreed with Mr. Matthews and voted unanimously to reject the Lynch application; thus, in 2005 and 2007 the Board recognized the uniqueness of the Smith Road neighborhood; it recognized that plans for half acre lots among and abutting two and a half acre properties on Smith Road were not compatible with the Smith Road neighborhood; and since then, Smith road has become more of a neighborhood. She went on to add her son, Tim and his wife Kelly, built a new home on a two and one-half acre lot on the south side at 195 Smith Road; Jim and Terri Serios built one on a two and one-half acre lot on the north side, which was previously owned by the Lynch family; Scott and Angela Armstrong made major improvements to their property and bought more land to maintain their tranquility; a few weeks ago the Powers bought the other two and a half acre lot once owned by the Lynch family; and she asked the Board not to grant the NAJJAD request for a change in zoning from SEU to EU, and to hold them to the promise they made in 2005.

Vice Chairwoman Pritchett stated next is Ms. Lindhorst, and then Mary Sphar will be next.

Gina Lindhorst stated she has been a resident for 23 years and has been in Brevard County for 48 years; they would like the Board to deny more high density in a very low area; they need the Board to protect the residents and properties of citizens in North Merritt Island; they need the Board to consider the new FEMA designations that were changed due to the increased intensity of events in the last few years, and have been newly revised in 2017; they need the Board to protect the Lagoon as they have voted thousands of tax dollars throughout the County to clean and restore the Indian River Lagoon; high density development will ultimately destroy it; and they need the Board to recognize the past flooding of North Merritt Island, the issues with heavy traffic on single-access roads in a natural low topography in the wetlands that they cannot change, all of this makes high density not appropriate and even hazardous for the residents who live in the low topography areas. She commented they need to comply with the County Administrative Policies; they really need the Board to consider the safety of the people and the health of the Lagoon; they request a moratorium on any further re-zoning or development in North Merritt Island while the Future land Use Maps be corrected, may be the safest step to take in order to avoid unsafe zoning and land use in this area; and she reminded the Board that the North Merritt Island Special Dependent Special Advisory Board recommended denial of this change, the P&Z recommendation was denial, as well as North Merritt Island Homeowners Association.

Commissioner Tobia asked if Ms. Lindhorst is speaking on her behalf.

Ms. Lindhorst replied yes, hers, her family, and all of her friends who have discussed it with her.

Commissioner Tobia inquired if she was speaking on behalf of the North Merritt Island board, as he does not know if she sits on that board.

Ms. Lindhorst responded she does, but she is not referring to them right now, this is her own personal feelings, and her family's opinion.

Vice Chairwoman Pritchett stated Ms. Sphar is next, and then Steve Smith.

Mary Sphar stated she is representing Sierra Club Turtle Coast Group; this is a rather interesting Agenda Item for the Sierra Club; Sierra Club's been commenting for many, many years, and this is the first time she remembers of a zoning request that was changed when the

October 5, 2017

information on the County site, which they study carefully, all said the applicant wanted EU-2 Zoning, with a maximum of 40 homes, and now, according to what the slide says, it is EU Zoning; and she is not sure how that plays into it. She went on to say as a matter of fact, she received an Agenda from the back of the room and it said change to Zoning Res EU to EU-2; the LPA heard EU-2 Zoning; there are two Binding Development Plans; the one proposed in January stated EU-2 Zoning, the one that was submitted in the package August 8th said EU-2 Zoning; and she does not know when the Board found this out, but that is rather strange for the Sierra Club to be in the position where they do not even know in advance what zoning was requested. She noted she has a couple of legal considerations for the Board; the applicant has no legal right to 40 homes on his 26.11 acres just because the property has a Future land Use of Residential 2; he has no legal right because he has to get zoning that allows such a density; tonight the Board will make the decision to approve or deny that zoning change request; and the applicant has no legal right to propose zoning changes just because the proposed zoning appears to be compatible with the zoning on the property to the north. She added the proposed zoning should be compatible with the surrounding zoning in general, and the proposed changes are definitely incompatible to the zoning to the south and east, which is mainly AU; the current zoning SEU is the compatible zoning; and as others stated, this application was rejected unanimously by the North Merritt Island Board and the Planning and Zoning Board, for good reason. She stated she was at the P&Z board; the board tried to work with the applicant to give a slight increase in the development potential, but the applicant would not budge except to say that he would put in sewer instead of using septic; the proposed increase in development potential from 18 homes to 40 homes would adversely affect the Indian River Lagoon; and the Citizens Oversight Committee, which is required by the Save Our Indian River Lagoon Project Plan, is quite concerned that all of the effort that they made to protect the Lagoon could be negated by bad zoning and land use decisions, and they discussed that at their meeting in August. She asked how the applicant plans to deal with flooding situations they all know plague North Merritt Island especially right now; she stated staff analysis lists mapped flood plains but the BDP does not require compensatory storage in any portion of the property in estuary marine flood plain; they can speculate that the property will have to be raised to meet FEMA requirements, which they all know can cause problems with neighboring properties; and without specific plans to mitigate flooding potential, the re-zoning and developing of 40 homes there is sure to aggravate an almost intolerable drainage and flooding situation. She concluded by saying Sierra Club is concerned that the development limitations are dependent on a BDP, which is EU-2; she asked if there is another BDP; she stated if the County does not have a BDP, they know it is offering a new owner of the property often requests that it be modified or removed; and it is much better to have a zoning category that is actually appropriate and protects the natural resources and ensures compatibility. She asked the Board to deny this application.

Vice Chairwoman Pritchett stated Mr. Smith is next and then Darlene Hunt.

Steve Smith expressed his appreciation to County Manager Frank Abbate and Assistant County Manager John Denninghoff and staff for doing such a great job attempting to pump out all of the water they have after Hurricane Irma; and he stated he knows there have been many phone calls, they are doing a nice job, and they appreciate that. He stated they bought their house in the 90s; it was built in the 60s; when they bought it they heard nothing about any kind of flooding in the area; throughout the 70s, 80s, and 90s, and 2000, no flooding; they have always maintained their septic system by having it pumped out on a regular basis; flash forward to 2005 and Hurricane Wilma, they got flooded and it stopped up their septic for a week; in 2008 they had Faye, flooded inside of the house and the property driveway, and they had no septic service for about five weeks; 2011, no name storm, same thing, two weeks of no septic there; in 2014 heavy rains; during Matthew they lost it for about three weeks; and Hurricane Irma came by and they haven't had any since. He went on to say major change on North Merritt Island has been that there are more and more residences built every year; tonight they go home, his driveway is

October 5, 2017

about 600 feet long, they are going to go home and put on waders because they cannot get to their house anymore; and the next step is going to be get a boat. He noted there is no evidence, no record or evidence their property would have flooded when they bought it back in the 90s; they have researched with the neighbors and the County, and the flooding is just not their fault; they are not the only flooded residence up there; and there are quite a few other North Merritt island families that are going through this today, and a number has only yard flooding. He advised it is kind of a high-density housing that is allowed to continue; there is no place for the water to go; and they are seeing more and more of this kind of thing. He pointed out they are asking the Board to approve building in less fragile areas of the County and no more of this dense housing in these flood prone areas; and residents who already live here should not be punished by this high-density kind of housing. He stated he has a degree in Architecture himself; he wanted to throw out that there is a lot more to landscaping architecture than found in *Wikipedia*; it is a difficult profession; and he did one semester of landscaping architecture and decided it was not for him. He asked the Board to deny the request.

Vice Chairwoman Pritchett advised Ms. Hunt is the next to speak, then Sarah Hodge.

Darlene Hunt stated she strongly objects to the increase in density requested in the NAJJAD zoning change for four reasons; first, it is not compatible with the character of the area; she knows she is repeating things but she is going to repeat them; it will also greatly increase the traffic at the critical road and intersection; it will cause flooding to adjacent properties and the impact on an already stressed Indian River Lagoon by over development; and as far as the character, all adjacent properties are large parcels. She went on to say many of them are used for agricultural purposes, large rural home sites or wetlands; to allow an additional density of 40 residences would generate additional 360 trips daily based on the County's formula; this would be insane for this intersection; there is currently a FDOT study underway with regard to this intersection; and this is the only road for people to travel to their homes. She noted it happens to be a main thoroughfare for Kennedy Space Center employees, Space Center tourists, plus all new aerospace businesses that the Board heard about this evening; flooding and the Lagoon, this property is very near the Barge Canal, which is part of the Indian River Lagoon; this County and its citizens are currently dedicated to protecting the outfall and cleanup of the Lagoon; and this property is located in a bowl or a basin, which makes up all of North Merritt Island. She added it has an elevation of about two to four feet above sea level as shown on the County's LIDAR map; the sides of the islands are the highest part of this bowl with an elevation of nine feet above sea level; to alleviate flood, waters are directed from this basin into the Lagoon under the Control of St. Johns River Water Management District; although developers show plans to contain the water on the property, all stormwater retention areas and ditches are channeled to drain into the Lagoon during heavy rain events like they are going through now; and Merritt Island is currently experiencing an unprecedented flooding, and none of the drainage systems are currently able to handle the excess water. She stated as the County spends time and money to alleviate flooding, allowing over development is totally unacceptable to the citizens who currently live there and those to come; the current density of 18 houses on 26 acres is as dense as this land can sustain; and she respectfully requested the Board deny NAJJAD's request to change this density just as a Dependent Special District and the County P&Z board have advised.

Vice Chairwoman Pritchett advised the next speaker is Ms. Hodge, then Michael Hirkala will be next.

Sarah Hodge stated she and her husband strongly oppose this zoning; they are a victim right now of the flooding; her family homesteaded that property in the 1800s; this has historically never flooded; and they have orange trees under water. She commented part of their grove is dying because of this flood; she knows the Board does not think about the people who are suffering right now; she has a friend on East Merritt Island that has been flooded since

October 5, 2017

Hurricane Irma; and she had to move her animals yesterday because there is no hope for it to drain any time in the near future. She asked the Board why it is allowing this; why is it not listening to its Planning and Zoning board and the North Merritt Island Homeowners Association; she stated it is not fair; the Board has to be accountable for this; it is just going to do what it wants to do; but if it does not listen to the people it is going to be worse every time. She noted there is nothing she can do to make the Board do this, but it will get worse if it keeps zoning more and more homes in that area that cannot drain, and she cannot understand why.

Vice Chairwoman Pritchett advised that is all of the speaker cards; and she asked the applicant to come up and speak as he has five minutes.

Mr. Droor stated one and a half units per acre is not a high density; if that is a high density, what is 10 or 20 units per acre called; part of North Merritt Island is having flooding issues; this area is not having flooding issues; none of the newer developments have flooding issues because they are designed and there are Codes and Ordinances to follow; and if a person follows them, there should be no issues. He went on to say across Smith Road is a Planned Industrial Park; he asked how that is not being compatible; where is the compatibility when there is an industrial park in front of a property, there is commercial all along Courtenay Parkway; there are two acres and more per acre; as far as the flooding, there are two types of floods in the area; one is the one that is being used for flood storage; this is not the area that is used for compulsory storage; this is not the area being used for it, they are about 25 percent; and it is an area that could flood but not being used for flood storage, and there is a difference. He stated he will answer any questions the Board may have.

Commissioner Barfield stated Mr. Droor came before the previous board in 2005 and he made a change from AU to SEU with a BDP for 18 homes on 26 acres; 12 years later he wants to change it to two units per acre, EU-2; and he asked what has changed.

Mr. Droor replied the economy basically; this is no need for large lots; the reality of the real estate is people's children do not want big lots, they do not want to maintain yards; the demand is for mid-sized lots; he asked if there are two and one-half acre lots getting built lately; and if so, what is the reason.

Commissioner Barfield stated Mr. Droor is at one acre right now.

Mr. Droor advised he is at one are, because again, the recession and the reality of the real estate and what the demand is.

Commissioner Isnardi stated for clarification, Mr. Droor is asking for two units per one and a half acres.

Mr. Droor responded one and a half units per acre. He went on to say the Comprehensive Plan is two units per acre; the reason he went to EU from EU-2 is because the concern was that later on a person can revise the BDP and put more lots because of EU-2 Zoning; but if the Board is familiar with the development, by the time the rules are put aside, the retention pond aside, there is no way to put more.

Commissioner Isnardi inquired if Mr. Droor said several months ago during their meeting that he had approval of three out of five of those property owners that are right in front of Smith Road.

Mr. Droor replied there are three, the ones that he has approval is the one that is right next to the entrance that gets the most effect, and then the one next to that one is the one that is opposed; he has the next house and one is not published and he cannot find records on it; and Mr. Armstrong has got the largest lot at the end of Smith Road.

October 5, 2017

Commissioner Isnardi asked if the property that abuts the entrance to this development would be the most impacted because the traffic for however many homes are developed there, it would be where the traffic passed through; she stated they talked about a buffer; and she asked if the property owners are having an issue.

Mr. Droor responded no, he has his approval; he has the approval of the property owner that is going to get the most impacted at that entrance; after negotiation, they did put a buffer there; and it will be a sand buffer that will not hurt with the noise or the traffic.

Commissioner Isnardi inquired if they will be stopping before getting to those residences across from the Industrial Park.

Mr. Droor advised there is no reason for them to go down the road.

Commissioner Barfield stated Mr. Droor mentioned requesting it be changed to EU; and he inquired if he meant EU-2, which is what was submitted.

Mr. Droor replied no, he wants to change it to EU; he requested EU-2, which is 9,000 square foot minimal lots; again, after listening to concerns, he wants to change it to EU, which is 15,000 square feet with a BDP, which would be 2,500 square foot minimum houses; and after talking to Commissioner Pritchett, it is going to have paver driveways also.

Commissioner Barfield inquired if he floated this to the North Merritt Island District and to the P&Z board by changing it to EU.

Mr. Droor replied no, he did not talk to them about changing it to EU; EU came after the meeting after listening to concerns; the main concern was that he can change and do away with the BDP; having EU-2 he can do 80 lots or whatever, and that is how EU came about; he again was trying to accommodate the neighborhood.

Vice Chairwoman Pritchett stated she does not think this is necessarily high density, and the Board did make approval to the north already; she has listed through the last few days and has been studying things; she likes the fact that the upgrade to Smith Drive will occur, and that is only going to affect the two houses that seem to not have too much trouble with the project as far as traffic going through there and up to Smith Drive; and as far as the residential and commercial conversation that went on earlier, she would never just stop residential development from happening just because a person thinks commercial would be better, she is for both with that. She added the County can maintain an acceptable level of services; she saw this on the analysis that was given to the Board; it is in agreement with the Future Land Use; she thinks Mr. Droor making a compromise and changing it to EU to make lot sizes bigger makes it even more palatable; that is her thoughts on this and the reasons she will be probably voting in favor of the project; and she thinks it is a good fit for the area, and a nice project.

Commissioner Isnardi stated since the Board is coming to a close to this discussion, she wants to say she was excited about the retention, she thinks it will buffer those neighbors that are concerned about the development having an effect on the neighborhood; as far as commercial versus residential, she does not think development of houses should be stopped because people think commercial makes more sense; she thinks Mr. Droor did himself a disservice not hiring a lobbyist or attorney to testify on his behalf; it is not going to change her mind on seeing where his heart is in this project and that he is willing to compromise; the fact he is willing to sign a BDP and change his zoning to try to accommodate people; and she is going to approve this project as well vote for it.

October 5, 2017

Commissioner Barfield stated he wants to tell everybody how sorry he is they are going through this flooding; he has been all over looking at it and he feels bad about it; he has had meetings and he is setting up more meetings; and they are working to make some changes. He went on to say he has a major problem with this in the fact that he thinks at this point there is an applicant who came before the Board in 2005 to change from AU to SEU, 18 homes and 26 acres; he is fine with that; he would be fine with 26 homes on 26 acres, which is one per acre; and the P&Z and North Merritt Island Special District Board's recommendations are sound. He commented Harvey Groves is a different situation, it is EU-2; below there is SEU, which is up to one acre; then there is AU, which is the perfect transition; and when a person has EU-2 and then goes straight to AU, it is not a logical transition. He pointed out he is opposed to this the way it is written; he would be good with 26 homes, but that would be it; he inquired how often is the Board going to change the zoning; he stated someone comes in and asked for a BDP this time, they want to change the BDP and zoning again; there has to be a cutoff where enough is enough; and he is opposed to this request.

Commissioner Isnardi stated she would agree with Commissioner Barfield, but as he knows, he would hope that he would understand that 12 years later the needs or the community could change; he thinks 26 homes as opposed to 40, a 14-home difference over 26 acres, is not a significant change; she is not going to compare Mr. Crisafulli's development because it is not fair and she did not oppose his development; and many of these people do not even live with a mile of these acreages. She stated to be told by one person from Merritt Island that the Board Members do not care about flooding, she will point them to her staff where they sat out in the rain storm in the middle of people's floods; every Board Member has been there and done that; and she feels offended a person assumes the Board sits in its offices and do not go out to the public and care about flooding in his or her neighborhoods, because the Board Members do care. She pointed out it hurts her feelings and diminishes the work of her staff because they have worked hard, along with other County employees, to make sure they are doing what can be done to clean out sewers, storm drains, and residents; and while she appreciates the heckling in the audience and some of the curse words she is hearing, it will not change her mind. She added she does not have a problem with this because a lot of the complaints are coming from higher elevation property owners; the County develops smarter now with natural resources, in consideration with utilities, public works, and growth management, because they do not want mistakes made that will cause flooding of neighborhoods.

Commissioner Barfield pointed out that over that time frame, those 12 years, the flood maps show substantially more flooding in that area than before; the Board needs to start looking at the impacts when working on developments in the future; and at some point there needs to be a workshop on this issue.

Commissioner Smith stated he is not familiar with the area, but he drove by probably three or four months ago; he knows there are flooding issues; Commissioner Barfield, the P&Z board and Merritt Island are opposed to this; and he would have to say he is opposed as well. He stated if the baby can be split and make it like 26 homes, it would service the size, and would be equitable on both sides.

Vice Chairwoman Pritchett stated she totally respects Commissioner Barfield and the other Commissioners; she knew she would have to really think this through; she believes it is a good fit; the County is growing; and even District 1 is flooded. She commented this is a really unusual time and different properties have different flooding issues; she cares very much about wetlands, and it is important they be maintained; but she does not think this is a high density project; and with good conscience, she could not vote to deny this tonight.

There being no further comments, the Board approved the request by NAJJAD, Inc. for Zoning Classification change from SEU to EU with a Binding Development Plan limited to 40 units.

RESULT:	ADOPTED [4 TO 1]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
NAYS:	Jim Barfield

ITEM IV.F., CHANGE OF ZONING CLASSIFICATION, RE: AU TO SR – REDFISH RANCH, LLC (DAWN HILTON). THE PROPERTY IS 0.93 +/- ACRE, LOCATED AT 2000 JONES AVENUE, MIMS. (17PZ00082) THIS ITEM WAS WITHDRAWN BY THE APPLICANT. (LETTER RECEIVED 08/30/17)

Vice Chairwoman Pritchett called for a public hearing to consider a change of Zoning Classification from AU to SR for property located at 2000 Jones Avenue, Mims.

Rebecca Ragain, Assistant Planning and Development Director, advised the Board this item is being withdrawn by the applicant.

ITEM IV.G., CHANGE OF ZONING CLASSIFICATION, RE: IU-1 AND BU-1 TO AU – JOSEPH TAYLOR JENSEN; ALLISON STEDMAN FOLDS; DONALD W. JENSEN; AND CAROL J. JENSEN. THE PROPERTY IS 21.50 ACRES, LOCATED AT THE SE TERMINUS OF WILEY AVENUE AND HAMMOCK ROAD. (17PZ00083) P&Z RECOMMENDATION: LAMARR/MCLELLAN – APPROVED.

Vice Chairwoman Pritchett called for a public hearing to consider a change of Zoning Classification from IU-1 and BU-1 to AU, on 21.50 acres located at the southeast terminus of Wiley Avenue and Hammock Road.

Rebecca Ragain, Assistant Planning and Development Director, stated this is a request by Joseph Taylor Jensen for a re-zoning from IU-1 and BU-1 to AU for the removal of a Binding Site Plan on 21.50 acres located at Wiley Avenue and Hammock Road in the Mims area; P&Z recommended approval of the request.

Joseph Jensen stated they are looking to re-zone this to AU to have a small scale farm on the property; and he is available for any questions the Board may have.

Commissioner Tobia asked what kind of animals is he going to have on this farm.

Mr. Jensen replied they are looking to do fruit trees or citrus; obviously when they bought it, unfortunately with the circumstances going on in citrus right now, it will be a play it by ear as to what type of fruit trees they will be growing on it.

There being no further comments or objections, the Board approved request for a change of Zoning Classification from IU-1 and BU-1 to AU on 21.50 acres of property located at the southeast terminus of Wiley Avenue and Hammock Road, as requested by Joseph Taylor Jensen, Allison Stedman Folds, Donald W. Jensen, and Carol J. Jensen.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kristine Isnardi, Commissioner District 5
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.H., CHANGE OF ZONING CLASSIFICATION, RE: AU AND SR TO ALL SR – ZUNELLA B. CREAMER AND ALLEN R. PRICE (SHERRY B. KERR). THE PROPERTY IS 0.50 ACRE, LOCATED AT 1900 OLD DIXIE HIGHWAY, TITUSVILLE. (17PZ00087) P&Z RECOMMENDATION: MCLELLAN/GLOVER – APPROVED.

Vice Chairwoman Pritchett called for a public hearing to consider a change of Zoning Classification from AU and SR to all SR for 0.50 acre located at 1900 Old Dixie Highway, Titusville.

Rebecca Ragain, Assistant Planning and Development Director, stated the next item is a request of Zunella B. Creamer and Allen R. Price for a re-zoning from AU and SR to all SR, which is Suburban Residential, on a one-half acre lot of a 3.89 acre parcel; the applicant intends to subdivide the parcels to build a single-family residence; and P&Z recommended approval.

Sherry Kerr stated she does not have anything to say, she just wants to re-zone the one-half acre to build.

There being no comments or objections, the Board approved change of Zoning Classification from AU and SR to all SR on 0.50 acre located at 1900 Old Dixie Highway, Titusville, as petitioned by Zunella B. Creamer and Allen R. Price.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kristine Isnardi, Commissioner District 5
SECONDER: John Tobia, Commissioner District 3
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.I., CHANGE OF ZONING CLASSIFICATION, RE: GU TO RRMH-1 – A. CHESTER AND DOROTHY V. PRANKA. (TAWNYA BOOKER-BROWN). THE PROPERTY IS 4.50 ACRES, LOCATED AT 5240 BLOUNTS RIDGE ROAD, MIMS. (17PZ00089) P&Z RECOMMENDATION: MCLELLAN/LAMARR – APPROVED.

Vice Chairwoman Pritchett called for a public hearing to consider change of a Zoning Classification from GU to RRMH-1, on 4.50 acres located at 5240 Blounts Ridge Road, Mims.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request by Chester and Dorothy Pranka for re-zoning from GU to RRMH-1 to allow a mobile home on 4.5 acres located at 5240 Blounts Ridge Road, Mims; and P&Z recommended approval.

Tawnya Brown stated she is representing the Pranka's, and elderly couple who could not be here. She stated it is general use right now, so they cannot do anything because it is 4.5 acres and it needs to be five acres; their daughter owns the property adjacent; and she wants to move them next door so she can take care of them.

October 5, 2017

There being no comments or objections, the Board approved change of a Zoning Classification from GU to RRMH-1 on 4.50 acres located at 5240 Blounts Ridge Road, Mims, as petitioned by Chester and Dorothy Pranka.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.J., CHANGE OF ZONING CLASSIFICATION, RE: GU AND AU TO GML(U) – FLORIDA POWER AND LIGHT COMPANY (MEL SCOTT). THE PROPERTY IS 18.06 ACRES, LOCATED APPROXIMATELY 2.17 MILES WEST OF MINTON ROAD, AT THE END OF SUBSTATION ROAD, ON THE NORTH SIDE OF HIELD ROAD. (17PZ00091)

Vice Chairwoman Pritchett called for a public hearing to consider a request by Florida Power & Light Company to re-zone from GU and AU to GML(U), on 18.06 acres located west of Minton Road, at the end of Substation Road, on the north side of Hield Road.

Rebecca Ragain, Assistant Planning and Development Director, stated this item is a request by FP&L to re-zone from GU and AU to GML(U) on 18.06 acres at the end of Substation Road, approximately two miles west of Minton Road for the purpose of an expansion to an existing transmission facility; the P&Z recommended approval of the request.

Mel Scott, representing FP&L, stated he is present for any questions.

There being no comments or objections, the Board approved the change of Zoning Classification from GU and AU to GML(U) on 18.06 acres of property located west of Minton Road, at the end of Substation Road, on the north side of Hield Road, as petitioned by Florida Power & Light Company.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.K., CONDITIONAL USE PERMIT, RE: ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION – GROVES INDUSTRIAL PARK J.V., INC. (EDWARD BUTCHERINE). THE PROPERTY IS 2.45 ACRES, LOCATED ON THE SOUTH SIDE OF PAINT STREET, APPROXIMATELY 247 FEET WEST OF SCHENCK AVENUE. (17PZ00092) P&Z RECOMMENDATION: HOLLERAN/LAMARR – APPROVED.

Vice Chairwoman Pritchett called for a public hearing to consider a Conditional Use Permit for alcoholic beverages for on-premises consumption on 2.45 acres located on the south side of Paint Street, west of Schenck Avenue.

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request by Groves Industrial Park J.V., Inc. for a CUP for alcoholic beverages for full liquor on premises consumption in conjunction with a proposed American Legion club in an IU Zone, located on Paint Street, just north of Viera Boulevard; and P&Z recommended approval of the request.

October 5, 2017

Edward Butcherine stated he is the new commander for the American Legion Post, and what they are requesting is for alcoholic beverages to be sold, primarily is to take care of the veterans and their families in the Rockledge and Viera area.

There being no comments or objections, the Board approved CUP for alcoholic beverages for on-premises consumption for 2.45 acres, located on the south side of Paint Street, west of Schenck Avenue, as petitioned by Groves Industrial Park J.V., Inc.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.L., SECOND PUBLIC HEARING, RE: DEVELOPER'S AGREEMENT WITH WEST MELBOURNE, RMS PALM BAY, LLC, AND RIVIERA DRIVE COMMERCIAL, LLC

Vice Chairwoman Pritchett called for a public hearing to consider a developers request to approve developer's agreement with West Melbourne, RMC Palm Bay, LLC and Riviera Drive Commercial, LLC.

Tad Calkins, Planning and Development Director, stated this is a developer's agreement with West Melbourne, RMC Palm Bay, LLC and Riviera Drive Commercial, LLC, in the City of West Melbourne; this is a developer's agreement that will approve the release of impact fees for traffic improvements; this is the second reading; and if the Board has any questions, staff will be happy to answer them.

There being no comments or objections, the Board executed the Developer's Agreement with RMC Palm Bay, LLC; Rivera Drive Commercial, LLC, and City of West Melbourne for construction of a Wawa convenience store with 16 gas pumps on Durham Drive to the north of palm Bay Road within the City of West Melbourne; and authorized the implementation of all necessary Budget Changes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.M., PUBLIC HEARING, RE: TRANSMITTAL OF COMPREHENSIVE PLAN PACKAGE 2017-2 PLAN AMENDMENTS

Vice Chairwoman Pritchett called for a public hearing to consider transmittal of the 2017-2.1 Comprehensive Plan Amendment, a proposal initiated by Imperial South, Inc. to amend Part XI, the Future Land use Map Series designation from Planned Industrial (PLNIP) to Residential 15 (RES15) on 30.70 acres of property located on the east side of North Wickham Road, south of Jordan Blass Drive.

Rebecca Ragain, Assistant Planning and Development Director, stated this is a request by Imperial South, Inc. for transmittal of a Future Land Use designation from PLNIP to RES15 on 30.70 acres, located on the east side of North Wickham Road, north of Pineda and South of

October 5, 2017

Jordan Blass Drive; the applicant is proposing a 450 unit multi-family apartment complex; and the LPA recommended approval of the request.

Bruce Moia, President of NBV Engineering, representing the applicant, stated they are asking for the land use change, they will be coming back for the re-zoning for a 30 acre property on North Wickham Road to do a 15 units per acre for multi-family, approximately a \$50 million project; they think industrial is not really appropriate in this area anymore; it is more conducive to residential; and they are asking the Board for its approval.

There being no objections, the Board conducted a public hearing to consider transmittal of the 2017-2.1 Comprehensive Plan Amendment 2017-2.1, a proposal initiated by Imperial South, Inc. to amend Part XI, the Future Land Use Map Series designation from PLNIP to RES15 on 30.70 acres of property located on the east side of North Wickham Road, south of Jordan Blass Drive, as initiated by Imperial South, Inc.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM V.A., RESOLUTION, RE: DENYING THE REZONING REQUEST BY ERIC AND AMANDA OBLOY FROM SR TO AU AT 165 GATOR DRIVE, MERRITT ISLAND

Rebecca Ragain, Assistant Planning and Development Director, stated this Item is a request for approval of Findings of Fact upholding the denial of the request for re-zoning by Eric and Amanda Obloy on 1.06 acres, from SR to AU, at Gate Drive in Merritt Island.

There be no comments or objections, the Board adopted Resolution No. 17-192, approving findings of fact upholding the denial of the request of Eric and Amanda Obloy for re-zoning of 1.06 acres of property from SR to AU located at 165 Gator Drive, Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.B.1., LOW INCOME POOL (LIP) LETTER OF AGREEMENT WITH FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION, RE: ACCEPTANCE OF CASH DONATION

Ian Golden, Housing and Human Services Director, stated this Item, if the Board recalls, back on August 8th the Board approved the first step to access funds for the low-income pool for the Agency Brevard Health Alliance that was a non-binding letter of intent; staff told the Board they would bring back, once the State had set that agreement, Risk Management and the County Attorney has signed off on it, the Governor recently approved an extension due to the Hurricane of the actual agreement deadline as it was October 1st, and staff has in possession the check, donation from Health First Foundation; and this Item is to get the Board's approval to move forward with signing the agreements and moving that process forward.

October 5, 2017

The Board approved and authorized the Chairman to execute Agreement with the Florida Agency for health Care Administration's Low Income Pool; accepted a cash donation; and approved an increase of \$738,859 in the Housing and Human Services Department's General Fund transfer for the required Low Income Pool match.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.F.2., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE DISSOLVING THE NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT

Commissioner Tobia stated this is permission to dissolve the North Merritt Island Dependent Special District; he had five, and now he has six reasons; and he would like to put those reasons out there for discussion. He went on to say number one, this proposal is most basic of conservative principals to shrink government; number two, the proposal is consistent with the original intent of the Board; he did a little research and he found out this board was intended to sunset in 2003; and this has long overstayed its welcome. He added number three, these boards slow down the process; developers who want their projects to get the thumbs up or down, if there is a density issue, they have to go through an added level of bureaucracy; as one of the applicants today found out in a previous one due to an error of the County, had to go back through a process again; and number four, the Board was told by a member of the board it must follow the law. He explained on a couple of occasions the Board has had to go in direct opposition, sometimes unanimously, against a North Merritt Island recommendation, which would follow that those individuals are not following the law; number six, and the scariest reason, a board member today of NMI tell the Board it was her personal opinion that Merritt Island, or at least North Merritt Island should have no new development; and this is reason enough that this board has overstayed its welcome if it ever needed to be part of County government, and should immediately and permanently be dissolved.

Maureen Rupe stated she did send the Board an email, and she would like to read part of it in case the Board did not read it. She read, "Commissioner Tobia is asking to eliminate the Port St. John Dependent Special District Advisory Board and the Merritt Island Advisory Board. In 1996, the Port St. John Homeowners Association asked the Brevard County Commission for a board that could easily visit site visit with the zoning request. We are not against growth, but wanted a local Board that could state special concerns in the community. Brevard County Ordinance 96-30 set up our dependent special district with a governing board that votes in lieu of the Planning and Zoning to review and provide the County Commission with a recommendation on re-zoning issues, or in lieu the applicable SRG review and provide the County Commission with a recommendation on site specific changes to Future Land Use Map or review and provide the County Commission with the recommendation on any issue or subject which matters to priority location maintenance and use of public improvements or infrastructure within the District. The board has been a great asset to the quality of life in Port St. John. Some years ago before the Port St. John Dependent District Advisory Board, the Homeowners Association, and many citizens were always at the County Planning and Zoning meetings and County Commission meetings fighting re-zonings that would have impacted our children's safety around schools, overcrowding our roads, et cetera." She stated after this Merritt Island followed their example; this is in lieu of the County; their decisions do not go to the County Planning and Zoning Board, they come straight to the Commission; other things Commissioner Tobia just

October 5, 2017

said, she cannot remember it being sunsetted; and perhaps the County Attorney can speak on that.

Commissioner Tobia inquired Ms. Rupe asked if it was initially rectified for sunset and was he correct or was this wonderful woman correct about whether or not there was a density issue that also had to go through P&Z.

Ms. Rupe stated it was in lieu of.

Eden Bentley, Deputy County Attorney, replied if there is no increase in density from the approval then it goes straight to the Board, but if there can be an increase of density, then it goes to P&Z as well; it does not happen very often so that is why Ms. Rupe is not recognizing it; but it does in fact have to go to P&Z if there is an increase in density. She advised she will have to check the sunset issue.

Ms. Rupe stated this was put in and wanted by the people, it was not to cut out part of a government, it was to have a say in their own quality of life; they know these places and know what re-zonings are and would do to the communities; and it seems to her that Commissioner Tobia wants to exclude people from taking part in their government, and she does not know why.

Vice Chairwoman Pritchett stated Gina Lindhorst, and then Sarah Hodge.

Gina Lindhorst stated she has a letter she would like to read. She stated she would like to revise the record per the incorrect assertion of Commissioner Tobia that the information she gave earlier when she spoke about a different issue, and she will read it again. She read, "We request a moratorium on any further re-zoning or development in North Merritt Island while the Future Land Use Maps be corrected and publicized. That may be the safest step in order to avoid unsafe zoning and land use in this area." She pointed out that is what she said. She read, "I am happy to be here to describe to you a few of the reasons that we appreciate the North Merritt Island Dependent Special Advisory Board." She stated she is speaking on behalf of herself, her family, and her friends who live on North Merritt Island, which are many. She continued to read, "Being a primary stakeholder, as an owner of a good sized property in a fine residential community on North Merritt Island, I contribute to the Brevard County tax base nicely, and this topic is important to me and my family. We are aware that you Commissioners are those who make the choices for those who live and enjoyed our lives in North Merritt Island, and all of Brevard County as well, in so far as how densely populated and over built our unincorporated area of North Merritt Island County might be. We also know you enjoy the resource of the North Merritt Island Dependent Special Advisory Board in offering insights of compatibility of surrounding neighborhoods, realistic traffic activity, and ideal, progressive, or forward planning of our homes among other aspects. You certainly don't have the time in your very busy schedules to visit, to do thorough investigation, or interviewing primary owners near and around the potential sites. That's why this elected body was put into place to act as adjunct and facilitator of you and your demanding work." She stated whether or not it was sunsetted at one time, it must have been re-maintained so it could continue on, and otherwise they would not be here. She went on to read, "Now, you have never expected the North Merritt Island Dependent Special Advisory Board to represent only individuals who would like to improve their one-time financial investments. You know this board takes into careful consideration each of the other stakeholders as well, be they homeowners, business owners, future residents and the children of those that live or will live here. In the past you have received and read detailed discussion and debate from the North Merritt Island Dependent Special Advisory Board meetings that are only called to order only then when there are requests. The board is respectful and appropriate deferring to the County Commission Board for permanent decisions. Of course, zoning changes and future use and development plans are very important to those of

October 5, 2017

us living, working, and recreating in North Merritt Island since those plans are almost never changed. So as you understand the North Merritt Island Dependent Special Advisory Board is taken very seriously and respected in our community. We appreciate your continued support of the North Merritt Island Dependent Special Advisory Board for the County Commissioners. Respectfully, we request you maintain and uphold this board and continue to expect the valuable information it provides for your decisions we all depend upon." She expressed her appreciation for the Board's service.

Sarah Hodge stated she is strongly opposed to disbanding this board that has been very beneficial for the community, and it has meant a lot for all of the residents of North Merritt Island; and she knows the people who are living there are the ones who know best what should be done in that area. She asked the Board to consider this is an important board and it needs to be preserved.

Mary Sphar, speaking for Sierra Club, stated wise Comprehensive Plan recommendations and zoning recommendations by a zoning board are extremely important to ensure protection of the precious natural resources, including the Indian River Lagoon, the Flood Plain, and the wetlands; wise Comprehensive Plan recommendations and zoning recommendations are also very important to ensure compatibility with neighboring properties; the Port St. John Dependent Special District and the North Merritt Island Dependent Special District are in an excellent position to make these decisions because they know the area well and they really care about their area, it is their home; the Sierra Club opposes dissolving these boards; and they feel the boards are working well, and they need the board, they need the input from them. She asked the Board to please keep them.

Jim Carbonneau stated there is a situation going on right now that is unprecedented; one of the things that bothers him, and he is the newest member elected to the North Merritt Island Dependent Special District; he has not been to his first meeting yet; and if the Board cancels the NMI Dependent Special District, he will be fired before his first day of work. He went on to say the reason he joined the NMI Special District Board is because Merritt Island is unique; no one knows what goes on in those areas better than the people who live there; his family and he owns 12 acres in North Merritt Island; they are trying to put together the citrus back into the grove; there are chickens underwater; and he stuck the golf cart, the four wheeler, and almost got the tractor stuck. He stated impacts to the density of Merritt Island effects a lot of things; the board is the first voice; and all they want to do is bring the voice forward.

Steve Smith stated Commissioner Tobia used the phrase about big government and wanting to dissolve these boards; these boards are non-binding, they only offer recommendations to the Board; and the best part about it is they are all volunteers and do not cost the Board a dime. He inquired what the harm is in that. He went on to say one of the things he learned while in the Navy is that great leaders listen to everyone; the officers learned that if a person listens to the lowest guy on the totem pole, he has value; and if that person is ignored, it makes an ineffective leader. He urged the Board to be great leaders.

Kim Smith stated no one ever said no new development. She stated the dependent special boards and MIRA on Merritt Island are only Merritt Island local representatives and they are the voice of the people; dissolving the Port St. John and North Merritt Island Dependent Special District Boards is telling the citizens who voted for and approved these boards that their votes and voices do not count for anything; she inquired if the intent is to try to get Merritt Island incorporated and stop paying taxes into the General Fund, and keep the tax dollars on Merritt Island for themselves and not for any other District; and as well as that being bad for Merritt Island and Port St. John, this is a bad plan for all the other districts. She asked the Board to leave the special district boards and their voices to the Board in place.

October 5, 2017

Vice Chairwoman Pritchett stated next is Jack Ratterman and next Martin Weber.

Jack Ratterman stated he lived on Merritt Island since 1957; he feels like he has a real interest in the community; he is not going to move from here; and in that time he has lived here he traveled overseas. He went on to say when he traveled overseas and came back home, he could not find a bigger flag, because he appreciates the uniqueness of Merritt Island where he lives; every time he came across the big bridge and he smelled the rotten seaweed, everyone complained, but he could tell he was home; and it always made him smile. He added they try to look after the interest of the community as does the Titusville board; they were elected; when it was said it slows down the government process, are they interested in speed or getting it right; and he thinks the Board is interested in getting it right. He pointed out one more group of community citizens to look at something and offer suggestions would seem like the logical thing; they follow the law because they were elected like the Commissioners; they listen to each person who comes in with an open mind, make positive suggestions, and they all are very concerned about the Sunshine Law; and he thinks they are offering time and effort to help this Board and the community. He stated he cannot see any reason the Board would not want positive help in making its decisions.

Martin Weber stated as he told the Board earlier, he has been here for about a year, so he does not have a lot of history with the Board; however, he has lived in seven different states, in 14 different counties, and in 23 different cities in his career; and all of these places he had a first line of representation either as a city council or as a board that elected by the voters of the county to bring forward the little guys claims to the decision makers so they could hear what the people had to say from an everyday standpoint. He went on to say there are a lot of different laws, but voting is a very special privilege that every citizen of this country has; the people vote for these representatives; if the people do not like them, the people do not vote for them; and that is their privilege. He stated it is not the Board's privilege to take away the people's voting privileges as part of streamlining government, it is against the law; with that thought in mind he would like to see these boards continue in Port St. John and in Merritt Island so people have the representation that was voted for and can express their desires from a fundamental standpoint.

Mary Hillberg stated she is the Chair on this special advisory board currently; this board started several years ago in 1998; the District 2 Commissioner headlined it, wanted it, and pushed it through; and ever since then, they have elected their members. She stated currently there is a current membership of seven seats filled; one is appointed, and the others have all been elected; they follow the Sunshine Law, they have regular order at their meetings, they go out and talk to the people, and they follow all of the rules and regulations County staff tells them to; and they take no pay, do it on their own time, and she is trying to find a reason for this. She noted if the real reason for this is money, then she would say she can understand two things, one is the County actually mails them the packets for those who do not have computers; there is a cost of mailing the six or seven packets whenever there is a meeting; there are two County staff members that come to the Merritt Island complex; and if those are the monetary issues driving this, rather than just getting rid of elected people the Board does not want, but she would not mind driving to Viera to have a meeting. She commented it has been said that the closer to the community the better the government, and this is right on the people; she is shocked as to why these boards are being looked at this way; and she thinks they do a good and fair job. She asked the Board to please support these community boards.

Commissioner Isnardi asked how many members are on more than one board in Merritt Island.

Ms. Hillberg replied on MIRA there is one person on both boards; a lot of people volunteer and like to serve the community; they have three on the North Merritt Island Board; but that varies from time to time. She added she is on several other boards that are not through the County.

October 5, 2017

Commissioner Isnardi stated the only reason she asked if she had a couple of people express to her the concern that the same people are saying the same thing on a couple of boards.

Ms. Hillberg pointed out when the North Merritt Island Homeowners Association are talking about an issue, she and the other people on the board there leave the room; they completely separate it; they are volunteers; and they know a lot about the community so they ask good questions.

Commissioner Isnardi asked as far as time would it be farfetched to be a part of the Planning and Zoning Board or to at least be there as a participant.

Ms. Hillberg advised they go to the P&Z Board and present what they know to them.

Commissioner Isnardi stated she was just trying to find a compromise or a solution.

Commissioner Barfield stated MIRA is not in the North Merritt Island district.

Darlene Hunt stated she was one of a couple of people on North Merritt Island in 1998 who felt the real need for this North Merritt Island Dependent Special District; they talked to their Commissioner, which was Randy O'Brien saying the residents were interested in forming an advisory board; he came and spoke to the Homeowners Association on August 17th; and she made reference to a 13-page transcript of all of the discussion that went on. She went on to say the outcome of that meeting was a resolution for a straw ballot to be placed on the ballot for the North Merritt Island Dependent Special District; all of North Merritt Island happens to be one voting precinct, Precinct 205; and it is really a clean, net package. She mentioned on November 3rd the North Merritt Island precinct voters by resolution passed 75 percent who wanted this, and that the members would be voted by the citizens; on December 15, 1998, Ordinance No. 98-64 approved creating the North Merritt Island Dependent Special District with a two-year sunset date; on December 5, 2000, Ordinance No. 98-64 was a revised sunset provision to continue the existence; and July 2002, the Planning and Zoning did a cost breakdown of the Dependent Special District Board and they came up with \$295.91 is what it cost for one of the meetings, which was a breakdown of mileage and hours and staff. She advised they bring government closer to the people who are directly affected by the decisions; it gives seven people who live in the area an opportunity to review the zoning request and give their recommendations to the Board; they give the applicant the opportunity to discuss their request with local residents before proceeding to the Board; and they are governed by the Florida Sunshine Law, which is why those members have to leave the room if there is discussion about a property. She noted the purpose is to provide citizens of North Merritt Island unincorporated area a formal means of establishing an elected board to review and provide the Board with recommendations on particular matters which affect the North Merritt Island area; and she does not know why this Board would want to dissolve this citizen requested and voter approved board.

Commissioner Tobia stated there was a comment made that this had no fiscal impact on the County; he did the research and found out there was \$1,450; it is not about the money; and it is something that adds more red tape and expands government. He advised there is talk that there will be no provisions in place to make sure that applicants are screened in a manner that is conducive to the County; in reality that was the case, and this board was dissolved, all of the applicants would have to go through Planning and Zoning, the exact board where anyone who wanted to do anything outside of North Merritt Island or Port St. John would have to go through; and while each are special, so is Satellite Beach, Malabar, and Palm Bay, which are areas with unincorporated areas to them; all citizens would still have the opportunity to speak at Planning and Zoning meetings and the Board meeting, the same way the people are doing right now; and what he finds the hardest to swallow is the people will not have a voice, and the people have

October 5, 2017

one of the most competent voices up here sitting to his right. He added the people elected Commissioner Barfield, and he is a darned good representative for their voice in Planning and Zoning, as well as the other Board meetings; never question the work, ethic, and the time Commissioner Barfield has; they do not always agree on a lot; but the people do have an intelligent individual who represents the people. He commented this would save the taxpayers a few bucks, contract government a little bit, as well as provide the protection for Planning and Zoning the rest of the County has in place.

Commissioner Barfield stated people can talk about being conservative; there was someone who spoke earlier about the different laws, the tea tax, all of these other things, and all of these things that happened in history; and the most important thing is to get to the lowest level of the community to get the voice. He went on to state the voters elected these people to put this board in place, and then a person is voted on to that board, it means a lot; it is an advisory board; the people are the ones who are in the flooded areas, and who really live this; and he reiterated he is not living it, the people are.

Vice Chairwoman Pritchett stated the people are so involved, passionate, and she thinks they are amazing; it is Home Rule and it is great; and the fact that he or she volunteer, it is wonderful. She pointed out she agrees Commissioner Barfield is not too bad either.

RESULT:	DENIED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM VI.F.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE DISSOLVING THE PORT ST. JOHN DEPENDENT SPECIAL DISTRICT

Commissioner Tobia advised the Board he is going to withdraw this from the Agenda.

The Board reached consensus to withdraw the request for legislative intent and permission to advertise for an ordinance dissolving the Port St. John Dependent Special District from the Agenda.

ITEM VIII.A., BOARD REPORTS, RE: FRANK ABBATE, COUNTY MANAGER

Frank Abbate, County Manager, stated he will be bringing back an Agenda Item for Public Hearing where staff is going to be requesting to amend the Ordinance addressing transportation impact fee moratorium on residential and commercial by extending it by 30 days to get a Certificate of Occupancy (CO) due to Hurricane Irma's impacts and the ability for people to get things in within the time frame that currently exists; it expires December 31st; and staff will be advertising and bringing it back to the Board for its consideration on October 24, 2017.

ITEM VIII.E., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia stated he had a couple of suggestions for workshops, and he would like to put them up for discussion; the County will most likely be facing a homestead exemption that will pass and create a reduction of \$7 to \$9 million; he would like to see what can be done in the

October 5, 2017

meantime before that passes; two similar homestead increases have come up in the past; and both have passed Statewide with large majorities. He added it would be foolish to believe this would not happen; he would like to see what can be done as a Board to task Jill Hayes, Budget Office Director, and the hardworking Budget Office staff to mitigate that so the County is not facing a \$9 million shortfall when that passes; and the Board should give some direction as to how that can be cared for moving forward. He stated a citizen, Pam LaSalle, had mentioned an Auditor General; he believes Chairman Smith mentioned that was something that should be looked at; he had a tough start, but he thinks he found out the way things are looked at to begin with is through workshops; and he would hope the Board would support getting at least a workshop where it can explore the idea, work out the kinks, and see if this is something that is good for the County. He noted it would be good to have citizen input, and to either decide to move forward or go in a different direction.

Vice Chairwoman Pritchett asked if Commissioner Tobia would feel comfortable if the Board talked about this at the next meeting when Chairman Smith was present.

Commissioner Tobia advised that is a wise idea.

ITEM VIII.F., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi stated she does not know if an apology is in order, but she gets upset when the public attacks the Board; she asked and implored the Board when it hears obscenities that are loud enough for the entire room to hear, and receive emails and messages to that effect, the Chairman ask for order, because she heard some pretty deplorable things; she would never treat others that way; and she asked because this is a meeting and a professional setting, that people would not say things from the audience as it is quite offensive. She asked the Board to hold the audience accountable as a Board at least for some order and proper discourse. She expressed her appreciation to staff; she cannot tell Frank Abbate, County Manager, how much she has asked his staff to come up with her to properties to stand with them in the rain; Jim Helmer, Utilities Director, and his Engineer Mark, and Brian Sorenson, were all out there to try to solve and come up with some solutions on the drainage without complaint or hesitation; she added Buster Clark and Tad Calkins, Harvey, and Andy Holmes, and she is sure she missed a lot of people; and she is not just thankful and grateful, she is amazed that they somehow work it into their busy schedules and their everyday things they do to help. She pointed out there are residents who are feeling the hurt of an unprecedented rain and flooding; and she could not be prouder of being a part of such a wonderful group of people who are eager to help and care about what is going on in theirs and other peoples neighborhoods.

Commissioner Barfield stated he has to agree with Commissioner Isnardi; he has worked with John Denninghoff, Andy Holmes, and all of the people; in the middle of the night there are people trying to pull things out of ditches so people will not get flooded; 24/7 they have been out doing this; and that is a pride and passion that these people have in doing the right thing. He stated someone said to him that they looked at it like it was their own house; when people love their job and what they are doing, it really shows; and it goes to leadership. He expressed his appreciation to his staff for fielding all of the telephone calls, as he is sure most of the Commission Office staffs are. He stated there are very frustrated people, and it takes a special person to be able to deal with them when people have water up to their knees in their homes and they do not know when it will go away.

October 5, 2017

**ITEM VIII.G., BOARD REPORTS, RE: CURT SMITH, DISTRICT 4
COMMISSIONER/CHAIRMAN**

Commissioner Smith stated there are extraordinary circumstances going on from extraordinary weather conditions; it requires extraordinary actions from extraordinary people; and there are a lot of extraordinary people who work for the County. He stated he hopes the public recognizes that; people can get short tempered because there is water in their backyards or debris did not get picked up as quickly as they wanted, but they have to see and hear from the Board as to how hard and caring the County employees are; and that starts with leadership.

**ITEM VIII.C., BOARD REPORTS, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE
CHAIRWOMAN**

Vice Chairwoman Pritchett stated there is a little bit of frustration going on in the County and that may be why there were frustrated people in the audience; she did not hear anyone cussing; she read an article in the paper recently about getting civility back into government in things it does; and it would be wonderful if people learned to disagree without getting mad. She advised District 1 people have been very patient and kind; the Board Members feel for the people with all of the flooding being dealt with, and people have a hard time paying their bills with the extra expenses of all of this rain; and it looks like it may rain all weekend. She stated she is praying for the community and she hopes everyone gets their lives back together.

Upon consensus of the Board, the meeting adjourned at 8:38 p.m.

ATTEST:

SCOTT ELLIS, CLERK

RITA PRITCHETT, VICE CHAIRWOMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA