

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 December 6, 2018 at 5:02 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	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 4	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.

ITEM B., MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

ITEM C., PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

**ITEM F.1., MASCI GENERAL CONTRACTOR, INC. V. BREVARD COUNTY, FLORIDA:
CASE NO.: 05-2015-CA-46973**

The Board executed and approved the Settlement Agreement and Mutual Release to settle claims related to Masci General Contractor, Inc. v. Brevard County, Florida - Case No. 05-2015-

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CA-46973; and authorized the County Manager to approve all necessary budget change requests and bond modification, if needed to expedite expenditures associated with transportation improvement projects.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.1., PUBLIC HEARING, RE: KIMBERLY COLELLA-ANGELILLO (RODNEY HONEYCUTT) REQUESTS A CHANGE OF ZONING CLASSIFICATION BU-1 TO BU-2 (18PZ00101)

Chair Isnardi called for a public hearing to consider a request by Kimberly Colella-Angelillo for a change of zoning classification from BU-1 to BU-2 on 1.53 acres, located on the northwest corner of U.S. Highway 1 and Mac Arthur Circle, Cocoa.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a request by Kimberly Colella-Angelillo for a change of zoning classification from BU-1 to BU-2 on 1.53 acres, located on the northwest corner of U.S. Highway 1 and Mac Arthur Circle, Cocoa.

Rodney Honeycutt stated this is a rezoning request from BU-1 to BU-2; the site is for Coastal Septic and is on the opposite side of the side-road now; they are leasing the property and are moving because they purchased a new building; and the reason for the BU-2 rezoning is for outdoor storage of their vehicles overnight.

Commissioner Pritchett commented she believes this is a good project for this District and she is in full approval of it.

There being no further comments, the Board approved a request by Kimberly Colella-Angelillo for a change of Zoning classification from BU-1 to BU-2 on 1.53 acres located on the northwest corner of U.S, Highway 1 and Mac Arthur Circle in Cocoa.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.8., PUBLIC HEARING, RE: W.K.&R. GROVES, INC. (CHAD GENONI) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO SR WITH A BINDING DEVELOPMENT PLAN (BDP) (17PZ00158)

Chair Isnardi called for a public hearing to consider a request W.K.&R. Groves, Inc. for a change of zoning classification from AU to SR with a Binding Development Plan (BDP) for property on 110.97 acres, located on the north side of East Crisafulli Road, approximately 320 feet west of Broad Acres Street.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a request by W.K.&R., Chad Genoni, for a change of zoning classification from AU to SR with a BDP on 110.97 acres, located on the north side of East Crisafulli Road.

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Kim Rezanka, Cantwell & Goldman, stated she is representing Chad Genoni who is the applicant for this matter through Beachland Managers, LLC, and the owner of the property is W.K.&R. Groves, Inc.; and Mr. Genoni and Rick Kern, the engineer of record is present with her tonight, and they are available for questions regarding drainage or sewer. She stated this is 111-acre parcel of AU lands off of East Crisafulli Road; Mr. Genoni wishes to develop this into Island Forest Preserve Subdivision, with 110 units; it has a Future Land Use (FLU) of Res-1; they are requesting SR zoning with a BDP to keep the use consistent with the other one-acre RR-1's around it; this will allow flexibility due to some wetland constraints and some trees that they wish to preserve; and the BDP requires one unit to the acre so that is why it is compatible, and for the developer to bring sewer to the project. She went on to say there are two BDP's in the packet and the last one was revised two weeks ago, that says sewer has to be brought wherever the nearest connection point is, not just from S.R. 3; she reminded the Board that sewer is planned to be brought through S.R. 3; and if that does not happen, the applicant is still required to bring sewer to the project as a condition of the development. She stated there is intent to have large stormwater ponds for additional stormwater storage; this is not in the estuarine floodplain, so there is not extra compensatory storage requirements but extra water is wanted just for when those hundred year storms do occur; the flag portion will have the entranceway and it will be a preserve area; this is only the rezoning and they do not have a full traffic study, engineering for retention, engineered plans for the sewer lines, or a full analysis of the natural resources concerns; but there are things that will be done at the site plan level. She added many residents have raised issues regarding those matters, which is why she pointed those out in advance because she is sure the Board will hear about those issues tonight; the rezoning worksheet in the Board's packet states that this request is consistent with the land use regulations, maintains an acceptable level of service, and does not change the level of service on S.R. 3; the land use compatibility section of that worksheet is incorrect, as to the trends and density; and they said there has been a decrease in density in North Merritt Island (NMI), and that is not correct because it goes back to the 1992 Small Area Study (SAS) and Comprehensive Plan changes that happened three years after it all went into place. She advised the trends have been to increase density in NMI, there has been eight rezonings in the last four years, and they all increased density; most of them are way lower than SR with most being EU or smaller lots; the SAS was not approved by the Board because it wanted to wait to see if there was any support for the requested change of the FLU; the transportation traffic section of the worksheet is a stated concern of the residents, but when listening to the residents their concern is about the speed on East Crisafulli Road and the accidents that happen; and it is something that her client cannot control. She continued to say there are about 165 parcels on East Crisafulli Road, not even homes, so there is not a large amount of traffic on East Crisafulli Road; her client will have to do a traffic analysis study before any permitting is done; the residents have complained about traffic on S.R. 3, but the level of service on S.R. 3 will not be impacted; the maximum acceptable trips on S.R. 3 in the area is 41,790 and the actual trips are 15,219; and there is not a traffic problem on S.R. 3. She mentioned under the environmental constraints of the natural resources report in the Board's packet, it states Scrub Jays and Tortoises may be present; they do not know yet, but is possible based on the maps in the systems; Mr. Genoni can tell the Board that there are no Scrub Jays on the property; the wetland and soils requires her client to do an environmental assessment report at the permitting stage; the floodplain's are Comprehensive Plan, Ordinance, and site plan issues because there are things to do with floodplain; the BDP maintains the one unit to one acre consistency with what is around it; and the sewer language is beneficial to the community. She advised of there being no issue with School Concurrency; the report states that there is sufficient capacity for total projected student membership that is stated on page three of the report; importantly what she would like to bring to the Board's attention to the packet she submitted to the Planning and Zoning board on October 22, which is in the Board's packet; in that packet, the most important thing is the only subdivision on East Crisafulli Road, and the density chart; and she provided the Board with a copy of that from that packet. She stated the Broad Acres plat that she provided the Board with is a 1964 plat; there are approximately 53 homes in Broad Acres, it is to the east

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and south of the proposed area, and is a long strip that abuts East Crisafulli Road which is their only access; most of the lots are smaller than one acre and are usually .83 to .87 acre; and there are some larger lots but that was the average. She advised there is a letter of objection and pictures from Mary Watkins who is a resident in Broad Acres at the most easterly along Crisafulli Road; this is the only subdivision and this is only what is consistent at one unit to the acre, or a little less than one unit to the acre; there is no buffering or wetlands and only a strip of houses; and this will be a fully developed subdivision with amenities, buffering, trees, and ponds, and none of which Broad Acres has from 1964. She mentioned the backside of that page has the density comparison chart that began in 2014 with Egrets Landing, Joe Meyer was actually the general writer of this, and she has added to it to reflect the Crisafulli Townhomes, Harvey Groves, Managua Inc., and Egrets Landing that have been RA-2-4, EU, and EU-2 zoning classifications; and the trends are in the Board's packet of the four rezoning's that were done this year for Old Mission Estates rezoned to PUD, Crisafulli property on Hall Road rezoned to EU, Grand Lake Estates rezoned to SR, and De Mena property on North Courtenay Parkway rezoned to EU. She stated there is a map of the area in the packet showing where Ms. Watkins house is; what is important is the distance, which can be seen on the site plan, and there is 1,800 feet before getting to any home from East Crisafulli Road, and there is substantial buffering to this project just by the entranceway; that will be a preserve area with many trees; and she is not sure if any one will know there is a subdivision there, except for seeing the sign. She stated this has been through NMI Dependent Special District Board twice and has been through Planning and Zoning twice due to a notice issue; at the October 11 NMI meeting, they wanted detailed site data and engineered plans because they are concerned about density and flooding; those are not the issues here and this is a high-level property that is not really in a flood zone that is detrimental to development; they are worried about the hookup to sewer, they do not want an increase in density, and are concerned about traffic; at the November 8 meeting they did not attend due to conflicts and that their opinions were believed to not have changed; they were informed that she would not appear; but in reviewing the minutes, they were concerned about the costs of the sewer and the accumulative effect of these new homes that were approved for development in NMI. She advised at the Planning and Zoning board meeting on October 22, 2018, the issue was mainly how the developer could install sewer; one of the members estimated that it will cost millions of dollars, where Mr. Kern said it would only be \$600,000; calculating it out, it might be as much as \$700,000 including the lift station; if high end septic systems are put in at \$15,000 to \$20,000, this is more reasonable and better for the community and the environment; some of the residents were concerned that they would have to hook up, which was another reason they did not want sewer coming down their road; and the sewer is the developers problem, if it cannot be put in, there can be no build. She continued to say at the November 19, 2018, Planning and Zoning meeting there were more questions about the sewer; there was an issue that came up about a utility easement; she misspoke about there being a sewer utility easement or a water utility easement when in actuality, there is a waterline along the south end of the road; and the City of Cocoa utilities is looking for that easement, but it is there according to Bud Crisafulli saying it is from the early 1960's. She added there is a waterline there and there is right-of-way that has been maintained by the County, which is also in the Board's packet; she provided the Board with an additional map for it to see; this is not normally a zoning issue because the residents are so concerned about sewer coming down the road; she wants the Board to be clear that there is a County road maintenance map; according to John Denninghoff, Assistant County Manager, the road has been maintained for much longer than seven years, and for as long as he could recall; along most of East Crisafulli Road, there is maintenance lines of a substantial distance showing that there is room in most locations to put a sewer line to the north; and she thinks she may have just misstated that, there is a waterline from Cocoa utilities on the south side, and the intent would be feasible to put the waterline on the north side of the road because there is County maintained maps along there. She advised there may be some directional boring, the developer is aware of that, and he may have to repair some of the roadway if he does directional boring or installs sewer; the cost of the sewer would probably be cheaper than \$1.5 million to put in 110 high end septic systems; there are photos of

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flooding on the property that Ms. Watkins has submitted; she is not sure what that is or what it is supposed to show, but whatever the Code or Comprehensive Plan requires the developer will meet that, and he is not going to cause damage to other residents if there is flooding, he will take care of that on his own property; and there are also pictures of properties nearby, but that is not this developers concern. She concluded this development is consistent with Broad Acres; the trends of NMI is compatible with the land uses in the area, the sewer has to be paid by the developer, and there is no evidence that this rezoning or project is inconsistent with Administrative Policy's, or Section 62-1151(c); her client and the engineer are present if the Board has any questions; and she asked for a couple of minutes for rebuttal to the residents comments.

Commissioner Lober inquired what the developer has done to evaluate historic drainage patterns. Mr. Kern responded they have the current Federal Emergency Management Agency (FEMA) maps of the area and historically, the east half of the property is not in a floodplain, and the west half of the property is partly in a floodplain.

Commissioner Lober stated he did not see any mention of stormwater improvement in the application; and he inquired what the specific proposal is with respect to stormwater improvement. Mr. Kern replied this is still in the rezoning stage; and he stated there have not been any surveying, soil boring or groundwater testing, and design work done yet.

Commissioner Lober inquired if Mr. Denninghoff is a professional engineer. Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if Mr. Denninghoff's training is relevant to the Agenda Item. Mr. Denninghoff replied he has been a practicing engineer for 37 years and has worked for the County for the last 22 years, and in the capacity of producing plans and specifications for projects of a variety of all sorts, including the review of proposed developments by private developers, as well as other cities and the State.

Commissioner Lober inquired if Mr. Denninghoff is familiar with the Agenda Item by reviewing it thoroughly. Mr. Denninghoff responded he has thoroughly reviewed it and is familiar with it, yes.

Commissioner Lober inquired if the County is aware of historic flooding in this area. Mr. Denninghoff replied affirmatively.

Commissioner Lober inquired if the developer is obligated to improve the drainage system in the area. Mr. Denninghoff responded no.

Commissioner Lober inquired if the proposed views cause or substantially aggravate any substantial drainage problem on the surrounding properties. Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if the proposed views cause significant and adverse impacts on significant natural wetlands or water bodies. Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if there is necessary information to determine the impact this development will have on drainage in the area. Mr. Denninghoff replied no.

Commissioner Lober inquired at what point of the permitting process the County approves the developer's stormwater retention design. Mr. Denninghoff responded ordinarily that is done during the plans and development phase, which is after the zoning phase is normally when it takes place, although not always.

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Commissioner Lober inquired what have other developments done in their design of stormwater retention to at least partially address historic drainage concerns. Mr. Denninghoff replied they have provided elevated drainage design efforts associated with their development, by that he means larger retention pods than were otherwise required; and he stated they are have provided compensatory storage for floodplain impacts.

Commissioner Lober inquired if there is ability to ask the developer to provide that sort of information at this point in the process, so there is opportunity to address those types of concerns. Mr. Denninghoff responded affirmatively; he advised they can offer to provide a BDP with conditions which would assure that they provide an effort to address those concerns, or they could go ahead and perform all the design effort that is necessary to demonstrate precisely what it is that they are up to.

Commissioner Lober inquired what if anything else from the developer that the County needs to get with respect to these items. Mr. Denninghoff replied the design efforts and drainage plan calculations, topography of the property that would illustrate what their impacts of proposed development would be on the property, and on the floodplain as a result of the specifics of what it is they are proposing; and they could do it in the form of a BDP, and limit themselves in some way.

Ms. Rezanka asked to cross-examine Mr. Denninghoff to further explain every single question he was asked, and his answers were conclusory, but she can wait.

Chair Isnardi advised she did not know that Commissioner Lober was going to ask Mr. Denninghoff that line of questioning; if she had known she would have suggested that the Board wait to do that; and she inquired if that is a problem.

Eden Bentley, County Attorney, replied no; and she advised Ms. Rezanka does have the right to cross-examine; and she has 15 minutes, but she takes the cross-examination from the 15 minutes.

Commissioner Lober inquired how many minutes should the Board allocate; he stated he had just over one minute and one-half; and he suggested rounding the time up to two minutes for Ms. Rezanka.

Chair Isnardi inquired if that is a responsible way to handle it, considering Ms. Rezanka did not know she would have to cross-examine. Attorney Bentley responded it is up to the Board; and she stated the Board could certainly extend the time if it so wishes.

Ms. Rezanka stated Mr. Denninghoff said he is familiar with historic flooding in this area; and she inquired what area is being referenced. Mr. Denninghoff responded he is familiar with the flooding history of the area and the FEMA flood map, with respect to the general area in question, and with this particular piece of property.

Ms. Rezanka inquired if by general area stated Mr. Denninghoff means all of Merritt Island or something else. Mr. Denninghoff stated he means within a reasonable distance of this particular site; but also in general NMI.

Ms. Rezanka inquired what reasonable distance is in Mr. Denninghoff's mind. Mr. Denninghoff replied bounded by Courtenay Parkway on the north and Courtenay Parkway on the west, Hall Road on the south, and National Aeronautics and Space Administration (NASA) property on the east.

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Ms. Rezanka inquired how this project could cause or create drainage problems. Mr. Denninghoff responded he does not believe he said it would cause it; he stated the question was along the lines of having the information and could it cause a problem, and is there information to know if it would or not; his answer to could it cause a problem is yes; and his answer to is there information to know if it does or does not, and his answer was no.

Ms. Rezanka inquired if it could improve drainage in the area. Mr. Denninghoff replied it could; and he stated depending on the development pattern.

Ms. Rezanka inquired how this development causes problems with wetlands. Mr. Denninghoff responded it generates a need for either wetland impacts or cause other impacts to wetlands, associated with the property; and he stated he does not have the development plans in-hand, and he does not know if it does, or if it does not.

Ms. Rezanka inquired if the developer would have to comply with all the wetlands, Codes, and Comprehensive Plan requirements. Mr. Denninghoff replied it would.

Ms. Rezanka stated Mr. Denninghoff was asked if he had the necessary information to know if this project would impact drainage, and he said no; and she inquired if that is required by Ordinance or Comprehensive Plan at this stage of the zoning process. Mr. Denninghoff responded it is sometimes provided; and he stated he thinks there is no Code that requires it right now.

Ms. Rezanka inquired what other developers have provided design efforts and what those projects are. Mr. Denninghoff replied there were a couple of projects on Hall Road that provided additional information in the zoning process, prior to the more standard approach of providing it during the design effort stage, and there have been a couple of others that have done that as well.

Ms. Rezanka inquired if one of those projects on Hall Road a Planned Development Project (PDP) that had to provide the drainage. Mr. Denninghoff remarked he does not recall.

Ms. Rezanka stated for the record that was Mission Estates and they had to require the drainage for PDP, pursuant to Ordinances; Mr. Denninghoff opinioned that the Board could ask an applicant to provide plans and drainage studies at this point of the rezoning stage; and she inquired under what Code section can that be done. Mr. Denninghoff responded he did not specify that; and he stated he said they could simply ask for it.

Commissioner Lober inquired if the developer could be asked to provide the items Ms. Rezanka brought up. Attorney Bentley replied there is Administrative Policy seven of the Future Land Use Element, that is supposed to be considered when looking at rezoning items; it is in the front of the Board's packet for every Item; she read aloud the proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies, or habitat for listed species; and she advised the question is does the Board have that information to address that Administrative Policy, which is required to be considered. She went on to say there is not a specific Code section that says this kind of plan or engineering must be provided, but it does have a requirement in the Comprehensive Plan to look at this issue; and it is kind of slightly in a grey area where the Board needs some additional information.

Commissioner Lober inquired if it is permissible for the Board to get this information at this point in time. Attorney Bentley replied it is permissible to ask for it; and she stated if they choose not to provide it, that is up to them because it is their application.

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Commissioner Lober inquired if there are any other Administrative Policies that pertain to the questions he had asked Mr. Denninghoff. Attorney Bentley responded Administrative Policy seven is the primary Policy.

Commissioner Lober inquired if Mr. Denninghoff would like to add context to that he was asked. Mr. Denninghoff replied there was a comment made by Ms. Rezanka regarding compensatory storage near the beginning of her presentation; he stated he is unfamiliar with some of the things she was referring to, or he may have misheard it; but he is curious to hear what she was referring to about compensatory storage and the floodplain.

Commissioner Lober asked to bounce that question to Ms. Rezanka. Ms. Rezanka answered her understanding is that this property is not in estuarine floodplain that would require a compensatory storage; she stated she is repeating what Joe Mayer, President and Owner of Bussen-Mayer Engineering Group, told her; she expressed her apologies if she is not using the right words; but she stated if it is required, the developer must do it, and do whatever is required by Code.

Mr. Denninghoff remarked he though he heard Ms. Rezanka say something different than what she just relayed.

Ms. Rezanka pointed out that she may have.

Robert Curry stated after reading the NMI minutes from October 11, he would like to add his comments; the developer representative has said this request is for zoning change only, as if there is no negative impact if approved; the density would adversely impact the already poor drainage conditions; the only justification for this zoning change as presented is profit; and he inquired where the study and data are, and how can a zoning change to increase density be approved without data. He went on to say if this is approved the developer has the green light; let us get the data and the facts first, putting the cart before the horse is never a sound business judgment; the original zoning change was requested from AU to RR-1, which was denied; and now the developer is requesting a change from AU to SR, which is a much higher density. He provided the Board with images on the projector to show the drainage situations because the previous speaker had said this project would not really cause a drainage problem; he stated that drainage canal that comes down from their property follows along East Crisafulli Road; the image is the junction of East Crisafulli Road and Joseph Court after a tropical storm; there is no road to see because it is underwater; and the drainage ditch behind to the north is completely overflowing the entire area. He advised the next image is showing East Crisafulli Road traveling to the west at the big S-curve; there is no road to see because it is a river and it continues on around curve; if a person does not have a very large vehicle, that person will not be able to get out or in; the next image is showing beyond the S-curve and heading towards Judson Road, there is no road to see and is only a river; and at that time he had a one-ton truck that could barely get through the area. He discussed showing his property located south of the development, in the same slough, and after the same tropical storm; his property is four and one-half feet elevation; the general elevation of the property wanted to be developed is estimated at three; and he verified that by looking it up. He asked if his property looks like this during a tropical storm, which had about two feet of water and was in his house also, how it can be said it has no impact on the surrounding neighbors or neighborhoods that are already established. He advised one foot of rain for one acre is 325,831 gallons; one acre foot for 111 acres is 36,169,461 gallons; he inquired where the Board thinks most of that runoff is going to go; and he stated it is going to go right into the canal by following Judson Road, spreading out to come down towards his property, as it drains across the road there is no separation from their property to his property, to stop the flooding. He mentioned being majorly flooded twice and that is from small developments being added to the NMI area.

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Chair Isnardi inquired if Mr. Curry has dates for the tropical storms. Mr. Curry responded 2008 Tropical Storm Fay. Chair Isnardi inquired if Tropical Storm Fay is from all of the pictures. Mr. Curry replied affirmatively; and he stated the drainage has not improved since these pictures were taken.

Ms. Watkins stated she was a County employee in Planning and Development during all of the storms and lived at her East Crisafulli Road residence through 2015; all of her coworkers knew that she waded in and out of her property to be able to come to work; she has lived in Brevard County all of her life and lived on NMI since 1984; flooding has been a problem in NMI; but aside from flooding, the County has not cleaned or maintained the ditches on Broad Acres, or Crisafulli Road, which was said in an email that it would be done by June of 2018. She mentioned she now works for the Department of Health in septic tank inspections; Florida Statute 381.005, requires that sewer lines running past any resident has to attach to the sewer line; she has been in this job for three weeks and has been in the field two days; and out of each of those three weeks she had to address sewage-on-the-ground complaints on Merritt Island which has resulted from a lift station not functioning. She went on to say she saw one today with a burst pipe that was addressed, but it is still not fixed; she does not know if all NMI residents know that they will be required to hookup to sewer if it is ran past their house; she believes it will put undue financial stress on a number of these residents; and from what she has seen of the County's history of maintaining their sewer on Merritt Island, she would seriously not want her place hooked up to it. She pointed out the traffic problem is serious, not just on Crisafulli Road, but entering and exiting from S.R. 3 is not a straight across; it is a dangerous intersection at all times of the day; she has lived out there since 1998 and she has been lucky that she has not had an accident, but her son has crossing S.R. 3 from West Crisafulli Road to East Crisafulli Road; she has seen multiple accidents there; and she thinks the Board should have all of these questions and data addressed because it considers increasing the density above the RR-1, that they originally requested. She went on to say RR-1 would cause a lot of problems, it would more than double the amount of houses that are in Broad Acres Subdivision to more than double that; to force traffic with only one way in and out, as Mr. Curry's pictures have shown, will cause severe problem, and especially if there is a medical emergency; and she inquired how is County vehicles going to get out there and help somebody. She stated she has seen a lot of flood maps from growing up in the area; if a person were to stand on the north end of Broad Acres and look south, the road is seen as declined; the natural flow of Sykes Creek starts at Pine Island and goes south; all of the smaller housing developments built up on Chase Hammock Road, to meet current Code is where their land elevation is now; and the elevation above Chase Hammock Road is causing the flow to stop going south, and going into the older subdivisions.

Commissioner Tobia inquired about being an individual whose job it is inspecting septic tanks, might there be any conflict in her testimony as to the volatility of this plan wanting to decrease the number of septic tanks to inspect. Ms. Watkins responded not at all; and she stated all she is making is a comment that she has observed the County sewer system having three complaints in three weeks.

Commissioner Tobia inquired it was said Ms. Watkins inspects septic tanks. Ms. Watkins replied affirmatively.

Chair Isnardi inquired how long and what Ms. Watkins did when she worked for the County. Ms. Watkins responded building permitting tech for three years and worked in Human Resources for just less than one year.

Chair Isnardi mentioned reading through the minutes of NMI, Ms. Walker threatened a class action lawsuit against the County if it were to approve this. Ms. Walker replied she did not threaten a class action lawsuit; she stated she made the comment that she would certainly

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consider suing the County if her property flooded; the water came within one-half of an inch of getting into her house during the last set of storms and after the Hurricane; and she believes there was an individual on that board that said NMI had already discussed as a group filing a class action lawsuit.

Commissioner Lober inquired if there is anything Attorney Bentley is aware of in Chapter 381, or elsewhere in Florida Statutes that would obligate homeowners that are able to connect to a sewer system, to connect to that sewer system. Attorney Bentley responded there are some rules along those lines; and she stated there are certain distances where they need to connect if there is a sewer line available.

Ms. Watkins expressed her apology for giving the wrong Florida Statute.

Ms. Sterk clarified the number for the Florida Statute is 381.00655, Connection of Existing On-site Sewage Treatment.

Ms. Rezanka provided Commissioner Lober with her current copy of Florida Statute 381.00655.

Chair Isnardi believed the Statute only called for new construction and if it were existing, she does not believe that people who have an existing one are sort of grandfathered in, unless they have to repair the system.

Mr. Kern stated the State law on this issue says connection if available; what he would be installing is a force main and the State does not consider that as being available, if it were a gravity system that would be different; but a force main is not in that status. He advised of the drainage issue being on a very difficult site; he does not have all of the information yet necessary to do a design, to obtain the information, to do all of the topographic studies with the drainage design which is a very lengthy process and an extremely expensive process costing over \$100,000, to complete all of that work, and it being done in at least six months; he would think that the County has not required that level of effort on a zoning case in the past; this subdivision has to be designed so that it does not cause any adverse flooding impacts on any surrounding properties; and it is County and State law to review the plans if the designs were drawn in that manner. He addressed the issue of the no net loss wetlands policy the County and the State has that a development cannot create any loss of wetlands or wetlands function.

Commissioner Lober stated his understanding of the potential issues with respect to new development is even if the new development is able to accept all rainfall that occurs on the surface area of that property, if there has prior to that development been drainage from adjacent lands, he does not see anything in the plans that accounts for what would happen with that water and if that water is rejected, or no longer accepted onto the land, he considers that to be an aggravation of existing issue with respect to drainage; and he inquired if the submitted plan is obligated to make the developer take into account that historical drainage pattern where perhaps adjacent properties are having water graded or directed towards the property that is sought to be developed. Mr. Kern replied what the design would work towards is to fill the areas where the houses are going primarily on the east side of the property; he stated the east side of the property is not in the floodplain, and the grades would be lowered where the ponds are being put in to reduce the amount of fill, especially in the floodplain; and it is possible to have a net beneficial impact on the flood storage in that area.

Commissioner Lober inquired if it is possible to have a net detriment with respect to that. Mr. Kern responded there is requirement to not have an adverse effect; and he stated he would consider that an adverse effect is so it would be designed in that manner.

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Commissioner Lober inquired if Mr. Denninghoff has heard anything with respect to the last few questions he asked that he takes issue with or disagrees with based on his training and experience. Mr. Denninghoff responded affirmatively; he explained what he thinks is being referred to is whether or not compensatory storage would be required for floodplain impacts; he stated the way the County Code reads is interesting about estuarine versus riverine floodplain's and how that is applied for NMI, and has been applied; the concern that he has had for some time is that the estuarine floodplain's are not required to provide floodplain compensation; one could fill it in and not compensate for that floodwater storage; riverine floodplain's are different; and one would have to provide that compensatory storage. He added most of NMI is considered to be estuarine historically; however, as it has been studied and looked at more closely, it behaves more like a riverine floodplain; and that is what the Code talks about. He went on to say then there is the what actually happens with a development when filling in an estuarine floodplain or any kind of a floodplain, and the question then becomes does it cause a negative impact, and if one is not compensating for floodplain storage water to be able to store it someplace else after filling part of that floodplain; if that has not been done then that water has to go someplace else; and the estuarine condition can easily flow out into major water bodies, such as the Indian River Lagoon (IRL). He advised riverine floodplain has to flow through a network of water flow channels, ditches, and creeks before it gets to a major water outfall like the IRL; if they are filled in like that riverine condition, there could easily be a negative impact; his opinion is NMI behaves much more like a riverine floodplain than it does an estuarine floodplain; but historically it has been regulated as an estuarine floodplain, which he believes is probably not the best thing for the County to be doing.

Commissioner Lober inquired if the plan and the items accompanying the plan, as submitted, do not have any way of guaranteeing to a reasonable degree of confidence that the adjacent properties will not suffer from increased flooding as a result of the proposed development. Mr. Denninghoff responded affirmatively; and he mentioned about one-third of the proposed lots in the conceptual plans received are in the western portion of the property, which is where the floodplain is.

Commissioner Pritchett inquired if a topography study has been done yet for an idea of how the stormwater can be maintained. Mr. Kern responded no.

Commissioner Pritchett inquired if he is planning on doing one of those. Mr. Kern replied affirmatively.

Commissioner Pritchett advised of part of problem being there is .5 elevation above sea level; she thinks it is beautiful property and she would love to see this project happen, but she and staff has concern of enough information not being seen; she does not know where the Board will go with this Item; but she would find more comfort if Mr. Kern would work with staff a little bit on these issues to come up with some ideas on how to address taking care of the stormwater issues.

Mr. Kern advised he has obtained the County's lidar maps and they are a topographic type map that indicates the east half of the property generally is around elevation four and the west half is around elevation three approximately; the FEMA floodplain map show the floodplain on the west half of the property being around elevation three; and that basically matches what the County lidar maps are showing.

Commissioner Pritchett stated when she talked to Ms. Sterk yesterday, she asked her about elevation, and Ms. Sterk told her a number of .5; and she inquired where that number came from. Ms. Sterk responded a map was produced and it focused on the property; and in looking at certain portions of a high-level map, it appears that it is less than two, but she will need a moment to pull that map up.

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Chair Isnardi advised Ms. Rezanka about this being done a little differently than normal, because typically staff is not asked a whole lot of questions until it comes back to the Commission, which is fine; and she inquired if she has any additional questions for Mr. Denninghoff.

Commissioner Lober expressed his apology that he may have started a bad trend.

Ms. Rezanka stated she would rather it be done this way versus at the end when she has to come up after the public hearing has been closed.

Chair Isnardi remarked versus having to come back up and talk about 13 different things; and she thinks it is a good thing.

Commissioner Lober stated his hope was it would obviate some of the concerns that might be expressed by others, and for it to move along a bit faster.

Chair Isnardi stated she had discussed with the County Attorney and the County Manager about getting away often from these types of discussions on technical issues, as opposed to what people do not want; she thinks people need to understand that a Quasi-Judicial hearing is about evidence, it is not about opinion, something not wanted, or this could happen; it is about evidence; and she thinks that is something everyone needs to stay focused on, because all who addresses the Commission is to provide evidence.

Ms. Rezanka inquired if there is any requirement that the applicant at the zoning stage provides sufficient information to determine whether compensatory storage is required. Mr. Denninghoff replied that he does not know that there is a requirement for it; but he thinks there is a provision on the Comprehensive Plan that allows for it to be considered.

Ms. Rezanka asked what provision that would be of the Comprehensive Plan.

Mr. Denninghoff asked the County Attorney to provide that information.

Attorney Bentley responded Administrative Policy seven.

Ms. Rezanka inquired if there is any requirement that a topography survey be provided at zoning stage. Mr. Denninghoff responded that would be the same answer.

Ms. Rezanka asked if is nothing in Code that says one must provide these things for rezoning. Mr. Denninghoff replied not for that particular item; and stated that is correct.

Ms. Rezanka inquired if Mr. Denninghoff agrees with Mr. Kern that these studies appear to be requested at this rezoning stage would cost over \$100,000 for this 110 acres of property. Mr. Denninghoff indicated it would be pretty costly and he would not put a number on it, and he knows it would not be \$5.

Carolyn Alvord stated a comparison chart can be seen; the applicant and many other developers of Brevard County will argue developments denser than one house per acre have been allowed on NMI and that this one and one more should not be allowed; this argument is rejected by the Florida Supreme Court, they stated it has been upheld; but just because someone else got a zoning that does not mean that the next person asking the Board for it should get it, too. She added if applicants were allowed to change zoning's because others had changed theirs, it would only be a matter of time before alterations to the whole zoning scheme by successively liberalizing the use of abutting property would result in disintegration and

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disappearance of the whole plan of zoning; just because there are other developments on NMI, with this zoning, and even if they abutted the property in question has no legal reason to approve more density on this Scrub Jay habitat property, and in swampy flood prone areas, with very congested transportation with ingress and egress. She asked the Board to deny the request.

Commissioner Lober inquired what the citation is for that case. Ms. Alvord replied 147Florida480,3SO.2D364; she mentioned a neighbor down the road from her just built a house; for their foundation it was 160 loads of dirt just to raise the property; she figured out 17,600 trips of fill will be brought in for those 110 homes going in, that does not count the roads; they are counting on putting in lakes to retain the water there; but the water table there is usually between six and 10 inches down, and when they dig the water table will come up.

Chris Minerva stated he is requesting there be a moratorium on zoning until the small area study is approved or denied; in approximately one year there are 767 homes on top of the already existing properties; he asked what about flooding, traffic, schools being put up in that area, and is there continued busing for the area; he stated with approval for this property it would 877 homes approximately this year; he does not know where the traffic is going to go beyond the flooding; and the flooding issue is a very big problem. He advised he works with the NMI Homeowners Association; he does not know what else to say; and he would like for the Commission to think about if they were living in this area.

Commissioner Lober inquired if the Board were inclined, is there any lawful basis whatsoever to enact a moratorium, pending the outcome of the Small Area Study. Attorney Bentley replied Zoning would need to be worked with to look at the basis for a moratorium; there has to be technical data for that; it may be, it may not be there; and she would have to work with them to come up with an analysis. Commissioner Lober inquired if that would be an ordinate, difficult task. Attorney Bentley responded the analysis would really have to be done first.

Commissioner Tobia stated the return of the Small Area Study which the recommendation was the suggestion dropping from one acre to two and one-half acres that came before the Board; and he inquired if it is fair to say that the vote to that was 1:4 rejecting that proposal just two weeks ago. Frank Abbate, County Manager, replied off the top of head, he does not recall.

Ms. Sterk remarked she was under the impression that the Board directed staff to pursue several recommendations together for the FEMA floodplain model, then pursue a special area of stormwater concern, and then potentially pursue the Future Land Use change, and were directed to continue evaluating all of those things; and they are not on the path for the third task because they are still on task one.

Commissioner Tobia advised his recollection was that he made a motion and there was no seconder on that, which is common; and assuming the votes hold, there is no support on the Board to change that from the one acre to the two and one-half acres.

Commissioner Lober expressed appreciation for the heads up.

Chair Isnardi stated she vaguely remembers because there was so much going on with that report; but she believes that those items were removed at the suggestion for the record.

Nancy Minerva stated she is an active member of the NMI Homeowners Association and the Board should have the December NMI Homeowners Association newsletter, summarizing the Small Area Study points that were just reviewed. She read aloud number seven of the newsletter, "To improve the FEMA stormwater model for NMI. This stormwater model could be used to demonstrate whether proposed development would pose any adverse flooding impact

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on the neighbors or streets. The cost to collect the survey and mapping data is \$150,000. The cost to update the FEMA stormwater model is \$300,000 and totaling \$450,000. Funding was approved at the November 13, 2018, meeting. Also, create a special area of stormwater concerns within the boundary of NMI Small Area Study, to require development to meet specific stormwater standards. Require existing septic drain fields meet State standards is ongoing. Require new septic systems to reduce nitrogen by 65 percent, would require a new ordinance. Continue to seek hazard mitigation grant funds to purchase flood prone properties in NMI and use drainage model to prioritize affected properties for potential acquisition, which was approved. The County should continue to see opportunities for enhancement to stormwater storage and treatment in NMI, including acquisition of sites and partnerships with other agencies. There is a list of projects in the works West Crisafulli Road, Church Road drainage, Hall Road, Pine Island's emergency outfall, and West Hall Road's pipe capacity improvements." She went on to say that was all about utilities and natural resources that happened at the last meeting here; she pointed out there are a great number of homes that have been approved, but have not yet been built; if they have not been built, then they do not know what the results of the already approved houses would be; and evidence is required of what is important. She stated if the current water issues in NMI are not being handled, that people are being flooded out of their homes whenever there is a rain event; the future water issues have not yet been understood; and she inquired how can additional housing be approved when there is no evidence to know what the impact of what has been already approved has been.

Ms. Rezanka clarified by saying Mr. Genoni is a contract purchaser under contract which is why this was not postponed; to request that an applicant spend over \$100,000 for studies for a rezoning application is unreasonable; there is no requirement for any of these requested studies; there are substantial County Codes, Comprehensive Plan Policies, and State Statues that will require everything to be met at site plan and construction plan stages; and Mr. Denninghoff will be overseeing them, as will Ms. Sterk, as well as everyone in the County. She went on to say Mr. Kern said he can design it so it would not cause or substantially aggravate substantial drainage problems, or on surrounding properties; Mr. Denninghoff said there is a historic flooding pattern in the area, his area is six to eight square miles from best they can estimate from, and not on this particular property and the surrounding properties there; the Administrative Policy seven is vague and ambiguous, and possibly could be unconstitutional because it requires proving of a negative; it requires it shall not cause, or substantially aggravate, so it could minor aggravate any substantial drainage problems; and they are not sure if there are substantial drainage problems on the surrounding properties. She added the only person that spoke on surrounding properties could likely be Ms. Watkins; she stated the pictures shown were from Fay in 2008; Mr. Denninghoff has repeatedly said all of the improvements that have been made in NMI since Fay, which is not an adequate representation from 10 years ago; Attorney Bentley did say Administrative Policy is a gray area; Mr. Kern said he does not think the County has required this of other applicants at the zoning stage; and testimony is correct there is historic flooding in NMI, but it is speculative. She mentioned Ms. Alvord saying just because something is done on one property it is not done on another, is important because Administrative Policy three has when other criteria is to be looked at whether the proposed uses is consistent with emerging, existing pattern surrounding development as determined through an analysis of land use patterns actual development over the preceding three years, and development approved within the past three years; and she agrees with the Florida Supreme Court. She continued to say Administrative Policy four is to not materially or adversely impact an established residential neighborhood; the only established residential neighborhood is Broad Acres; Administrative Policy five is whether adopted levels of service will be compromised, and the answer is no; whether the existing road system supports this and as far as she knows yes, because of S.R. 3, and because there is not significant traffic on East Crisafulli Road; Administrative Policy seven is dealing with aggravation of substantial drainage problems that have been discussed; and Administrative Policy eight is the character of the land use around it, is Residential generally some at one unit per acre, some are larger, and there is a lot of vacant

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land there as well. She stated this is a piece of land that has an Agricultural classification, they have cattle on it now; the land is changing and is not as useable for cattle grazing; and people are not grazing cattle as much in this area, so there is a reason to change it so it can be used for development for homes. She stated there is no reason for the Board to require the studies at the rezoning stage, those are all site plan issues, and had always been site plan issues; some developers have gone over and beyond, but some have been required to because of being in the PDP stage, not in the rezoning stage; this developer has agreed to bring sewer, it will be a force main so people do not have to hook up to it; they can if they want to but new development would probably want to hook up to it, so it is a benefit to NMI as well; there is no substantial, competent evidence to say they have not met the criteria of the Zoning Code and the Administrative Policy's; and she asked the Board to approve this rezoning from AU to SR with a BDP, limiting it to 110 units to the acre.

Commissioner Lober stated he is just going to lay it out there; but for the concerns that he still considers to be unresolved with the respect to potential for flooding on adjacent properties, he would happily support this; there is a lot of good in this project, there are nice homes, and everything he is seeing in the packet is good; he thinks it is good that they are running sewer for connection, if approved, and certainly is something he does not mind seeing made available as an option; he thinks one-acre lots are sufficient to spite the commentary to the contrary; he thinks they are nowhere near the capacity of the road, but the one threshold issue for him that is causing him consternation is the flooding; and if that were addressed, he would happily support this any day of the week. He asked if there is opposition in tabling this with the understanding that in all likelihood it is going to pass if this one issue is addressed, or is it something they prefer to have the Board vote on tonight. Ms. Rezanka replied Mr. Genoni is under a contract and he would need to be asked; she stated there is no evidence that there is flooding on surrounding properties, which is the standard; the surrounding properties are vacant for the most part; and she reiterated there is no evidence before the Board.

Commissioner Lober advised he is in a position where he has to rely on the expertise of his staff; his understanding does not necessarily mesh with that; and it may come down to what Ms. Rezanka's client is willing to do.

Mr. Genoni responded as much as he would like to table, he is under a time constraint right now; he stated the zoning request tonight does not give the green light to develop, it essentially gives the ability to move forward with a lot of studies and a lot of engineering; it is going to take two years and spending several hundreds of thousands of dollars; a subdivision will not be developed if it creates a problem because it is not good for Beachland Managers, LLC, the lots would not be marketable, and a lot would be lost; but right now they could find out that there were no issues and it would not necessarily get approved.

Commissioner Lober stated he understands; he is not hearing any other concerns from the Board other than this one particular issue; he heard what Mr. Genoni said about there is no guarantee that it would be approved; he can only speak for himself and tell him that barring nothing else, extenuating, or occurring leads him to be in favor of approving it with that one issue clarified so that it is no longer a concern about being able to market the lots and the subdivision as proposed; he does not have any doubt that plans will accommodate the rainfall that occurs on that particular land; but his concern is solely with historic drainage patterns, which would not impact the ability to market those, but it could well impact those adjacent lots. He urged Mr. Genoni to consider if there is any flexibility with time because he would like to approve this; but he is not in the position tonight to do so.

Mr. Genoni remarked the application was submitted almost one year ago; it has had to be extended numerous times; and he would like to accommodate that, but at this point he cannot. He went on to say if it were approved tonight, they would only be able to engineer the project;

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and they do not want to bring a project down a flooded road, and they would like to know for sure if Crisafulli floods and not impacting that adversely.

Commissioner Lober inquired if there is any way to approve it contingent upon these concerns being addressed, or is it basically all or nothing. Attorney Bentley replied the Board would not be able to do it contingent on submission of additional evidence at another time; the Board needs to make the decision; and then the staff has to implement.

Mr. Genoni suggested adding some language to the BDP saying they will make every effort to do these studies and to make sure they are not adversely impacting.

Commissioner Lober inquired if Attorney Bentley felt that is sufficient, or would she propose different language. Attorney Bentley responded she would need some help from the engineers on how to word it, so there is no adverse impact; and she advised she does not know how that would be measured.

Commissioner Lober asked for Mr. Denninghoff's answer. Mr. Denninghoff replied the language would be to provide compensatory storage for all floodplain below the 100 year floodplain.

Commissioner Lober inquired if Mr. Genoni is amendable to that language.

Chair Isnardi asked them to take a few minutes to talk about it.

Commissioner Pritchett advised she has a couple more questions.

Commissioner Tobia stated his question was predicated prior to the offer that was just tendered; Commissioner Lober said he wanted to rely on the expertise of staff; and he inquired if the expertise of staff will look over this to make sure there is no adverse effect on flooding prior to the permit being issued. Mr. Denninghoff responded the current state of the art so to speak for NMI would be relying on the calculations of a compensatory storage calculation for floodplain impacts; he explained when a drainage study is being worked on it can be plugged into a model and it would tell in a more precise way whether there is an adverse impact or not, and it would identify how much of an adverse impact. He added compensatory storage calculation makes the assumption, and it is often called the cup-for-cup replacement of the floodplain, that would, together with engineering review of the design making sure there is not blocked drainage or anything of that sort, those two coupled together is a pretty high standard that allows for a good degree of confidence of not having an adverse impact.

Commissioner Tobia inquired if that is what would happen normally or differently without the status quo. Mr. Denninghoff replied the applicant would assert that it is an estuarine floodplain and not required to provide compensatory storage, and he opined it is really riverine floodplain, and it does require compensating for the impacts of the floodplain.

Commissioner Tobia inquired if the County is who ultimately will be making that determination and not the applicant. Mr. Denninghoff responded affirmatively; he stated they will do a calculation to determine that, it would be reviewed for sufficiency; if he agreed with it, it would be approved; and if not, there would be a dispute.

Commissioner Tobia stated it comes down to whether or not the conditions are put on right now; all of this would be a dispute resolution to put it out ahead of time; and he inquired if that is where Commissioner Lober is potentially going. Mr. Denninghoff replied ordinarily these things can be resolved on a technical level; he stated if the engineer of record provides appropriate calculations that demonstrates compliance, it will be approved; and there has been issues along those lines in the past, but ordinarily they get resolved.

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Commissioner Tobia inquired if there is a quantitative measure of estuarine floodplain to decide whether or not, or is it just two interpretations. Mr. Denninghoff believed it was a judgment call that was made about 10 years ago and without his consultation.

Commissioner Tobia inquired a judgment call made by whom. Mr. Denninghoff responded the former Director of Natural Resources Management Office.

Commissioner Tobia inquired if the County made that determination that it was or was not estuarine. Mr. Denninghoff replied that it was estuarine for NMI, as opposed to riverine; he explained the reason for that was that most of Merritt Island's floodplain areas are estuarine; NMI is different, so it behaves a little bit differently; that was also done before the current FEMA flood maps were produced; and the knowledge and awareness of the issues associated with NMI have changed quite a bit since then.

Commissioner Pritchett stated she likes Commissioner Lober's suggestion because that gives her more comfort when they work with staff; the original plan was to go from 34 lots to 50 and increasing density with sewer; she inquired what happens if they do best intentions to put in the sewer line and they cannot get anyone to give them the right-of-way, and is there something that protects the County in the BDP, if the sewer goes in then it will change to SR, but if not it stays AU for the density to not be messed with if it stays with sewer. Attorney Bentley responded a way to accomplish that goal would be to say that if sewer is installed, they can have 110 units, but if there is no sewer line installed and it is septic, it would be a lower number.

Commissioner Pritchett advised that would be wonderful because she did not see that in the BDP.

Attorney Bentley agreed.

Ms. Sterk advised either way that is done it would have SR zoning and then the number of units permissible would be the only thing that would change.

Commissioner Smith disclosed that he has met with Mr. Genoni several times over the last year; he stated he has heard a lot of back and forth and one thing he has learned from staff is, it does not go forward if he does not get to the next step; he believes the issues will all be addressed before turning his first teaspoon of dirt; and he inquired if that is correct. Mr. Denninghoff replied with regard to the floodplain compensation, he believes they would assert that it has historically been treated as estuarine floodplain, and they not have to provide compensatory storage; and he stated if it were not treated that way, he believes they would strenuously object to that, and that is the only way right now that he could confidently suggest to the Board that there would be no negative impacts on adjacent properties in that area, by way of increased flood elevations.

Commissioner Smith stated in looking at those pictures that the Board saw today; if there was another 24-inch rain event storm in three days, he is not sure anything done would change the flooding pattern of NMI; this guy cannot be blamed for somebody else's yard being flooded if such an event occurred; and it is pretty hard to point fingers at people when Mother Nature does something that unusual.

Mr. Denninghoff stated he understands the comments and he expressed his appreciation; he stated there is no technical information that can demonstrate exactly what the affect would be; what he is suggesting is that compensatory storage is the most secure way that he knows of to try to assure that there is a neutral impact on the flood waters in that area; and if he had the study that is being done, he could perhaps provide additional or different information.

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Commissioner Smith asked if the difference between compensatory storage and a normal storage is just to dig a deeper hole. Mr. Denninghoff responded no; he stated a deeper hole on NMI just makes a deeper pond; and compensatory storage is an area where one has provided flood waters to be able to reside, collect, or gather without causing the rest of the flood water to rise up above where it would have been, had the other activities not been done. He explained compensatory storage allows part of something to be filled, but someplace else storage has to be made bigger to where it will not overflow the storage which is compensating for lost storage within the floodplain; he stated it is a separate calculation from the normal stormwater calculations; it can be, and normally is, an addition to the normal stormwater calculation; but there are circumstances where part of it serves dual purposes. He advised once digging down to where the groundwater is, there is no more storage than had before, and high ground has to be found; and the dirt will need to be removed out of it, thus allowing the water to store in there which is the classic way to provide for it.

Commissioner Smith inquired if a berm can be built around where the high water levels are for storage area. Mr. Denninghoff replied it is usually not that simple; he stated one could find an area where there is a difference between where the ground is and where the ground water is to be dug out; open it up for flow from the floodplain; the water has to be allowed to flow in and out of it; and that created volume needs to equal what is filled in someplace else, whether it be for a road, a house, a club house, or a retention pond.

Commissioner Smith suggested the Board to vote on this tonight to allow them to go forward so they can bring back their solutions; it cannot go forward without the Board looking at it again; he thinks the Board should give them the opportunity to do that; Mr. Genoni has been very cooperative doing what he needs to do; and if the Board can get that information back from Mr. Genoni before he makes the next step, it can decide if it wants to continue moving forward, to tell him to stop, or to tell him it wants additional things done.

Chair Isnardi urged caution for the Board to not put itself in a position where it is requiring them go estuarine floodplain; she stated if this is a mislabeled problem in the area from 10 years ago, there has been 10 years to fix it, but it has not been fixed; and it is now burdening the developer to require more versus somebody else because there is not a complete site plan. She added the Board put itself in a unique situation, and depending on how big the developer is they may not have a completed site plan because things are to be addressed during the site review, along with all of the study's during the review; and she does not want to put an unfair burden on any developer big, small, or otherwise, when this is just a zoning request looking strictly at the zoning. She added no matter what happens in Merritt Island nobody wants anything built or developed on Merritt Island; she understands that because they have flooding problems; they are being addressed; and she thinks the Board has committed to addressing them. She advised if the classification needs to be changed, she suggested to do so next; maybe an independent person needs to look at this to say how it should be classified, because she thinks it is unfair to burden anybody; the big issue is sewer and the bigger issue was septic, but because the developer agreed to run sewer so people would not have to have septic; then it was people to did not want to hook up to sewer and she thought the big issue was the Lagoon; and she thinks everyone is kind of getting away from that and focusing on flooding. She stated she will support this going forward only because she knows staff is going to do its due diligence and she knows that the County would rather be sued than allow a developer to do something that is going to cause any worse, additional flooding to the neighbors, or to the neighboring community.

Commissioner Lober indicated if it is a realistic potential of the County causing flooding to adjacent communities or getting sued, he would take getting sued; he appreciates Commissioner Smith having more experience on the Board than he does with four years under his belt, but were he to be on the Board eight years, two terms still does not put him in a position

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of having the same expertise as someone that has been a professional engineer for decades on end; he does not necessarily disagree with most of what Commissioner Smith has stated, but his concern with moving forward is that if there is a dispute as to the type of floodplain that this is classified as, that may put the County in a position to expend much more in resources addressing and resolving that; and the Board has the ability to do something to ensure that the neighbors are treated appropriately and fairly. He went on to say with respect of what Chair Isnardi said, he agreed there has been a concerted effort from NMI to oppose pretty much all variety of increases in population; he knows from what she stated that before it was a septic issue; everything he has ever said with respect to his position in his chair is that he does not believe it is fair to prohibit folks from building land where they do not have the ability to hook up to sewer because there is a concern about septic, and especially in this location, where it is nowhere near a waterway has never been his concern with respect to this; and he likes that they are bringing sewer in because it will provide other opportunities for nearby landowners. He mentioned perhaps the County can get with them and instead of putting in a four inch main and line for 110 units, maybe the County would pay the difference and they put in a six inch line to connect more properties, and it is a win-win that does not cost them or the County anything; his concern goes back to that one item; he would like to see this approved in some fashion; but he thinks that is one particular safeguard to ensure the adjacent and nearby properties do not suffer because of the County being overly hasty in pushing this through. He stated he cannot speak to what his predecessor has found important, it appears to him from the face of this that the septic issue was the most important to him; it is not that he does not care about that, but he thinks that the distance this is from the nearest body of water would not have been his issue; and he preferred that folks not view his stance with this, in light of what the prior Commissioner who had this position felt was most important. He reiterated it is something where he has done everything thus far; granted it has been a total of one meeting, and to defer to Commissioners with respect to their Districts where ever reasonably possible; this is something that is in the heart of his District where he has a lot of constituents that have expressed his or her concerns to him; his general view with respect to land rights is do whatever the heck one would want to do with their land, as long as the neighbors are not getting hurt, or impacting their property values; and if someone wanted additional restrictions, they could move into an HOA community. He stated this is to him in a gray area because he does not know what the impacts will be on neighbors; it may be correct that what is proposed to be done does not have any impact on them; he does not know that at this point; if one were to assume the suggestion by Mr. Denninghoff, he would support this right now, and there are the three votes already and will probably get the other two votes as well; on the other hand if it is something that is not willing to assume, he does not know that he is in a position to support this at this point; and there are two other Commissioners that have not expressed overwhelming support for it at this point. He added he does not know how it will go if that additional requirement is not assumed.

Commissioner Tobia stated he guesses a mediation has been offered by Commissioner Lober; he is hearing two affirmative votes; he mentioned this feeling like he is watching *Peanuts* when Lucy holds the football and Charlie Brown runs up to the football, and just as he gets close, she always yanks it away over and over and over again; Mr. Genoni has got to be tired of government; first of all he was given a hard time about septic tanks, here he comes back, and is willing to spend \$600,000 to \$700,000 for sewer; Commissioner Smith pointed it out and the Chair said pulling it costs that same; he is sure Ms. Rezanka does not come cheap because she has to keep coming back, as does the engineer; and now he is given a hard time for potentially having other people hook up to sewer. He went on to say now it becomes a flooding issue; if he were Mr. Genoni, he would not accept this deal because he will come back and the Board will want his homes painted green; then the green color will not be liked and they will want the roof tiled or solar; three votes are needed and he has heard two, he will be the third vote; and he suggested taking the three votes, as he will be voting for this as presented. He expressed his apology to Mr. Genoni for having to go through this over and over and over again; he wished him all the best; and he will be strongly voting in favor of this.

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Commissioner Pritchett advised Commissioner Lober hit on a pretty big phrase, cause no harm when doing things in life that one cannot cause harm to the people around them; she inquired if it is possible to agree in the BDP to do a topography study to help satisfy the not known; she stated if it was known that that was coming in and it is not causing any harm to the neighbors; she wants them to be able to do their project; but her concern is the property is lower and it drains poorer than the other properties around there. She added she would have loved it if there was some information of how they are managing the stormwater because the density is increasing; this is a good project and every time it has been before the Board, it had a little bit of a different swing to it; she does not think anybody on the Board is against the project, but there has to be some play in it that they are willing to make sure that they are causing no harm with the stormwater; and maybe that would be agreeing to a topography for moving forward. She advised she would love to have if there is no sewer line for it to stay at 36 units and on the septic also; and she would like to hear other ideas on that because it was something she was contemplating.

Commissioner Lober stated seeing how the votes are stacked, it makes him more comfortable than the alternative of just seeing it go forward with no assurances whatsoever.

Commissioner Smith remarked they have to do the topography anyway.

Commissioner Pritchett inquired if having that in the BDP satisfies all the questions about keeping the water on the property. Ms. Sterk responded she can talk about when it would be enforced; she stated she does not know what it would assure; she would stipulate when they would provide the County with that; she inquired if it would be prior to a pre-application meeting; and stated she prefers the BDP clarify when the County is expected to receive it.

Mr. Genoni suggested prior to site plan submittal; he stated as far as the units, he is willing to agree to 50 units if they do not get the septic; and he inquired if that is a fair compromise. Commissioner Pritchett replied affirmatively.

Commissioner Smith stated he would like to Call the Question.

Chair Isnardi advised she has one more thing to say; she stated she respects Commissioner Lober's concerns, he just got here and he has been given a lot of information; the rest of the Board has the history of this project; it was not with the previous Commissioner of District 2; it was sort of what was heard as a previous Commission; and the estuarine floodplain versus the riverine was not brought up before. She went on to say although the Board is hearing it as a new Item tonight, the issue was the septic and the sewer, that was not just Commissioner Barfield, and was the Board discussing it; she has confidence in the staff to due diligence; she implored for them to get with Natural Resources Management to discuss if the area needs reclassified; and she does not believe that the developer should have to be the one to do it.

There being no further comments or objections, the Board approved W.K.&R. Groves, Inc.'s request to change the zoning classification from AU to SR with a Binding Development Plan, completing a topography study to be done prior to the site plan process, for a total of 50 units if sewer connection is not available.

The Board recessed at 6:55 p.m. and reconvened at 7:04 p.m.

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

ITEM H.6., PUBLIC HEARING, RE: HAPPY LANDINGS HOMES, INC. (KEVIN LEE) REQUESTS AN AMENDMENT TO AN EXISTING BINDING DEVELOPMENT PLAN, IN AN IN(H) ZONING CLASSIFICATION (18PZ00088)

Chair Isnardi called for public hearing on a request by Kevin Lee for an amendment to an existing Binding Development Plan (BDP) in an IN(H) Zoning classification on 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway.

Commissioner Pritchett asked that this Item be tabled because she does not believe it is ready.

Commissioner Lober inquired if there is anyone in attendance to speak on the Item.

Chair Isnardi noted there is someone in attendance for this Item; and she inquired if Commissioner Pritchett would like to provide a reason why she is asking for this to be tabled.

Commissioner Pritchett explained she has spoken with staff and she was informed that a new BDP has been turned in; she believes it still has a lot of loose ends; and she thinks it is going to take some time to go through the details.

Scott Knox, Attorney for the applicant, stated they would support a continuance with a time certain; and they are looking forward to the February Zoning meeting.

Commissioner Lober apologized for not being able to meet with Mr. Knox at the meeting they had previously set up as he was in trial.

Chair Isnardi disclosed she had met with Mr. Knox and the applicant on October 31, and again November 29; she stated she would be in favor of tabling this because the BDP has changed so significantly; she normally would not have a problem listening to public comment; however, she noted the BDP has changed and it is difficult to know what is being commented on, therefore, it would probably be prudent to just take a vote to table the issue.

Eden Bentley, County Attorney, inquired if it would be a time certain on February 7, 2019.

Chair Isnardi implied the time certain would be on February 7.

Erin Sterk, Interim Planning and Zoning Manager, commented the applicant requested his Item be rerouted back through the Planning and Zoning Board, so if they were to do that she believes they need a date certain for that board and for the Board of County Commissioners; if they were to send that to the Planning and Zoning Board, which is on January 7, 2019, those materials are due within the next few weeks; another option that would get them to the February 7, 2019, Zoning meeting, would be if the January 28, LPA acted as the Planning and Zoning Board and heard the Item; and she advised that would give them some more time to prepare those materials.

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Commissioner Lober disclosed his staff had met with Mr. Knox and he may have met with some of the adjacent property owners as well.

Commissioner Smith disclosed he had met with Mr. Knox and the applicants several times; he stated he is partially responsible for this because he raised some issues to Happy Landings, Inc.; and they were willing to work with him so that is what is requiring them to go back to the Planning and Zoning board.

Commissioner Pritchett announced she had also met with them and has provided documentation.

Chair Isnardi advised that can be talked about later, but typically she was used to disclosing that information during the public hearing but some Commissioners prefer it be submitted in writing; she thinks it depends on the person's preference on how they choose to do it; she advised her disclosures will likely be verbal and during the public hearings; and she stated often times the Agenda is over 1,000 pages and the disclosure can get lost in that, so she prefers to say it during the meeting.

There being no further comments or objections, the Board tabled the request by Kevin Lee for an amendment to an existing BDP in an IN(H) Zoning classification on 5.33 acres, located on the southwest corner of U.S. Highway 1 and Otter Creek Lane, on the east side of Old Dixie Highway, to the January 28, LPA and the February 7, 2019, Zoning meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.5., PUBLIC HEARING, RE: JAMES M. AND JOANNE M. THOMAS, TRUSTEE, REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM RR-1 AND BU-1 TO SR, AND REMOVAL OF EXISTING BDP (18PZ00112)

Chair Isnardi called for public hearing on a request by James and Joanne M. Thomas, Trustees, for a change of zoning classification from RR-1 and BU-1, to SR, and removal of an existing Binding Development Plan (BDP) on 1.25 acres, located on the west side of North Wickham Road, approximately 400 feet north of Pineda Plaza Way.

Commissioner Pritchett stated she would like to table this Item.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by James and Joanne Thomas, Trustees, requesting a change in zoning classification from RR-1 and BU-1, to SR and removing a BDP; and the applicants have requested to table this to February 7, 2019.

There being no further comments or objections, the Board continued the request by James and Joanne M. Thomas, Trustees, for a change in zoning classification from RR-1 and BU-1, to SR, and the removal of the BDP to the February 7, 2019, Zoning Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.2., PUBLIC HEARING, RE: LINDA L. MOROS REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM EU-2 AND SEU TO AU (18PZ00103)

Chair Isnardi called for public hearing on a request by Linda L. Moros for a change in zoning classification from EU-2 and SEU to AU on 3.35 acres, located on the west side of North Indian River Drive, approximately 0.4 miles north of Briarwood Lane.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Linda L. Moros requesting a change in zoning classification from EU-2 and SEU to AU on a property that is 3.35 acres in size, located on the west side of Indian River Drive, approximately 0.4 miles north of Briarwood Land, and is located in District 1.

Chair Isnardi inquired if the applicant was present.

Commissioner Pritchett stated she met with the applicants as this is in her District; she has not heard any complaints; therefore, she will be in full support of it.

Chair Isnardi commented she has reviewed this item and she believes this one is an easy approval.

There being no further comments or objections, the Board approved the request by Linda L. Moros for a change in zoning classification from EU-2 and SEU to AU on 3.35 acres, located on the west side of North Indian River Drive.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.3., PUBLIC HEARING, RE: C&K, LLC (SCOTT WIDERMAN/JOHN FRAZIER) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM BU-1 AND IU TO BU-2 (18PZ00104)

Chair Isnardi called for public hearing on a request by C&K, LLC, represented by Scott Wideman and John Frazier, for a change in Zoning classification from BU-1 and IU to BU-2 on 3.33 acres, located on the northeast corner of North Wickham Road and Waelti Drive.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by C&K, LLC, represented by Scott Wideman and John Frazier, requesting a change in zoning classification from BU-1 and IU, to BU-2 on property that is 3.33 acres in size, located on the northeast corner of North Wickham Road and Waelti Drive in District 4; she clarified one change had occurred between the Planning and Zoning Board and the Board of County Commissioners, after review of the staff comments, she found some errors in the preliminary transportation concurrency analysis; the analysis was redone and she provided that to the applicant; she has added additional language for Board consideration in the staff comments, which is also in the Agenda Report; and she noted she also provided that information to the applicant. She advised the Planning and Zoning Board unfortunately did not get to hear that information, therefore, if the Board feels that it is substantial enough that it wishes to return it through that board for them to review it, to see if it may or may not have affected their recommendation, the Board certainly has the authority to do that; and she stated she can answer any questions about those changes.

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Commissioner Smith disclosed he has reviewed this and met with Scott Widerman and John Frazier.

There being no further comments or objections, the Board approved the request by C&K, LLC, represented by Scott Widerman and John Frazier, for change in zoning classification from BU-1 and IU, to BU-2 on 3.33 acres, located on the northeast corner of North Wickham Road and Waelti Drive.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.4., PUBLIC HEARING, RE: CLA RETAIL, LLC (ROBERT CASEY) REQUESTS A CUP FOR ALCOHOLIC BEVERAGES (BEER AND WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, IN A PUD ZONING CLASSIFICATION (18PZ00110)

Chair Isnardi called for public hearing on a request by CLA Retail, LLC for a Conditional Use Permit (CUP) for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant, in a Planned Unit Development (PUD) zoning classification on a 2,800 square foot property, located on the northeast corner of Lake Andrew Drive and Citadel Way.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by CRA Retail, LLC, represented by Robert Casey, requesting a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a PUD Zoning classification; this proposal is on a property that is 2,800 square feet, which is just the interior of the building; and it is located at Lake Andrew Drive and Citadel Way.

Commissioner Lober commented he ate there earlier this week and it was delicious.

There being no further comments or objections, the Board approved the request by CLA Retail, LLC for a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant, in a PUD Zoning classification on a property located on the northeast corner of Lake Andrew Drive and Citadel Way.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.7., PUBLIC HEARING, RE: JESSICA R. AND STEPHEN F. PAGLIALONGA REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU AND EU, TO ALL EU (18PZ00102)

Chair Isnardi called for public hearing on a request by Jessica and Stephen Paglialonga for a change in zoning classification from AU and EU to all EU.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Jessica R. and Stephen F. Paglialonga requesting a change of zoning classification from AU and EU to all EU

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on a property that is 1.3 acres in size on the north side of Gails Way, just west of North Tropical Trail, North Merritt Island in District 2.

Stephen Paglialonga stated he would like to change the zoning to build a detached guest house for his parents to stay in throughout the year.

Commissioner Lober stated he met with staff on this one; it looks as though it is something reasonable given the neighborhood and the way the adjacent properties are set up; it does not look like it would do much to increase traffic, which is a concern that has been expressed; and he will be moving to approve this.

There being no further comments or objections, the Board approved the request by Jessica R. and Stephen F. Paglialonga for change of zoning classification from AU and EU to all EU on a property 1.3 acres in size on the North Side of Gails Way in North Merritt Island.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.9., PUBLIC HEARING, RE: SUNTREE & WICKHAM STATION, LLC REQUESTS A CUP FOR ALCOHOLIC BEVERAGES (BEER AND WINE ONLY) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A VAPOR STORE, IN BU-1 ZONING CLASSIFICATION (18PZ00113)

Chair Isnardi called for public hearing on a request by Suntree & Wickham Station, LLC, for a Conditional Use Permit (CUP) for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a vapor store, in a BU-1 Zoning classification.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Suntree & Wickham Station, LLC requesting a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a vapor store in a BU-1 Zoning classification; and the property is located on the southeast corner of North Wickham Road and Suntree Boulevard in District 4.

Jeff Baker, Manager of Suntree & Wickham Station, LLC, stated he just wanted to thank the Board for its consideration; and he advised that Amber is the tenant.

There being no further comments or objections, the Board approved the request by Suntree & Wickham Station, LLC, for a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a vapor store, in a BU-1 Zoning classification located on the southeast corner of North Wickham Road and Suntree Boulevard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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ITEM H.10., PUBLIC HEARING, RE: ANTHONY LOPES AND EUGENE R. LOMANDO (SCOTT KNOX) REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RES 2 AND NC TO CC (18PZ00076)

Chair Pritchett called for public hearing on a request by Anthony Lopes and Eugene Lomando, represented by Scott Knox, for a Small Scale Plan Amendment to change the Future Land Use designation from RES 2 and NC to CC on 1.22 acres, located on the west side of U.S. Highway 1, approximately 655 feet south of Garretts Road.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a proposal by Anthony Lopes and Eugene Lomando, represented by Scott Knox, requesting a Small Scale Comprehensive Plan Amendment from RES 2 and NC to all CC on a property that is 1.22 acres in size, located on the west side of U. S. Highway 1 in Micco; and she advised she will read Item H.11 into the record so the Board can discuss them both simultaneously. She continued Item H.11 is by the same applicants on a property that is 1.96 acres in size where there is more of a zoning change than a Comprehensive Plan change, they are requesting a rezoning from BU-1 and TR-3 to all BU-1.

Chair Isnardi disclosed she has met with the applicants on this issue on November 29, where they talked about the project and answered all of her questions.

Commissioner Pritchett disclosed she also met with the applicants.

Commissioner Smith advised the same.

Scott Knox, Attorney for the applicants, announced he has two pieces of paper he would like to share with the Board. He explained the first piece of paper is a letter he had received in favor of the application; the second is a revision to the BDP the Board has in its file based on the staff recommendation or comments that came out yesterday; therefore, he adjusted the language. He continued he has a small PowerPoint presentation because Commissioner Lober was not on the Board when it was shown before; this is a property that is 1.96 acres, owned by Mr. Lomando and Mr. Lopes; they have owned it for 38 years and have taken care of the property for that amount of time; and the problem they have is there are three separate Land Use classifications and three different zoning classifications on a 1.96 acre piece of property. He went on to say the front of the property is zoned BU-1 with Community Commercial (CC) Land Use designation; the middle segment of the property has a Neighborhood Commercial (NC) with a TR-3, Mobile Home Zoning; and the very last triangular piece of the property is zoned Residential (RES 2) with a Residential Land Use Designation. He advised what his client is proposing to do is consolidate the whole 1.96 acres into CC as a Land Use designation and BU-1 as the zoning designation; it is their belief that the prevailing Comprehensive Plan Policy in the Future Land Use element that deals with this particular project, is going to be Policy 2.15, which deals with strip commercial; and what it basically says is that strip Commercial is allowed to infill, and he showed on the map the layout of all the existing Commercial Zoning on the left-hand side and all the Commercial Land Use designations on the right-hand side. He explained there is a strip pattern in both Land Use and Zoning; what the Zoning Ordinance allows for under Policy 2.15 is to fill-in any of that Commercial where it is appropriate; provided is a demonstration of that in the form of a graphic which is on the screen; the fill-ins occur when filling in between the boundaries of the property as opposed to the extension when expanding the zoning classifications someplace else; and what they are attempting to do is fill-in the little blue area as seen on the right-hand side with commercial, which is consistent with the Commercial on the right-hand side of the property or the east side of the property. He added there is also CC across the street which is a marina, some CC at the other marina, and CC and existing Commercial across the street on the south which is a strip plaza; and to the north there is also NC, so there is a visible pattern. He stated they have come before the Board prior and

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they were asked to go back and talk with the neighbors who were opposed to it at the time; one of the things the Board asked them to do was prepare a concept plan, so that is what they have done; Mr. Lopes and Mr. Lomando are trying to build a hotel on this property; there is a Marina across the street and one within a quarter-mile down the road; the Marina folks have experienced some of the utility from people who are from South Florida and Orlando who happen to like the ambiance of the Micco area; they use the Marina but have no place to stay so they go down to Indian River County to stay at a flagged hotel, which is a brand name hotel; and he noted there are no brand or flagged hotels in this area at all. He advised this particular plan is designed to address some of the problems that were raised at the last meeting they attended; they had a meeting with the Homeowners Association on November 27, to discuss other issues they had; they identified nine different things they were concerned about, six of which were related to the plan itself; and they have addressed each one of those in this plan. He continued the basic footprint of the hotel would be a three story hotel; the first thing they have agreed to do is limit the height to 35 feet; that does not seem to be too much of a concession because the height limit is 35 feet in this particular Zoning classification, but there is an allowance to apply for variances and they are basically giving up that right; by doing that, they would have to come back to the Board to go any higher, and receive an approval; another thing they did was to make sure the property is facing north away from the folks who were concerned about the lighting, so when people come in off the street, the traffic will follow a pattern to the north parking area; and he noted there is very little parking on the south side of the building so there will not be a lot of lights to disturb people. He advised the property slopes quite considerably from the west to the east, it drops from 15 feet down to about five feet; this is a 10-foot drop; their engineer decided since water flows downhill it would be easier to place the retention ponds at the front of the property and as a way to protect the property next door they have agreed to place an eight-foot fence around the entire property; the Homeowners Association was concerned about a wall as opposed to a fence and they wanted it eight-feet tall, but staff came back and stated there needed to be a wall because when abutting up to residential property there needs to be a wall; they placed that as an option, although they do not necessarily agree that it is an abutting residential property in all aspects because it does abut commercial property to the south, and it abuts the Homeowners Association recreation area on the west; however, it does come in contact with some residential property. He stated he handed out a revision of what was in the materials as the conditions that were discussed with the homeowners; he received emails from the vice president of the Homeowners Association and the president of the Homeowners Association; in the vice president's email, after they had the meeting, she stated they had met all their requirements; in the president's email they were asked to put the conditions that they had agreed to in a letter to the association and into the BDP; that is what he did; and what is on the screen is the version. He noted as of yesterday or this morning they had received new comments from staff relating to the new language that was put in the BDP; they have addressed that almost verbatim in the paper that he previously handed out; and they are trying to accommodate not just the people residing next door to the property but also staff's comments. He noted on the screen is an artist's rendition of what the hotel will look like from a distance; he stated there is a benefit to the County because the current property owners pay about \$5,000 a year in taxes; if the hotel were to go in it is estimated that the total taxes the County will receive in either ad valorem taxes or Tourist Development tax is about \$225,299 a year versus the \$5,000 it receives now; and he asked if he can reserve his remaining five minutes for rebuttal.

Commissioner Lober stated he is inclined to support this, he just has a few questions; he stated he appreciates the due diligence performed with respect to this; and he inquired if they had spoken to the adjoining property owners to the north. He inquired that during previous meeting if any of those folks showed up to express any concerns; he asked if the Board were to expend the CC to encompass the entire property and have it set up as BU-1 down-the-road, what is the worst they could expect to have in that particular zoning, in staff's subjective opinion; and he inquired what the most onerous use of the property could be.

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Ms. Sterk stated intensity is subjective but on a trip generation level; some of the highest intensity in BU-1 is fast food restaurants with a drive-thru or a gas station; all of those uses are permissible in the requested zoning classification; a self-storage mini warehouse could be another intense use; and although it does not produce a lot of trips, it is also a use in BU-1.

Commissioner Lober stated he is inclined to support this unless the District 3 Commissioner feels otherwise.

Commissioner Tobia inquired if there are emails from the president and vice president of the Homeowners Association.

Mr. Knox responded they are on his phone if anyone on the Board needs to see them, he could read them.

Commissioner Tobia inquired when he received those emails.

Mr. Knox advised he received one this past Monday from the president. He read, "Scott, we would like to see the things you mentioned in the letter in the Binding Development Plan. We would like a copy before the meeting on Thursday. Thank you, Gail Daberko". He went on to read a portion of another email from the vice president of the Homeowners Association, "Looks like they are willing to cover all of our concerns."

Commissioner Tobia inquired if all of the concerns that he mentioned are now in the BDP.

Mr. Knox commented they are in there in one form or fashion. He noted there were two or three that were not related to the site plan or concept plan, they were more of a global issue; and those were not placed in the plan because they do not have anything to do with the development of the property.

Commissioner Tobia advised the Board just received another copy, and he would guess it is just another response to the BDP that Mr. Knox gave staff and staff provided suggestions, so Mr. Knox made the amendments; and he inquired if the HOA has seen the amended copy.

Mr. Knox commented they have not seen the amended copy unless they received a copy of the staff comments which he received today and responded to.

Commissioner Tobia stated based on the previous this should not be substantive; and he advised he just received it, he is circling it, and he has noticed some things. He inquired how many copies of the BDP have there been.

Mr. Knox responded this would be revision two or three.

Commissioner Tobia stated the last revision the HOA had the ability to see; he stated he imagines there are some folks here from the HOA; and he inquired if those people would concur with the president and the vice president's sentiment.

Mr. Knox commented he does not know what they will say; he went through and cut a list that they put together; it was sent in the form of a letter; and every one of those items is in the BDP as requested. He noted they were placed in the BDP almost verbatim from the letter.

Commissioner Tobia inquired if Mr. Knox knows how many units there are in the HOA.

Mr. Knox stated approximately 88.

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Commissioner Tobia inquired, with Mr. Knox's knowledge of HOAs, if the president and vice president would be in support of this.

Mr. Knox stated he cannot say if the president or the vice president could speak on behalf of the entire HOA but there were about 20 people at the meeting out of the 88 owners; they took a vote after he left but he is unsure what that vote was about; and he noted he received the emails after that meeting.

Commissioner Tobia inquired if it is to the best of Mr. Knox's knowledge that the HOA will stand up in favor of the revisions he made.

Mr. Knox responded he would think so, but he cannot tell what is in people's minds, and he knows there was some opposition at the meeting.

Commissioner Tobia asked Mr. Knox to clarify the BDP he just handed out was not in the packet.

Mr. Knox responded it was not in the packet because he could not respond to it until today.

Commissioner Tobia commented he gets that; and he inquired if the Board is just receiving it, so the HOA has yet to see it.

Mr. Knox replied in the affirmative.

Chair Isnardi inquired of the items he responded to with the staff's comments if they are even more restrictive or more favorable to the homeowners, because she sees there is a wall, there is making sure they have adequate turn radius past the gate that they wanted, and not allowing for extended stay; and she inquired if these are all additional protections.

Mr. Knox stated one of the protections was the eight-foot wall that they had agreed to; staff seemed to think they had to waive the six-foot requirement to get to the eight-foot; he does not necessarily think that is true because they were being more restrictive; and he noted that was something they had agreed to.

Chair Isnardi noted just for record sake and for the homeowners that are in attendance, she inquired if Mr. Knox could briefly summarize the additional things that were added and Commissioner Tobia's concerns of this new document. She noted she could read them but she would rather they come from Mr. Knox since it is his document.

Mr. Knox advised this is all on page two of the original document, which is the one the Homeowners Association has; the first change was to paragraph (F) where they added an eight-foot wall where walls are required by the County Code; staff seems to believe it is the entire property, so if that is what is required, that is what they will do; the second change is in subparagraph (H) where they are talking about the turnaround; staff was concerned that they should be following an exhibit that was set forth in the Zoning Regulations about the sizing of that turn around where there was not enough right-of-way; there is enough right-of-way looking at the entire piece of property owned by the HOA; however, he had to point out the exhibit they were talking about was something that applied to residential subdivisions not condominiums; and when they came back with their comments, they added something about having a turn around that was at least the length adequate to allow appropriate turning movements by a truck with a landscape trailer. He added they had also asked that the turn around on templates be provided, which is on the application for site plan approval. He noted that is the language he replaced in the BDP was to conform to what staff had put in their comments; the last change

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they made was on (J) where staff pointed out that hotels were defined to include any stay that is less than 90 days; they had placed something in the BDP about not doing weekly rentals without coming back to the Board for approval; and he confirmed it to what staff said about any developers change of use from a hotel to a facility allowing stays of over 90 days would require revisions to the BDP, which means coming back before the Board. He commented he added, not on this document but on the document in the Board's materials, something that was concerning to the staff as well; they were concerned about the enforcement of these provisions because they really deal with property that is not subject to the zoning; what they did was place a provision in the BDP so the County will have a standing to enforce it if they chose to do so; that is pretty common in deed restrictions where people have private arrangements between two private parties, but they put in, the County will also enforce those; and that is what he has done with this.

Gail Daberko, president of the HOA, stated she sent an email requesting that he put it in the BDP just to make it legal; the reason she was requesting that is because they, the president or vice president, cannot speak for the entire community; according to the documents they have to take a vote; she cannot present anything to the association for votes until they have a legal document; she is going to request that this be tabled for that reason; and she noted she just received it on Tuesday around noon which did not give them enough time to facilitate distribution to the owners for them to look at or place input on it. She continued the HOA is required to take a vote on it; many of the residents speak French, so the documents have to be translated into French, therefore, there has not been adequate time to begin to do any of this; she advised after Mr. Knox left some of the residents felt more comfortable speaking and they had raised additional concerns and questions; and she corrected Mr. Knox in that there were only 13 residents there, which is not even half of the residents who had input. She went on to say they would like to be able to take the vote; and they would like to welcome Mr. Knox back to discuss the other issues they have.

Chair Isnardi inquired if Ms. Daberko would like to state what those issues are now.

Ms. Daberko responded she does not think so; some are concerned about lighting, the height of the building, and lots of different things; she reiterated there were only 13 people at the meeting; a lot of the residents are not there yet because they are seasonal residents; and with the holidays, there are a lot of the residents gone. She commented she would really like to reach out to more people and send this out for a vote; maybe when they see it they will have more ideas as some of them do not even know what is going on as they live in Canada; and it is placed in the minutes but they have not seen anything in the BDP.

Chair Isnardi inquired if they do not live there year-round.

Ms. Daberko stated some do, some do not; she wanted to be able to offer those who do not live there year-round the same opportunities as those who do; and she reiterated she would be happy to meet with Mr. Knox again to go over additional things, once they find out what those are. She clarified her asking him to put that in the BDP was not considered her approval, they just needed a legal document to provide to the homeowners for approval.

Commissioner Tobia stated he has not seen the email, however, he would have understood it the same way as Mr. Knox did.

Ms. Daberko apologized if he understood it that way.

Commissioner Tobia inquired if the Board were to extend her an amount of time, how long would it take to get a majority of the HOA to vote one way or another.

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Ms. Daberko stated if they go with the new BDP, it would have to be translated then sent out to Canada, so to get everything done maybe six to eight weeks.

Commissioner Tobia stated he does not speak for the Board; and he inquired if February 7, 2019, would be a good time frame.

Ms. Daberko stated they would do everything they could to get everything accomplished by then.

Commissioner Pritchett inquired if the Board were to table to February if that would have a harsh impact on his project.

Mr. Knox advised there is a sewer issue out there; one of the reasons that is an issue is because there is limited capacity at the Barefoot Bay system; it is on a first come, first serve basis; there is a fee to reserve the sewer and his client has done that, in part; they have more they can get but they want to see the results of this before they do that; and there is enough to serve this particular use, but there may not be enough if someone else comes in and gets it.

Commissioner Pritchett stated then she is not willing to table it.

Chair Isnardi asked Mr. Knox to verify for the record that he did all the proper notifications and meetings with the residents and that he made every effort to reach out.

Mr. Knox responded he did.

Chair Isnardi stated she will reserve comment until the end but she thinks the developers made many concessions to appease the people that did come out; she does not think the Board or any developer can be responsible for people who do not speak English or do not live here year-round; and she does not know if that would be a fair burden to place on anybody. She noted she will not support tabling this.

Commissioner Lober inquired if Commissioner Tobia is in favor of tabling it.

Commissioner Tobia stated he thinks the Board was pretty clear that it wanted input from the citizens; that was the direction and the intent the Board went with; he noted this Board just received the BDP 12 minutes ago; he saw words that brought red flags to him, as he did not think it was all that specific; he thinks staff is going to have some issues because there is an entire table with issues that he does not want to touch on; he thinks there are two pages of issues with the BDP; and he thinks before he makes a decision that staff should explain the issues they saw with the last BDP and to see if those issues have been addressed. He inquired if staff would be able to make that determination in 12 minutes whether these 12 issues that had been addressed in that one change, because he cannot.

Ms. Sterk commented she does have questions; some of those are with the information he spoke about regarding the improvements on adjacent property; she has not spotted language that allows for that to occur; and she is not clear on what language allows that.

Commissioner Tobia asked which Item Ms. Sterk is discussing.

Ms. Sterk replied it is condition 2(H), improvements on adjacent property; she stated it was described today as being within right-of-way, however, they are not within right-of-way, they are within privately owned property that the County cannot control whether or not the applicant submits improvements on that property when they submit their site plan; they do not even have the authority to submit plans to make those improvements; and she does not know how the

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County can encumber this property to make those improvements. She added Mr. Knox spoke about inserting language that allows for that; and she asked Mr. Knox where that is at.

Mr. Knox pointed out it is in (G). He advised what it says is, "in addition, with Summit Cove Association's consent, the development owner agrees to place a buffer on the landscaping on the association's property where it is desirable"; that relates to two things, his client agreed to put buffering on both sides of the property of the wall he is going to put up; the comments they heard from those people at the meeting were they were concerned there would be deciduous trees or something, and his clients said they would not do that; and he noted his clients really do want to work with the association to get the landscaping the way they want it on their side of the property. He explained that is where they are going with that.

Ms. Sterk stated "some buffering" and "where desirable", the County does not know what that is; those things can be defined by meeting with the neighbors and telling staff what they are; when the site plans come in, she does not know what to ask for; therefore, there are still some concerns with the language.

Commissioner Tobia inquired when her office received the previous BDP.

Ms. Sterk responded her office received it on Tuesday and ceased all other activities in response.

Commissioner Tobia commended her for going through that in such a short time and getting a response back to give the applicant the ability to turn something around. He stated he wishes she would not have done it so quickly because now it places the burden on the Board.

Ms. Sterk noted she has the right to table, but she did not do that.

Commissioner Tobia stated he appreciates her making every accommodation for the applicant and drawing up the table.

Mr. Knox stated the meeting that was held with the Homeowners Association was not until November 27, because they could not get their association together until that time; they had asked for a time before that and they were given November 27; and he mentioned he did not receive staff comments back until this morning, so he had to respond to that very quickly.

Chair Isnardi stated the Board asked Mr. Knox to work with the homeowners, but in reality, he is not required by law to provide all these extra things; and he is trying to accommodate some of their concerns.

Mr. Knox stated they are trying to address every one of their concerns; and the gate is a big concern for them.

Commissioner Pritchett inquired if it would possible to table to December 18, as there is another BOCC meeting in a week and a half.

Eugene Lomando stated this is getting a little off track; they are wonderful people but they are a one-sided neighbor; there are other neighbors; there are letters from other neighbors; and as for the buffering, that comes in the landscape architectural plan, so they can say how many plants then. He went on to say that is where that would take place. He noted he was there before the Homeowners Association was even built; they have been good neighbors; they are trying to bring value to the area; and they have the ability and awareness to bring sewers.

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Commissioner Pritchett inquired if it is possible to table this until December 18 without harming the project. She stated she thinks the applicants have done their due diligence; she thinks the turnaround next door was a little much, but they were willing to do it; and she noted she is comfortable doing this, but Commissioner Tobia has some discomfort with it, so that is why she is asking if it is possible to take a week and a half to tighten it up with staff.

Commissioner Tobia thinks the homeowners would be best served waiting for the new BDP; and he asked if the Board could give direction to receive a copy of the BDP so it is not being provided on the day before a meeting.

Mr. Knox advised he will send the clean version to the Board, staff, and Ms. Daberko.

Commissioner Tobia stated staff still has issues even with the recent document.

Ms. Sterk responded in the affirmative. She stated implying that they can work with adjacent property owners during the site plan process is something they cannot do; they cannot negotiate those terms during that process and that kind of language is unenforceable; another thing that was brought to her attention was, one of the conditions obligates the developer to build the hotel in conformance with the concept plan and staff would need a 20-foot buffer added to that concept plan; and she noted there is very little time between now and December 18, and she will not have time to provide that feedback.

Mr. Knox noted he will do what he can do.

Chair Isnardi inquired if Mr. Knox thinks he has time to meet with staff.

Mr. Knox commented he assumes staff will go over the clean BDP tomorrow and provide him all the comments; and he does not think there is a lot of difference from what staff is looking for and what they are doing so he should be able to respond rather quickly.

Chair Isnardi advised staff is talking about a 20-foot landscape buffer and an eight-foot wall.

Mr. Knox noted he does not know where the 20-foot landscape buffer came from, but he will get with staff.

Chair Isnardi stated as much as she would like to wait for things to be translated, and for the HOA to make sure everyone gets a vote, she does not know if that is fair to applicant; she suggested the HOA have small meetings and appoint a spokesperson to provide Mr. Knox with any additional things they would like done; and she noted there are going to be people that just do not want this, but if there is something Mr. Knox can do to ease the pain, she knows he will make it work.

Commissioner Lober stated he does not know that it is fair to place this burden on the developers or those involved in the project; he appreciates staff's turn around for how quickly they have been able to address things; and he asked that they all continue to do that in whatever degree they are capable of doing so.

There being no further comments or objections, the Board continued the public hearing for a request by Anthony Lopes and Eugene Lomando for a Small Scale Comprehensive Plan Amendment proposing to change the Future Land Use Designation from RES 2 and NC to CC, to the December 18, 2018, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.11., PUBLIC HEARING, RE: ANTHONY LOPES AND EUGENE R. LOMNDO (SCOTT KNOX) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM BU-1 AND TR-3, TO ALL BU-1 (18PZ00077)

Chair Pritchett called for public hearing on a request by Anthony Lopes and Eugene Lomando, represented by Scott Knox, for a change of Zoning classification from BU-1 and TR-3, to all BU-1 on 1.96 acres, located on the west side of U.S. Highway 1, approximately 655 feet south of Garretts Road.

There being no further comments or objections, the Board continued the public hearing on a request by Anthony Lopes and Eugene Lomando for a change in Zoning classification from BU-1 and TR-3, to all BU-1 on 1.96 acres, located on the west side of U.S. Highway 1, approximately 655 feet south of Garretts Road, to the December 18, 2018, Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM K., PUBLIC COMMENTS

Chair Isnardi advised Charles Tovey that he is allowed all the time he needs because his card was missed at the first Public Comment portion of the Agenda.

Charles Tovey stated he is not prepared for that; he is trying to remember what he came here three hours ago to do; as usual he is the one who has to suffer other people's mistakes and overlook their things; and he noted that is okay, it is part of his life. He continued he has cards that he keeps so he has them available; he will talk about anything and give his opinion; he made a few crude diagrams but he has a lot of information in them; he asked the Board to create a file to store it in or to throw it in the trash can; and he noted he is still recovering from Post Traumatic Corruption Stress Disorder from all the things that have been allowed to happen and from what he has experienced. He added he is not going to be the nicest person in the world, he is a serious person; and after this matter is finished and the Lagoon, he will be chummy and talk to people, idle gossip. He went on to apologize to the Chair about the comment he made about his name; he noted after meditation, he realized it does say print and he did not print his name, and his handwriting is not very legible; he noted it was not personally directed to her it was directed in general, and that he is a general practitioner, so if he does not voice anybody's name, then it is not directed to them personally; there are other people he has to be involved with that do not know his name correctly; therefore, he felt it was a good opportunity to present it correctly. He stated if he stays alive and has these issues he will be back to comment about them; status is important but it has never been his priority; there are hundreds of things he cares about more than looking good for his neighbors; he was there first and how he is here now, is beyond him; and he noted he is not prepared to discuss any more items, so he will be at the next meeting. He stated if there is public comment, he thought he has been earning his right to public comment, to go into other areas and things; he has had a hard road and no one has helped him; it has been since 2004 when his property was encroached

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upon; he commented he is rambling about stuff; and he mentioned he will be providing more information about the Lagoon and the projects he has been working on for over a decade. He advised if the Board does not understand what he has stated tonight, or last time, or years' ago, if it puts them all together it might see a picture that is not presented at immediate times; and he commented for the Board to have a nice time.

Commissioner Lober asked Mr. Tovey if he prints anything in the future if he would print it in block; he advised he does not have to do it; and he stated he read it but it took him a little more effort to be able to read it because of the hand writing.

Mr. Tovey stated he understands that, he did not expect anybody to observe it; actually no one has paid attention for all these years; it is public record and that is why he has been stating these issues; and no one has made any effort as far as he knows of.

Commissioner Lober advised if Mr. Tovey is willing to sit at the meeting for three hours, he would like to at least read what is submitted; whether the Board takes any action, he cannot promise that, but he believes he deserves at least that much for sitting there for three hours.

Mr. Tovey stated he could use up the whole three hours had he been given the opportunity and the expectation that he was going to be given more time; he is going to make an appointment with Commissioner Lober's office and disclose all of this information; at the end of the elephant, he will be disclosing it to all the Senators he has called; and he noted he has more information he has not been able to access yet, but he has been trying to compose all that information to submit it to the Board, as well as the Senators, the Congressmen, the newspapers, and all the other interested, Lagoon-friendly people.

ITEM L.5., JOHN TOBIA, COMMISSIONER DISTRICT 3, RE: LETTER FOR DEMAND FOR A PUBLIC RECORDS REQUEST

Commissioner Tobia stated on July 27, 2018, he submitted a simple public records request to a State agency; he did this of his professional capacity but made sure to include a disclaimer that he is not acting on behalf of the Board; a reasonable amount of time has lapsed; he requested the Board authorize the County Attorney to send a demand letter for a response from a State agency; and according to the County Attorney's Office it would incur about 30 minutes to one hour of staff time.

Commissioner Lober asked for a cliff note type of version of what the request pertained to, or who it was directed to.

Commissioner Tobia responded Enterprise Florida.

The Board authorized the County Attorney to prepare and send a Letter of Demand to Enterprise Florida regarding Commissioner Tobia submitting a public records request on July 27, 2018, due to reasonable lapse of time.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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ITEM L.7., KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, CHAIR, RE: REPORT

Chair Isnardi expressed appreciation to staff for all they do to help the Board. She noted after reading all those minutes, Ms. Sterk is her hero, given the amount of things and how she steers the conversation; she really appreciates everything she does as well as staff; and she knows it can be difficult to work with so many different entities and try to appease everyone.

Upon consensus of the Board, the meeting was adjourned at 8:12 p.m.

ATTEST:

SCOTT ELLIS, CLERK

KRISTINE ISNARDI, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA