

**PLANNING AND ZONING BOARD MINUTES
LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board, and Local Planning Agency, met in regular session on **Monday, October 6, 2015, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Clyde Thodey; Bill Cannon; Robert LaMarr; John Stone; Ron McLellan; Loretta Goggin; Ron Bartcher; and Richard Charbonneau

Staff members present were: Cristina Berrios, Assistant County Attorney; Eden Bentley, Deputy County Attorney; Cindy Fox, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

The 9 regular members present voted on Items III.B.1 and III.B.3.
Ron McLellan abstained on Item III.B.2.

Henry Minneboo – This is the Planning and Zoning Board, which is an advisory board to the Board of County Commissioners, and they will ultimately have the final decisions on each and every item we have today. The Commission meeting for this meeting will be on November 5th back in this room at 5:00 p.m. We're going to try to keep you on three minutes today for the people who would like to speak.

Henry Minneboo - Did everybody have an opportunity to look at the P&Z minutes of September 21st?

Clyde Thodey – Motion to approve.

Ron McLellan – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Henry Minneboo – On the first item, staff has requested that we table this item. That's III.B.1.

III.B.1. (15PZ00056) – IMPERIAL SOUTH, INC. – (Will Reynolds) – requests a change of classification from PIP to RU-2-15 on 30.7, located on the east side of Wickham Rd., approx. 330 ft. south of Jordan Blass Dr. (2975 Allen Hill Ave., Melbourne (Tax Parcel 253); 2600 Promenade Dr., Melbourne (Tax Parcel 254); 6375 N. Wickham Rd. Ste 107, Melbourne (Tax Parcel 756); Tax Parcels 265 and 250 have no assigned address and are in the Melbourne area)

P&Z Recommendation: McLellan/Cannon – Tabled to the 11/09/15 P&Z meeting. Vote was unanimous.

Cindy Fox – Staff is spending more time reviewing this item.

Henry Minneboo – It's more complex than originally thought.

Ron McLellan – I'll move to table it.

Bill Cannon – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

III.B.2. (15PZ00051) – ROY WAYNE YATES – (David Agee) – requests a CUP for Land Alteration in an AGR and AU zoning classifications on 32.50 acres, located on the west side of Babcock St., approx. .50 mile south of Micco Rd. (9400 Babcock St., Fellsmere)

P&Z Recommendation: Thodey/Charbonneau – Tabled to the 11/09/15 P&Z meeting. Vote was unanimous.

Ron McLellan – Can I start out by saying I was a part of this years ago, and I guess I’m going to have to claim a conflict of interest. I’m not really a part of it anymore, but I will be buying fill material out of that borrow pit. There’s five borrow pits around there and I’ll be buying material from all of them for the interchange property. I’ll fill out whatever I have to fill out.

Henry Minneboo – Ms. Eden?

Eden Bentley – He needs to fill out Form 8B.

Henry Minneboo – Can he vote?

Eden Bentley – No.

Henry Minneboo – He can’t vote, but he need to file.

Ron McLellan – Can I speak at all for or against, or whatever?

Cindy Fox – You should not.

Ron McLellan – I can’t speak at all?

Henry Minneboo – No, we’re going to put a piece of tape on you.

Ron McLellan – They let me speak nine years ago.

Henry Minneboo – We changed the rules since then.

Cindy Fox – We’ll get it taken care of.

Henry Minneboo – Is the applicant here?

Cindy Fox – He’s looking for his affidavit.

Loretta Goggin – Henry, will this allow a quorum?

Henry Minneboo – I think so, yes. If you wouldn’t have shown up we wouldn’t have had one, so we’re glad to see you.

Cindy Fox – We’re good to go.

David Agee – My name is David Agee, my address is 120 Harrison St., Cocoa Village. On behalf of Roy Wayne Yates, I want to present his application for land alteration for a borrow pit on his property located at 9400 S. Babcock Street, South Brevard County. We’re requesting a conditional use permit in AGR and AU zoning in accordance with Section 62-1936, Land Alterations, to develop a borrow pit on that property. The proposed land alteration is 17.61 acres, more or less, and I just want to summarize the project. The borrow pit is to be developed to provide a source of supply for road and construction material in Brevard County: sand, clay, lime rock, et cetera, to be used locally. I’m sure everybody here knows that the I-95 and Heritage Parkway interchange is soon to be put out for bid and construction will probably start in 2016. South Babcock Road, adjacent to the property running north and south, is going to be re-built. The total alteration area is approximately 32 acres, with 17.6 to be the borrow pit area. It is expanding on an existing five acre borrow pit that’s onsite. The depth of excavation is not to exceed 31 feet. The watering is to provide access for over-

burdened materials for excavating. Dewatering will be to the existing pit that's onsite, or to onsite retention swales, or drainage canals in the area, to limit any horizontal or vertical changing of the groundwater table. We have an approved St. Johns River Water Management Consumptive Use Permit for the existing five-acre pit in 2011, and an approved DRP permit. The project meets all of the setback requirements per 62-1936. Vehicle access is going to be, and is available to, Babcock to the property. Site operations will be minimal equipment, a water truck to suppress any dust and manage the road, or the existing property, that might exist; a grader to keep everything smooth and accessible; a backhoe for digging; and an excavator for loading material onto vehicles to haul. The project will meet all the hours per day and days per week operational requirements. The dewatering pumps are to be electric whisper-type pumps; dewatering, excavations, et cetera activities are not to exceed St. Johns Consumptive Use Permit assumptions. The pit activities aren't in operational activities during.....are not going to exceed five acres or depths of 31 feet. The project will probably be constructed or operated in phases, just from a management standpoint and a functionality standpoint. There's an existing pit/lake on the property now that can receive any discharge water that we need to take. I guess everybody is concerned, but there is not going to be any blasting, blasting is not needed, it's just lime rock and sand and shell. Again, all the activities are consistent with the permit requirements. Any questions?

Henry Minneboo – Anybody have any questions for this gentleman?

Loretta Goggin – I was here a number of years ago the last time this came around, and at that time the proposal did include occasional blasting, and there was a lot of concern – I think this hall was pretty much filled – and we had expert testimony from veterinarians with concern for the nearby horses and children riding the horses, if that refreshes everyone's memory. Of course, being a representative from the school district, that was our main concern. The borrow pit was going in, so that hasn't changed, so why has it been changed that there's no blasting necessary? The component you're taking out is the very same as it was a number of years ago, so what has changed that now you don't need to blast it out, if it's still the same component that you're taking out. I mean, I'm a lay person, I know the difference between cement and asphalt, but I just don't understand what's the difference in the method that you take it out. Why is blasting all of a sudden not needed? Are you just using.....I'm familiar with some construction and road, and I see how they use pilings and they put pilings in and they use those big machines that make a whole lot of noise. Are you using some kind of machinery that does that?

David Agee – No, in fact, I looked back not too long ago at the meeting last time and some of what went on, and there were a couple of things that would have been red flags – would have been red flags to me as well – there were misnomers. For one, they were calling it a mine and saying it was rock. Rock has a loosey-goosey definition in terms of what really is rock, but in the construction industry there's some limitations and parameters on what rock is and what it isn't, and what it isn't is a material that can be dug or broken up or hauled and moved by conventional common excavation site work equipment. Rock is something that is pretty hard stuff and it would need big machines and/or blasting or some other things to get to it, and that's not what the material type is down there. So, nothing has changed, what was in the ground, it's just.....I don't know how everything came to be prior to 2006 or so, in terms of getting to nomenclature and what-have-you, but it just wasn't correct. Thinking back, part of it was, I think the folks involved with it were out of Tennessee at the time and in Tennessee there's a lot of hard rock and there's a lot of blasting done, and there's sort of some conventional means and methods that go on in certain areas where you live or work that you get used to, and obviously they're not all the same everywhere. So, I don't know if that answers your question or not, but there's really not a need for it. There's overburdened sands and clays that can be dug with a backhoe or a loader, and lime rock is limestone coquina that can be randomly hard, it's porous permeable made up of calcium, primarily calcium magnesium, shell fragments from when sea level changes occurred in Florida and stayed there long enough for accumulation of the material to develop, and over time when it rains, the rain comes in weakly acidic and weakens it from where it was originally deposited, or consolidated.

Henry Minneboo – Specifically, are you going to do any blasting?

David Agee – No.

Henry Minneboo – That's all I need.

Ron McLellan – Can I say anything at all?

Henry Minneboo – No.

Ron McLellan – This is getting completely off-base. I can't say nothing at all?

Henry Minneboo – No.

Ron McLellan – Might as well cancel this thing.

David Agee – I disagree.

Henry Minneboo – Anyone else have any questions?

Loretta Goggin – Thank you for answering my question, because that was a significant concern, the blasting.

David Agee – It's two different beasts/animals, if you will.

Henry Minneboo – Mine was pretty specific, I mean, are you blasting or are you not.

David Agee – You're not blasting, but you also don't need to blast.

Henry Minneboo – That's what we needed to know.

Richard Charbonneau – Did you blast before?

David Agee – No, there was never any blasting.

Henry Minneboo – There's been other blasting around.

David Agee – I mean, there's been some blasting around the area in the past.

Henry Minneboo – In years past there's been blasting at other locations.

David Agee – The Blackhawk pit might have done some blasting way back when, maybe.

Richard Charbonneau – How much water do you expect to be pumping out of here per day? You said you have silent pumps, so I'm assuming you know the capacity of the pumps.

David Agee – I think 179-point something billion gallons per year and about .49 million gallons per day on average. That's consistent with the consumptive use permit with St. Johns back in 2011, which has a 20-year permit duration, by the way. I think I stated earlier it was 4 or 5 acres, 30 feet, and this box can take out so much volume of water and have no impact on the environment around it. I mean, wetlands, species, significantly lowering the water table.

Clyde Thodey – Can you raise that microphone up?

David Agee – I'm sorry.

Richard Charbonneau – If you're doing half a million gallons of water a day – I did some rough math in my head – why would that not have any effect on anything?

David Agee – It recharges quickly. It's a permeable.....the water table starts at 8 feet, you start trying to draw the water table down and it just comes back as quickly as you can – for the most part – as you can take it out.

Richard Charbonneau – Are you drawing from the pit, or are you drawing from wells?

David Agee – It would be drawing from the pit.

Richard Charbonneau – So, you're not drawing from the aquifer?

David Agee – Which aquifer are you talking about?

Richard Charbonneau – Okay, where is all this water going to go if you're pumping half a million gallons out of there?

David Agee – It's going to.....there's still some design considerations, but it can go in the existing pit, and that's a recharge area anyway, you put water in it and it raises up just like any pond or any swale drainage, and over 72 hours or so it drops back down and goes back into the ground where it normally is. There's some onsite ditches that will carry to some of the canals locally there. The canal on the north, it may be under that.

Henry Minneboo – But you're required to retain a substantial amount of water on that site. Isn't that true? In accordance with the permit?

David Agee – You've got to have it in retention for 72 just for any load – solids – to fall out before it gets.....

Henry Minneboo – So, it isn't like it's all discharging to an outfall, you've got to retain.

David Agee – Yes, sir.

Henry Minneboo – I'm not trying to put words in your mouth.

Robert LaMarr – Has any talks been done between the Deer Run subdivision and your company? Any talks or meetings?

David Agee – No.

Robert LaMarr – That was my only question.

Henry Minneboo – Anybody else? We're going to go out to the audience. I've got about 6 or 8 cards here, and of course if anyone else would like to speak. You don't have to be redundant with any subject matter, this group here will pick up the points of interest pretty quick, so if it's a traffic issue out here everybody doesn't have to tell us about traffic, unless you just feel like it. Each person speaking today will be given three minutes. The first card is Don Henderson.

Audience Member – We have an order. We're trying not to be redundant, so we have certain people talking to specific things.

Henry Minneboo – How about if I give you the cards and I let you set them up.

Audience Member – We have a list.

Henry Minneboo – Let me try to do something a little different. If you've got a fixed program and you've got a handle of what's here, you know, I usually don't have these cards, you guys are a little more organized. If you'd like to do it that way and it's going to make it easier and better for everybody, that's great. Is that acceptable to the board? If you have to just talk about traffic, everybody, I'm not going to shut you off....and I just picked the subject matter random.

Susannah Becker – My name is Susannah Becker, I've been a resident of Deer Run since 2004. I think you'll see by looking at the audience that a lot of our residents are not here today. The Planning and Development Department courtesy notice for this public hearing arrived in our mail boxes on Thursday, October 1st in the late afternoon. That allowed only one working day, Friday, for visually and hearing impaired persons to make arrangements to attend. Whereas, the notice states that the Planning and Development Department must be contacted five days prior. I would like to represent those residents who are not here. Living in Deer Run are dependent children, dependent handicapped children, and dependent handicapped adults. Their caregivers may not have been able to make arrangements to be here. Their parents, relatives, and families work ceaselessly to protect them in the safe haven of Deer Run. I'm asking you to keep them in mind during your decision making process. This peaceful, quiet, environment is now physically threatened by Mr. Yates' plans and will surely have a negative impact on the water table and our wells, our only water supply. Do his plans outweigh the incalculable value of my hard working neighbors who care for an adult child who cannot talk or comprehend? Of my neighbor who provides foster care to four mentally and emotionally disturbed children? Of my neighbor who houses an elderly Alzheimer's relative? The United States Department of Justice Civil Rights Division Americans with Disabilities Act states that access, participation, and benefit from services of state and local government is their due. Please keep these vulnerable citizens and their caregivers in mind when you make your decisions. Thank you.

Clyde Thodey – Henry, I heard that we've got to have a five-day notice process. Are we legal here in what we're doing if they didn't get that in time?

Cindy Fox – The courtesy notices that they're referring to are the little postcards in the mail, they're not required by law, it's just a policy of the board. If they wanted to provide information all the way up to the meeting they can. You've received some emails and documents we've received today. So, there's no limitation on when you can provide information.

Henry Minneboo – We've been jammed here with meetings after meetings.

Cindy Fox – You've had three.....

Henry Minneboo – Is that the reason?

Cindy Fox – You've had three meetings in a row.

Henry Minneboo – We've had three or four meetings in the last month.

Cindy Fox – We usually don't have them every Monday.

Tammy Rutkowski – We apologize if we are a little, not redundant, but there's some people who usually are a lot more organized and this was on pretty short notice about what's going on.

Henry Minneboo – I just wanted to make sure that the staff has been.....I'm going to defend the staff because they've been working really hard. We've had a lot meetings, the LPA, and they're trying to keep everything on schedule. So, they might have been off a day.

Tammy Rutkowski – Mr. Yates hasn't met his burdens of showing all applicable standards and criteria have been met. He implies that the use will be compatible with the agricultural use to the south and west, but he doesn't even try to state that this use is going to be compatible with the residential use that is directly to his north. Coquina mining activity on a property in such close proximity to an equestrian residential community is dangerous. It's ludicrous to think that pumps running 12 hours a day – I'm not sure how you keep a pit dry unless you're running them constantly, but he says 12 hours a day – extracting the rock, and I say extracting because we've heard blasting in the past and we've heard scraping, we've heard fracking, and to be honest with you, even standing up today, I don't know how they're extracting it, I don't know how they're getting it out. All the vibrations that are incurred with that, loading it into the dump trucks is going to affect horses and residents on lots adjacent to his property. It's ludicrous to me to think that that's compatible use. In addition, you're going to be hard-pressed to find a person who can provide a lucid argument that a coquina mine is compatible with our riding facilities. We're one of a dwindling supply of places in Brevard County to even hold equestrian events. So, it's not only Deer Run that stands to lose, but the South Palm Bay area as well. Palm Bay residents use our facilities; people aren't going to bring their horses, trainers, and events to an arena in plain sight of a coquina operation and all the unpredictability that brings. It's incompatible. As to the character of the surrounding area of Mr. Yates' property, he wants to tell you that there's all these borrow pits there, but they are inactive. I found one active one on Micco Road and they are a sand pit. I have not found any place where they are digging – excuse me, there's one place and what they are is a company that goes in and prepares construction sites for others, and that's what they are hired to do. The basic is that we've been here three times and not one governing body has said this is a fabulous idea. Planning and Zoning didn't say it, the Commissioners didn't say it; he tried to get annexed into Palm Bay and they turned him down; and we're here again. It's not compatible with our use, it's not compatible with what is existing there, it's not compatible with water, and it's not compatible with an elementary school there. My time is up.

Henry Minneboo – I took some of your time, so I'm going to give you about 45 more seconds.

Tammy Rutkowski – Fabulous. In addition, we've asked repeatedly, give us some assurances. The burden of proof is on him to assure us that it's not going to affect us. We've asked for tests, we've asked for.....he's got Class B sewage on his property. When you go to recharge, what effect is that going to have on your recharge ditches? What effect is that going to have on the water? We don't know these things because he won't answer them. I'm hearing a lot of maybes, I'm hearing, "We've got some design things to do, maybe we'll put some water here. There's different ways of mining this rock". I'm hearing a lot of maybes. I have a \$350,000 house out there that I've worked by behind off for. I have a way of life out there, I've been there for 15 years, and I don't think that his cheap road base is worth what I've worked for. That's it.

Richard Charbonneau – How far is the school from this pit? You live there and I don't, so I'm just....the way you're picturing it, it's like here's the pit and 300 feet away is the school.

Tammy Rutkowski – No, here's the pit, here's my subdivision.....

Richard Charbonneau – No, I asked you how far is it from the school, because you mentioned the danger to the kids at the school, and I'm just imagining how close this is to the school.

Tammy Rutkowski – Three miles. I said it's not compatible with the school, yes.

Richard Charbonneau – Well, it's not compatible with the Viera school, too.

Tammy Rutkowski – I'm sorry?

Richard Charbonneau – It's not compatible with schools in Viera, too, because it's only 20 miles away, but a few miles seems like a long ways away.

Tammy Rutkowski – We can agree to disagree on that.

Richard Charbonneau – How close is the.....do you have an equestrian arena there?

Tammy Rutkowski – Yes, we have a riding facility there.

Richard Charbonneau – How close is it to the equestrian arena?

Tammy Rutkowski – It's on the southern boundary. His property comes.....there's a canal between his property and the riding facility.

Richard Charbonneau – So, from the pit to the arena would be how far?

Tammy Rutkowski – I can show you on one of his pictures, if you've got where he submitted his aerial photo.

Richard Charbonneau – I'm not asking you down to the foot, but is it like a half-mile away, or a quarter-mile away?

Tammy Rutkowski – Less.

Henry Minneboo – Maybe somebody else will answer that question, Richard, if you can hold on to that.

Brian Curry – Good afternoon and thank you for your time today. My name is Brian Curry, I reside at 184 Deer Run Road, I also happen to be the President of the Deer Run Community Association. In addition, I've called Deer Run home for the last five years, which brings me to my point. Five years ago I was looking to move to Deer Run, as my wife and I enjoy the equestrian lifestyle. We have two young kids and they both ride. Back then, I wanted to understand if a similar permit was going to be granted before I'd move in. Thankfully, the request was denied, and three weeks after the Board of County Commissioners unanimously upheld the denial I moved my family into our home. My wife and I cannot have made a better decision to move to Deer Run. Also in 2010, the City of Palm Bay annexed and rezoned San Sebastian Farms for future residential land use. San Sebastian Farms is to the south and to the north of the proposed site, and again, is zoned for future residential land use. Relative to my decision to move to Deer Run, just today I received a similar email from a property owner two lots down from me in the southwest corner of Deer Run who has yet to build, but has expressed concern of their future plans if this request is approved. It goes without saying, I completely understand their concern. Respectfully, please deny this request before you, thereby ensuring the future tranquility and economic growth of Deer Run. Thank you very much for your time and attention.

Henry Minneboo – Next.

Hugh Crumpler – My name is Hugh Crumpler, I live at 171 Deer Run Road, and before I get started, in his previous mining I could see the equipment from my bedroom window, I could see it working and I could hear it working from inside the house. I received notice of this CUP hearing on Thursday, one business day prior to the hearing. Not time to hire an attorney, not time to hire a hydrologist, not time to do anything. With one member of the board a close friend of Mr. Yates and that member signing a petition to profit from the CUP approval, along with past experiences with the same board member and Mr. Yates' request to mine coquina, from the outside – when you're out there, not when you're in here, not when you're in the offices – from the

outside, it appears as though the notice was deliberately late to prevent as much opposition to the CUP as possible. Maybe true, maybe not true, but that's how it appears on the outside. You tell anybody you get a notice two days before, one business day before, and they ain't gonna like it; however, I did receive the notice and I'm here to explain only two of my many, many objections to the CUP. A little background: I purchased a home in Deer Run because it was in the country, next to a farm, had a pond, and was a very quiet place to live. I used a major portion of an inheritance from my father's death to purchase the property of my dreams. I put down a considerable percentage of the property price so I could afford the payments. I am a Vietnam Veteran with Post Traumatic Stress Disorder. With my property purchased, I purchased awayness, I wanted to get away from everybody and every possible noise, I wanted to be quiet, and that's what I thought I purchased. My wife also got the type of home she wanted and I got a pond I've always dreamed of. I've been a professional bass fisherman, I've fished for bass, I wanted a pond where I could have some fish. The last time Mr. Yates mined, I could not go outside my house without hearing the constant noise of the pumps. The water level in my pond dropped – the bottom of my pond is coquina – basically, Mr. Yates' dewatering caused an underground river to run from my pond to his dewatering machinery. I have an artesian well that had to run 24/7 and it could not keep the water in the pond. I hooked up a pump and the pump pumped 24/7. I called St. Johns and they were amazed at how much water went into my pond and my pond level did not raise. All because the water simply flowing through the bottom, through the coquina, to Mr. Yates' mine. Mr. Yates converted the property of my dreams when he was mining, to the property from hell. The noise, the water.....I have sink holes in my backyard that actually dip down in places that used to be flat, and the elevation of the land is sunk because there's no water in the coquina to support the land. I have a well that is not used. I've monitored the water level in that well, and every time he pumped the well water dropped, every time he stopped it gradually rose, but it did not rise to the previous level.

Henry Minneboo – Give me a little summary here.

Hugh Crumpler – To conclude, I'm suspicious of the noticing process. Mr. Yates' dewatering is noisy and seriously harms the present environmental condition that was given to us by god. Mr. Yates' dewatering is harmful to the water level in the land conditions of his neighbors, me, and of those of my neighbors.

Clyde Thodey – Who was here first, Mr. Yates, or you?

Hugh Crumpler – Mr. Yates.

(Audience member inaudible)

Clyde Thodey – I'm asking him, not the audience.

Hugh Crumpler – Mr. Yates, but his mine came after I moved to my property.

Clyde Thodey – How long after that did that mine come?

Hugh Crumpler – Seven years. Excuse me, I moved in 2004 and I believe his mining was sometime around 2006 – 2008, I don't have an exact timetable.

Clyde Thodey – Thank you.

Richard Charbonneau – How close is your pond.....I'm still trying to picture this, how close is your pond to his pit?

Hugh Crumpler – I haven't measured it in feet.

Richard Charbonneau – Just an estimate.

Hugh Crumpler – It's less than a quarter-mile.

Richard Charbonneau – Did your pond empty completely?

Hugh Crumpler – I wouldn't let it, I kept the water running 24/7, I pumped water into it. There are ponds in Deer Run that went dry, but mine did not because I kept pumping water. I called St. Johns out and two engineers came out and gave me steps to do to provide evidence that it was him, and they were going to take his permit away once we got all the evidence gathered, but he was denied his permit to mine more than five acres, so we quit the process.

Richard Charbonneau – How big is your pond across.....the acreage, or square footage?

Hugh Crumpler – My lot is approximately 200 feet across the back and probably 150 feet across.

Richard Charbonneau – Across the pond?

Hugh Crumpler – Yes, the long way, and probably 75 feet the other way.

Richard Charbonneau – How deep do you think the pond is?

Hugh Crumpler – The pond is 12 feet from the top to the bottom.

Richard Charbonneau – And how much did it go down when he started pumping?

Hugh Crumpler – It went down 10 feet.

Henry Minneboo – Thank you, sir.

Eden Bentley – Mr. Chairman, we have now received the Form 8B, Memorandum of Voting Conflict, signed by Mr. McLellan and it has been filed. It will be put in the record, so now Mr. McLellan can participate in the discussion, although he must still abstain from voting.

Ron McLellan – I didn't understand.

Eden Bentley – You filed the paperwork, so now you can talk.

Henry Minneboo – But I'm only going to let you have three, too.

Cindy Fox – Mr. Chair, I would also like to point out I don't want anyone to believe that there was some sort of conspiracy regarding the mailing of the notices. I just want to show that basic policy for the courtesy notices, which, again, are not required by law, they just have to post a sign on their property, and a legal ad gets posted in the newspaper. The courtesy notices are something that your Board of County Commissioners has decided to do for the neighborhood. We are only required, per policy, to notify everyone within 500 feet of the property. If you look at this map, right here, everything in yellow, which does not include Deer Run, would have received the notices by policy. We took it upon ourselves, knowing the history of this property, to notify everyone in the Deer Run subdivision, so that was another 300 – 400 courtesy notices that went out to everyone in Deer Run. And I will tell you that they were mailed probably by the 24th or 25th of September, when they came out of this institution that we have here in the government mail, you might have gotten them later, but they were done in

time and we did the excess notification. So, I didn't want anyone to feel that there was any type of late notice or conspiracy, or that the applicant had anything involved in that at all.

Ron McLellan – So, actually, staff went over and above the call of duty?

Cindy Fox – Yes.

Hugh Crumpler – Do you have evidence that he posted the notice on his property?

Ron McLellan – I don't have evidence. That's your problem, not mine.

Hugh Crumpler – Excuse me, but if he doesn't post the notice, how am I....

Ron McLellan – Mr. Crumpler, it's right there on the road, all you've got to do is drive down the road and look to the right. I've seen it a million times. You people don't want to look.

Henry Minneboo – Hold on.....

Many audience member spoke at once.

Ron McLellan – It's been there forever.

Henry Minneboo – Hold on, this is not a debate center. Who's the next person that would like to speak?

Debra Bohnsack – My name is Debra Bohnsack and I'm also a resident of Deer Run. I am here today as a resident of Deer Run, as a board member of the Deer Run HOA, and as a horse owner. My family specifically chose Deer Run to be our home in 2012 because it's an active equestrian community, and I've been a horse owner my entire life. I have serious concerns that the proposed mining operation - and I'm calling it mining operation because we really didn't figure out how it comes out of the ground, so unless it silently levitates itself out, I'm just going to call it mining – I have serious concerns about that, that it will jeopardize my ability and our community's ability, our children's ability to safely use and enjoy our horses and ponies on our property as it was designed and intended to be used. Horses can be reactive animals scared by loud noises, sudden unexpected sights, sounds, smells, and ground tremors. About a year ago, I had an old palm tree cut down in my front yard. It didn't make very much noise when it fell, but it made a huge vibration, and as I was sitting at my desk looking out the back window, all the items on my desk shook and I watched my horses twirl around and take off running. They were spooked from the vibration under their feet. Adults and children horseback riding through our neighborhood with mining going on from dusk till dawn right next door is dangerous enough, but even basic handling of horses, feeding, leading of horses, can be very dangerous if they get spooked. Imagine a child trying to calm 1,000 pounds of rearing horse. Horses loose in pastures or kept in stalls are also susceptible to serious injury from running through fences or gates if they get scared. Carriage driving, which is what I enjoy, would become even more dangerous than riding because passengers are involved and those are oftentimes children. We do have several carriage drivers in our community, along with about 75 horses. When carriage driving on certain trails in our community you do not have the ability to turn around go the other way if you think that there is something frightening up ahead, like a piece of mining equipment. In summary, the idea of allowing a mining operation with loud noises, unexpected sights and sounds, and ground vibrations, next to an equestrian community is a bad idea, it's unsafe for the adults, our children, and our horses. All of our community horse owners, and all of our owners for that matter, are in agreement in asking you to recommend denying this permit. Thank you.

Henry Minneboo – Thank you, ma'am.

Robert Allen – My name is Robert Allen and I became a resident of Deer Run in 2004, and many of the residents are concerned about the concept of coquina mining, and I would like to just read a short summary of coquina mining. I'm here today to talk about dust hazards caused by crystalline silica. The dust is likely to be released from coquina mining operations. Also known as silica dust, this byproduct of coquina mining is carried from the mining site even by gentle winds. Inhalation of coquina-laden air leads to the embedding of silica dust particles in the lung tissue. These particles create tiny raised lesions that eventually form scar tissue. Depending on the density of the particles in the air that one is exposed to, there are three classifications of the seriousness of silicosis. The least serious variety of this disease is known as Chronic, or Classic, Silicosis. The symptoms occur 15 – 20 years after low, or moderate, exposure. The classic symptoms are shortness of breath, fatigue, chest pain, and respiratory failure. The two more serious levels of silicosis are known as Accelerated, or Acute, are associated with high, or extremely high, concentrations of inhaled crystalline silica. Acute Silicosis, the most severe form, can result in death. We believe that airborne silica levels associated with the proposed Yates mine could, at the very least, result in the less serious Chronic, or Classic, levels of Silicosis. The inhaling of silica dust can also worsen the symptoms of asthma, or other respiratory disorders. The prevailing winds in our area blow toward the northeast and this means that coquina particles could settle on Deer Run lots or even on the site of the Sunrise Elementary School. I would ask Planning and Zoning to review another case heard in our Brevard County Clerk during 2006/2007, the defendants were American Land Lease and DC Moxley Contracting. At issue was a 260-acre tract of land known as Crystal Bay. The clearing of this land had resulted in large quantities of airborne dust to settle on the homes and properties of adjacent Barefoot Bay. The developers could not control the dust. I believe that in regard to the proposed Yates mine, Planning and Zoning must decide whether the south end of the county is going to focus on planned residential communities while allowing the concurrent development of adjacent environment-threatening mining operations. I don't not believe the two can co-exist. Thank you.

Henry Minneboo – Anybody have a question for the gentleman?

Richard Charbonneau – Of what you just said, is there any place in the United States that coquina mining would be safe?

Robert Allen – I'm sorry who's Peter Lang? Did you mention a name?

Richard Charbonneau – No, I did not. I said, is there any place in the United States where this would be safe? Or any place in Florida? I mean, from the information you just gave it sounds like it's the worst thing in the world.

Robert Allen – Probably not. I think consideration has to be toward moving with a policy where mines and housing developments are not adjacently located. In fact, there should probably be a considerable distance. I don't know what the distance should be, but I would think it would be in terms of miles. That's just my opinion.

Henry Minneboo – Thank you. Next?

Don Henderson – My name is Don Henderson, 271 Deer Run Road, and I am a professional engineer retired from the Florida Department of Transportation. I was Director of Operations, so I'm a little bit familiar with mining and coquina and lime rock. With my past experience, I built a house in southwest Broward in an equestrian community. I was about a quarter to half a mile away from a limestone/coquina pit. I had major cracks in my house from the blasting and it was the only way to get the coquina out that I have seen, hard rock. I eventually wound up having to put a different well in. I had to go over 250 feet to get a good well because of the water problems that occurred because of the dewatering situation. The second issue I want to bring up to you all is that Babcock Road is in terrible condition. I don't think there's anything in the Brevard County work program to repair, fix, replace, widen, anything on Babcock. I believe the permit says he's looking at 30 trucks a day. That's heavily loaded trucks, possibly over weight because it's county road, and motor

carrier compliance will not monitor that road at that level, so he's going to destroy the road with no impact fees because Brevard County doesn't do that. So, he's destroying a road that's already in bad need of repair and maintenance, and it's not being fixed. There is no barrier that I'm aware of between my house and his property. You asked the distance.....we've seen a lot of it and I'm on the south end of Deer Run, my property line is along the canal, so he's anywhere from 600 to 1,700 feet from me, so that's where it looks like.....as I said, there's several pictures and drawings, so you can pick a distance. The other part that concerns me is that the gentleman representing the developer states that he's not going to mine.....it's soft rock and you're going to use it on roadway. Soft rock is not a base rock, it's going to be a fill, and whether that's the proper use for that I'm not sure. A piece of equipment, I believe he said, is minus 31 feet. My property is around 24. I assume Yates is somewhere in the 20's, so he's looking at a 50-foot breach with a bucket or backhoe he said he's going to use. That's a big piece of equipment in there. Silent pumps? I've never heard of a silent pump pumping half a million gallons of water a day. That's a lot of water to be pumped out of there. That is all, and I encourage you to deny it, and I think if this is approved you're going to destroy the water quality within the Deer Run community, and there is no proposal anywhere to spend \$1 million per year, or mile, to pump water into the Deer Run area, so we would be without water, or quality of water.

Richard Charbonneau – I've got one question. He said no blasting and you said possibly blasting, and I'm wondering if we can add a no blasting caveat to this?

Henry Minneboo – When they come up we're going to clear that up, but I've not heard blasting until it's been brought up from the audience. I'm trying to read a little bit here, but the applicant will have to address that.

Don Henderson – I can tell you the blasting where I lived in Broward, and all the words were in the permit, all the magic words to protect the homeowners in that area was in the permit. It called that he could use three sticks of dynamite. There was days when he used six and seven. We had seismographs set up all around the properties, major damage, and the only way that we could have resolved issues and made the developer pay for that was to file a lawsuit, which became very expensive and time consuming, and it didn't happen.

Richard Charbonneau – Not to belabor the point, but he say no blasting and you say maybe blasting. I don't see anything in writing that says no blasting. Would you be more comfortable if you saw something in writing that said no blasting? A little bit more comfortable?

Don Henderson – Even without the blasting, him pulling the water at half a million gallons of water a day is going to destroy our water system, that's a big issue there.

Henry Minneboo – Down in Broward, was that coquina, or was it lime rock?

Don Henderson – Lime rock with coquina.

Henry Minneboo – Some minor coquina, but mostly lime rock. As you know, there's a total difference between them. There is a difference.

Ron McLellan – Can you come back up here, please? Let me start over here, real quick. I'm just trying to get things halfway straight. To start with, if you all will read where they applied.....they are not going to mine rock at all. No crushing, no blasting, none of that other stuff you all have been talking about for the past hour. The reason he's changed everything over from a rock mine to digging a borrow pit for dirt is because right down the road from you people is a big interchange property going in and it's going to require 3 million yards of dirt. That's what he's trying to do. Three million yards of dirt is worth a lot more than 200,000 tons of rock. He's spent a whole lot of money trying to get it past.....it's a whole lot cheaper to dig the dirt than it is the rock. As far as the pits in the area that you all think are stopped and not going to blow, there's going to be dirt pulled out of all of those pits that are open. Trust me, they're open, I know. There's 3 million yards of dirt. This man is not

going to dig no rock. He'll put in a binding development plan no rock will come out of that pit. So, all the silica sand the doctor talked about, and all that stuff, this is all wrong. He's changed all of that.

Henry Minneboo – We'll get the applicant to say that.

Don Henderson – If you're going to be pulling that much dirt out of there at that interchange, why would you go that far south when you've got a pit to the north, and do hydraulic fill out of there and you're not messing up the roads or doing anything. Do the hydraulic fill and pump it in there, you've done yourself a major advantage.

Ron McLellan – I can explain all of that to you. The start of the interchange is going to be 900 feet to the north of the canal across I-95. There will be a lateral road running from that interchange to Micco Road. You can't bring trucks across the canal there through all the woods and everything to put dirt in the interchange property. The trucks have got to come down Micco Road, whether they come from Mr. Yates' pit, Satori's pit, or Mr. Pence's pit, or any of those pits, the trucks are going to come right down Babcock Street, take a left on Micco, go across 95, and start dumping to the left to build that. I'm not trying to be a smartalleck, I just aggravated at how things get so twisted up. That, ladies and gentlemen, is exactly what's going to happen. Whether you all pass Mr. Yates' pit or not, that is going to happen. He'll put it in a binding development plan, so he can't dig nothing but dirt.

Henry Minneboo – We'll get to that. Who's next?

Ron McLellan – I'm just trying to get it straight, that's all.

Henry Minneboo – I've got a better understanding.

Robert Moss – Hello, my name is Robert Moss, I recently moved in 2013 into the Deer Run development with two young children and my girlfriend. Ladies and gentlemen of the Planning and Zoning committee, we thank you for the time to speak on this important matter. I'll be brief. In response to the request made by Mr. Roy Yates on I.D. 15PZ00051, we would like to offer the following observations. Mr. Yates has displayed a history of disregard of State and County regulations regarding land use. In 2000, after acquiring his property he made unpermitted alterations. These alterations resulted in negative impacts to the surrounding wetlands and surface waters. By 2005, the State DEP and local water authority had investigated him repeatedly and identified four pages of violations. There were attempts to bring him into compliance which were met with resistance and limited efforts on behalf of Mr. Yates. In early 2006, Mr. Yates began to dewater a five-acre borrow pit. By August of 2006, the residents of Deer Run were experiencing the negative impacts of his dewatering and the local watering district began new attempts to bring him into compliance. This time, he obtained a permit, but now he failed to comply with the conditions of his consumptive use permit, even after four verbal or written warnings by the St. Johns Water District. Over the following two years Deer Run residents met with the same resistance and limited efforts displayed in the past. In 2008, a settlement agreement was reached through the Division of Administrative Hearings. This settlement required certain actions and procedures to be taken to eliminate the negative impact to Deer Run wells and surface waters. These involve safeguard wells, testing the aquifer water, and restrictions on dewatering activities. He failed to enact or complete these agreed upon measures by the end of his project. It has taken 10 years to obtain compliance with him and recovery from the violations of his unpermitted alterations and abuse of consumptive use permits. These abuses have resulted in permanent issues with some residents' wells and pond waters. My neighbors of Deer Run have presented, and will present more evidence and information regarding discrepancies, violations, and inconsistencies. He has not proven to be trustworthy in his dealings over the past 15 years, and given this history it's understandable that we are reluctant to trust him to adhere to any regulations or restrictions of his requested rezoning.

Henry Minneboo – Anybody have any questions of this gentleman? Who'd like to be next?

Linda Huddleston – Hello, my name is Linda Huddleston, I'm a homeowner at 231 Deer Run Road. I moved into the community a year ago. I'm also a realtor with Keller Williams Realty, and have been a realtor for 13 years in Brevard County. I want to talk a little bit about the value of real estate that would be affected by having a mining operation going on adjacent to our community. The number one feature that influences a buyer of real estate is location. In talking to my neighbors since I moved into the Deer Run subdivision a little over a year ago, some of the reasons people have bought in Deer Run are being an equestrian community where horses and other animals are allowed, and a safe, quiet, community where the sounds of roosters crowing and Sand Hill Cranes honking, birds chirping, and the rustle of the pine trees are the only noises. At night, the stars shine brighter in Deer Run. I bought in Deer Run because I wanted, for the first time in my life, to live in a rural setting where I could see horses and cattle every day coming and going. Deer Run is the only equestrian community in Brevard County. Over the last 10 years, most of us have experienced loss of home value, some more than others. If you bought between 2004 and 2009 many of you had to short sale or foreclose on your home. In Deer Run since 2006, we have had 18 homes be bought out of foreclosure, or short sale, in Deer Run. Currently, we have no foreclosure or short sale properties for sale in Deer Run. We have four standard listings on the market right now, and five new houses have been built in Deer Run since 2013. Deer Run, like many communities in Brevard County, is seeing a much healthier market than five to 10 years ago. If Mr. Yates is allowed to mine coquina on his property, a potential buyer for a rural country setting will not be attracted to Deer Run. Many people, as a way of example, many people in Brevard County have waterfront properties, or would like to own waterfront property, imagine that the water would become so polluted that you couldn't be in your backyard facing the water, boats couldn't travel the canal and waterways. What do you think that would do to the value of those properties? Almost one-third of the 3,000 homes on the market in Brevard County right now are waterfront. That would heavily impact the whole county. Deer Run is only a small part of Brevard County, but the people here want to maintain their quiet lifestyle where the animals can be respected and the natural resources, like water, and the land, are protected. Part of the process of mining coquina involves dewatering, and dewatering causes water to be drained from the ground causing settling of the ground in surrounding areas. This has caused sinkhole problems as well as foundation cracks. Parts of North Orlando and Tampa have had problems where slabs of homes have cracked. The average insurance policies will not cover these issues. There is no doubt that having a coquina mine on Mr. Yates' property would devalue the homes in Deer Run, and Suntree [sic] elementary school and other homes in the area. I plead with you today to not let this happen and protect our community in denying Mr. Yates' application. Thank you.

Henry Minneboo – Thank you. Anybody have any questions for this lady? Next?

Nancy Allen – Good afternoon, my name is Nancy Allen and I am a resident of Deer Run, and I'm also a lover of animals, both domestic and wild. I would like to speak to you about the impact a mine on the Yates property would have on the adjacent wildlife sanctuaries. I'm sure you've all seen the aerial map that I have left over from the last time around. All the property across the street from Mr. Yates is all in green. If there is anybody who hasn't seen it, I'd be happy to pass it around. That is because we're surrounded by wildlife sanctuaries. First of all, there's the St. Sebastian River Preserve, which is 22,000 acres extending from across the street from the Yates property all the way down to Fellsmere. It's part of the Great Florida Birding and Wildlife Trail; it's a habitat of many plants and animals, including over 50 protected species; of particular interest, there are five to seven Bald Eagle nests; there is the most steady population of Scrub Jays in the State of Florida; 40 to 45 Red Caudated Woodpeckers, one of the most endangered species in the world, have made a comeback after being completely wiped out by the 2004 hurricanes. A recently sighted panther – who I actually saw a couple of months ago in my own backyard – imagine being able to see a Florida Panther in our community. Next, there's the Malabar Scrub Sanctuary. It's 395 acres behind the intersection of Babcock and Micco Road and it includes 24 acres of wetlands. It's part of the environmentally endangered land sanctuaries in Brevard County. It is now temporarily closed for environmental restoration to improve the habitat of the Florida Scrub Jay. According to a 2014 article in Florida Today, the St. Johns Heritage Parkway interchange with Babcock Street will have to be a partial clover leaf just in order to minimize the impact on the wetlands and wildlife

habitat. So, there are many other people concerned about this preservation than people like myself. On Mr. Yates' own property he would have to work with the Department of Natural Resources to relocate all the Gopher Tortoises on his property. When I spoke with that department they pointed out there is a danger of deer – who are so common in our area – falling into the dug out pit, which is not a good image. The bottom line is the only advantage to this borrow pit would be for those who would gain financially from it. Taxpayers, homeowners, school children, and wildlife will be negatively impacted. I respectfully request that your board do the right thing once again and deny a CUP for Mr. Yates.

Henry Minneboo – Any questions? Who's next?

Tom Fallon - Like this gentleman, I'm a Vietnam Veteran, we were in the closet for about 50 years, so we're proud to say it nowadays. My name is Tom Fallon. Previously, Mr. Charbonneau asked where the arena was located in regards to the Yates property, and I was going to display that to him. Folks, I do appreciate you listening to all of us. It's like, 'not in our backyard' and I'm sure you hear a lot of that throughout the year. The last time Mr. Yates was denied, Commissioner Andy Anderson clearly stated that roads are important to all. Babcock Street, which I might remind you, is a State designated highway of beauty, scenic highway, it's on the side of the road, the State of Florida put them there. Babcock Street is deteriorating, and I hate to be redundant, but any major contractor who comes before the board will be asked to put up a bond to secure any damage that might be caused by the traffic in and out of the roads of Brevard County. If the trucks continue to drive that road, the base will fail, costing millions of dollars per mile. Mr. Yates stated he would do so back in 2010. If I may, and I have a minute left, I'd like to read letter from my neighbor two houses down. He starts off, "First off, I can't believe we're going through this again. It seems like we just went through this, but since we are in this position, I'll give you a few reasons why I'm adamantly opposed to this. I'll let the other residents talk about the reasons." He lives in the sixth house on the left. "I hear Mr. Yates' cows bellowing all the time." As do I, and it sounds great, it's a wonderful thing. "That's what we're about in Deer Run. Sounds like country living, whether it be the horses whinnying, the Sand Hill Cranes, or at times just a gentle breeze." Gentlemen, yesterday, on my way to the clubhouse I saw a nice sized deer. If I had more time I would have stopped and watched it a little bit more, but we do have wildlife. In keeping with the noise issue, I want to bring up one thing to your concern. He states he has seen firsthand what can happen when the horses get spooked. "I have seen the Medivac helicopter land in the cul de sac at the end of Deer Court to take my neighbor to the hospital because she was thrown by a spooked horse." That, my friends, was my wife. The spooking of the horse was a dump truck going down Babcock that hit a pothole. Now, that's one dump truck and one incident. If we have many dump trucks coming down there I can assure you that an experienced horse person would be.....would have to be really careful of the risk involved, because a spooked horse comes out of nowhere, you don't expect it. I'm proud of my neighbors, we all live there for the same reason, and our president couldn't have said it better: tranquility. Thank you so much for your time.

Henry Minneboo – Thank you.

Cindy Fox – Sir.....

Richard Charbonneau – Thank you for your service, by the way. I'm a disabled veteran myself from the Vietnam era.

Cindy Fox – We need to keep that for the record, Thank you very much.

Teresa Torsiello – My name is Teresa Torsiello, I live in Deer Run. Back in 2006, as you know, Mr. Yates received a consumptive use permit for five acres from St. Johns. He got a blasting permit from the State of Florida, and then he came to this board to expand to 20 acres. He withdrew that upon our opposition. In 2010, he wanted his Phase 2 for 15.8 acres, and that was denied by both this board and the County Commissioners. Now he's back asking for 17. What has changed? Anything? Besides that we're no longer calling it coquina,

even though Elmer Greer, who was the first contractor who came from Kentucky called it coquina, the second time in 2010, Mr. Yates was his own contractor and he called it coquina, but Mr. Agee is calling it something else. I have a document from Lamb Engineering that says on Mr. Yates property that 13 feet below the surface is coquina. So, I don't know how he can go 31 feet without hitting it. What has changed? Deer Run has more residents, and the maps that Mr. Yates has submitted today is the exact same map as Lamb Engineering did back in 2010. Yet, the difference we have on the ones that are in your packet are the numbers. The original one that is engineered says it's 437.82 feet from the FPL berm, and 110 feet is the berm, which makes it 547 feet. On 18A of this packet it says that it is 17.61 acres for the borrow instead of 15. It's the same map; it hasn't changed. It's 600 feet to Deer Run, but on 18B he says it's 750 feet to Deer Run, and postcard that I did get says I'm within 500 feet. So, I can't answer how close we are, but we are very close. It is obvious that Deer Run hasn't moved, the berm hasn't moved, and the borrow pit hasn't moved. The numbers have changed, but the facts have not. What was denied in 2010 by this board, the County, and Palm Bay remains the same. We are 16 miles large. Who wants to pump water to 16 miles with only 150 houses at a cost of \$1 million per mile? And that is without road re-construction. Coquina is porous; when you dewater you cannot tell how far the veins will go to dewater. The best way to predict it is the transmissivity test, which has been requested but not done. I have an email where Mr. Yates claims that it's too expensive and unless he has a guarantee that the mine will allow, he will not run the transmissivity test. So, we're supposed to approve this mine and let him do the test, have a negative impact, and of course he will voluntarily stop mining. We need to be realistic. The onus is on Mr. Yates to prove he has not damaged our community. He agreed, back in 2006, to install piezometers to measure the pressure of groundwater. Not done. How will water intrusion be prevented? How will flood damage be averted? This board well knows the issues with flooding in Deer Run. The pump Mr. Santore the option of shutting it down when it does turn into a flood situation. Now, you're going to dewater and put the water where? Before excavation, an aquifer re-charge is approximately 10 inches per year. With a pit, it recharges only three inches per year due to evaporation from the pit and the surrounding areas. If the aquifer gets contaminated and our wells go bad, who is responsible? Who will fix the pollution? Florida Trust Doctrine puts the damage on Mr. Yates, and the State, and Brevard County. What about sinkholes? Who is going to pay for the riders required by our insurance companies to cover the sinkholes from dewatering? What about foundation damage to our homes? Currently, the fair market value of Deer Run is 150 homes times a conservative \$350,000 is \$45 million. The coquina mine will not cover the cost of Deer Run; the County cannot cover the cost, so who will? The onus is on Mr. Yates to prove that there will be no damage to Deer Run. His dewatering activities previously damaged ponds and my well, and I had to go down deeper. He settled out of court with one of our neighbors because of damage. So, we know it will affect us, and so do you; why are we even here contemplating this once again? Thank you. Any questions, or do you want to see the maps?

Richard Charbonneau – I'd like to see a few things. You mentioned that he refused to do the transmissivity test unless he was guaranteed, do you have that letter?

Teresa Torsiello – I have it back there, yes, I do.

Richard Charbonneau – Could you get that? And then I'd like to see that 13 feet to coquina, and then you mentioned.....has your insurance company.....

Teresa Torsiello – My insurance company does cover sinkholes. I would have to get a separate rider to do that and if any foundation damage occurs due to mining within the area they will not cover me for that, either. Of course, the 16 miles of water, nobody will cover that. Here's the map.

Eden Bentley – Is it your intent to put these in the record? These documents, do you want them in the record?

Richard Charbonneau – I think they should be.

Eden Bentley – We need to put them in the secretary's hands then, when you're done.

Teresa Torsiello – Okay. That's the original map, and if you look at the 18A and 18B it's the exact same map, it just has different numbers on it for this application.

Richard Charbonneau – Do you have that letter?

Teresa Torsiello – I've got to go get it. Any other questions before I go dig that out?

Richard Charbonneau – That's it for me.

Henry Minneboo – We can get the next person.

Rupert Claxton – Good afternoon, gentlemen, my name is Rupert Claxton and I'm a resident of Deer Run. I'm also a combat veteran. I can remember us being here in 2010 with the same issue concerning Mr. Yates, and I'm here again. And I'll be here until we at Deer Run.....our way of life stays the same, we're going to be here. There's some questions that some of the members of this board is asking which tells me one thing, that you did not read this, and this is a 43 page document which you have online. So, some of you guys need to take the opportunity to find out that the applicant is seeking the CUP for the purpose of expanding the previously planned permitted five-acre borrow pit for mining coquina rock; not dirt, Mr. McLellan. The applicant proposes to expand the coquina rock mine from five to 30 acres.

Ron McLellan – Can I say something real quick?

Rupert Claxton – Let me finish and then you'll get your chance to jump right in. I've got some findings and facts from you guys. These are the findings and the facts. "The Board of County Commissioners finds the subject property is zoned AU and AGR and is developed as single-family use, five-acre land, alteration mining and agricultural use (cattle grazing). The applicant's request to expand the rock mining operation will result in the substantial and adverse impact on adjacent nearby properties due to noise, dust, increased traffic, and nuisance activities resulting from large-scale rock mining operations". I bought my property in 1997. I built my house in 2001, in Deer Run. "The applicant's request to expand the rock mining operation is not compatible with the existing land uses of adjacent and nearby properties. Denial of the conditional use permit will not prevent the continued use of the subject property for residential or agricultural uses. All mining operations, pursuant to the five-acre land alteration permit under the Code of Ordinances of Brevard County, Florida". In conclusion – this is what you guys said as commission – based on the foregoing, the Board of County Commissioners hereby finds the proposed conditional use permit is incompatible with the residential subdivision that is located within. Therefore, the applicant has failed to meet the criteria of Section 62-1115(c), the Code of Ordinances of Brevard County, Florida; accordingly the Conditional Use Permit is hereby denied. And that's what I'm asking you guys to do again. We are residents who work hard, lost a lot of money, and keep spending a lot of money. I will invite you to Deer Run to see my yard, because I work on that thing every day. My neighbors are working on their houses, expanding our properties, and where's the real estate market to back it up? It's not there.

Ron McLellan – I helped build Deer Run, so I know all that.

Rupert Claxton – I appreciate you for that.

Ron McLellan – I don't want to argue. Understand where I'm coming from. I'm trying to make everyone realize what exactly is going on. A binding development plan states he will not mine rock.

Several speakers from the audience spoke at once. None were audible.

Rupert Claxton – Unfortunately, we at Deer Run don't believe that. We believe he's going to try and get the coquina, and that's what he's going for.

Henry Minneboo – We'll clarify all of this. Thank you, sir. Is there anybody else who would like to speak on this item?

Dave Huddleston – I'm not a Vietnam Veteran, even though I look like I could be. Dave Huddleston, I live at 231 Deer Run Road, with my wife, Linda. I'm amazed.....you hear these people, and I really hope that we're not at your mercy because I'm not encouraged by anything I've heard here today. My wife and I bought the Deer Run place a year ago; actually, two years ago. I spent a lot of money re-doing it, making it a home and making it nice. We have over five acres, we have a barn, and my wife desperately wants to have a horse or two, or three. We have people come over and use our barn and have horses there, which we just recently did. We had a neighbor who had flooding in the back of the property and we offered them our barn and they used it for about three weeks. Do any of you have well water? Anybody here have well water? I'm asking you.

Henry Minneboo – Do we have what?

Dave Huddleston – Well water.

Henry Minneboo – Yes.

Dave Huddleston – My wife and I spent a good chunk of money to get our water where we want it, nice and clean. We've invested into a really good water softening system, we sank a new well. I had my water tested, I've got a record of that testing, and I'll submit the results as a record of what kind of water I'm getting out of my well now, because I really don't want that to change. Every owner that has a house in Deer Run that has to sink a well really has to process that water differently based on location. My neighbor across the street doesn't process his water the same way I process mine. So, any water, any shifting in the water table, any pollution that takes place as a result of this mining could very well, beyond anything else, just cost us money for getting a new well or processing the water that we get out of the well. So, I mean, basically all I want to say is just that it costs us money to get the water where we want it. We love everything about Deer Run. I've got a 95-year old mother-in-law living with me who sits out on our back porch, which is facing the property we're discussing, and she loves it, she loves just to sit out there and enjoy that peace and quiet and see the wild turkey walk through our pasture. You're going to let this go and we're going to go back through this process again. I'm going to watch my pond sink and I'm going to remember every one of you guys, and I'm just asking you don't be the bureaucrats that I have come to despise. Be better than that. And that guy's got a smirk on his face because you've got money invested in this. You've got interest in this. I'm done.

Henry Minneboo – Thank you. Is there anybody else who would like to be heard?

Anita Boode – I've lived in Deer Run for 24 years, I was the 20th house in there. I've been here for all these things. He went through the County and couldn't get it, so then he wants to get annexed in to Palm Bay thinking Palm Bay needs that rock for that special road that's going in by us, and so I thought for sure it would go through at Palm Bay and that's how he would get around it, but they didn't do it because it's not right. I don't understand how he can sit here and call us 'those people'. Does he have a note saying he can speak for Mr. Yates? The lawyer had a note, right, that he could speak for Mr. Yates?

Henry Minneboo – Yes.

Anita Boode – The lawyer didn't seem to know the answers to most of the questions, which was great. He said shell and blah blah blah, and he says dirt. Does he have a note saying he can talk for Yates? Do you?

Ron McLellan – No.

Anita Boode – So why are you?

Ron McLellan – Because our attorney let me.

Anita Boode – He shouldn't be talking for Mr. Yates, period.

Henry Minneboo – Let's don't get into that debate.

Anita Boode – I have three horses and a little boy and I want it to stay the way it is.

Henry Minneboo – Thank you. Is there anybody else that would like to be heard?

Teresa Brown – I wasn't going to speak before, but I just think that I want to make this a little bit more emotional if I can. My name is Teresa Brown and I moved from South Florida back in 2008. When I came up to Brevard looking for home I went to Viera, Suntree, all these wonderful places that already had water.

Clyde Thodey – Teresa, I don't want to interrupt you, but you did not give your address.

Teresa Brown – 316 Pinto Lane, Deer Run. So, I was looking for a place when I moved from South Florida, it was a cosmopolitan area I came from, Cooper City, which is close to Fort Lauderdale, Pembroke Pines, Miramar, if anybody knows where that area is. When the realtor took me to Deer Run I said, "This is home." Deer Run is not just a place to live, it's a way of life, and that's what we are. We love our animals, we love the people that live there, the horses that run around, the trail rides that they have. The community is a great community to live in, and I welcome any one of you board members to come out and look at what we have in Deer Run, it is special, we are special. My daughter is special needs, as you can see, and I brought her up with me because she's the reason why I moved to Deer Run. In South Florida it was a cosmopolitan area and you couldn't even walk the streets because there was so many cars; she couldn't go safely out there without me being in fear. In Deer Run I have no fear of that and I want that to continue, our way of life. I want to be able to get water from my well. A lot of the technical issues that they brought up today is all new to me, but it's also concerning. If you guys say you have well water, I'm sure your well water is safe and you wouldn't want anybody or anything to impact that, and that's what we're asking, just to leave our way of life the way it is. If I can touch any of you guys to say to humanize yourselves for a second. I don't care about the coquina, to be very honest, or what it does, or the dirt, or the shell. I'm looking to continue our way of life. So, again, thank you for giving me an opportunity to speak up. I'm a little nervous, but thank you anyway.

Henry Minneboo – Thank you, ma'am. Is there anybody else who would like to speak? Anybody else in the audience?

Loretta Goggin – Mr. Chairman?

Henry Minneboo – Yes, ma'am.

Loretta Goggin – I don't know if they're done out there or not, but I would just like to say to the audience and to my peers up here, my colleagues, that the things that have been said have not fallen on deaf ears. Although the speakers didn't look over here to us three, we are still part of this board, and we listened to everything that you said. We haven't made up our mind yet. I don't want to be emotional, but I am. I was very touched when the gentleman talked about his mother. Her quality of air can be compromised by the quality of air around her. The distance of the Sunrise Elementary School is 3.4 miles away. Anybody can look that up by Google, I did it while sitting here. I think somebody asked how far away the school was, and it's 3.4 miles away. I'm not for

certain if there are any other private schools, but there could be some daycares in the area. Brevard County Health Department has nurses in every Brevard County school and one of the big things that the nurses have to treat on a frequent basis is asthma, children with asthma attacks. So, I heard somebody say something about the quality of the air, and I'm not basing this on any scientific fact, but somebody mentioned having done some research on that. So, I heard what you said, and I heard a couple of you say we're not listening. Well, we are listening to you and we're going to make our minds up. We don't have an investment in this company. At least I know I don't. I don't have five cents invested in that company. I'm going to make up my mind based on what I've heard from you, and based on the quality of life that I know you want. I've been around these people around here long enough to know that they are going to base their decision on what they've heard. So, please be fair. We made our decision the last time and the time before that, based on what we heard. The gentleman in the back, what you were referring to was the Brevard County Commission's decision. We only make a recommendation to the Brevard County Commission. That decision was the Commissioners' decision based upon our recommendation. So, the notes and the 33 pages, that was their decision. All of us here on the board, I know we read this packet because this is the packet we got and it's not 33 pages. So, I'm kind of defending my board, and I'm sorry I got kind of wrapped up when I heard all the negative feedback that we weren't doing our job; we do our job. I, too, am a veteran of 24 years. Thank you.

Henry Minneboo – Thanks, Loretta. Mr. Agee, do you want to come front and center and answer these 83 questions?

David Agee – I'm not sure I do. First of all, I take exception to you, and you, and you. I'm not an attorney, I'm a geologist.

Henry Minneboo – We're going to do this a little differently than we normally do. We let you sort of do a closing, but I think there's a lot of questions here.

David Agee – I'd rather it be interactive if it could be.

Henry Minneboo – The first thing I'm going to say for this board, and I don't know in this case if it's going to help, but we always try to encourage something that's contiguous, or abutting a subdivision to try to work it out before they get here. It's obvious from what we're hearing there's a lot of mis-information that probably could have been resolved way before you got here. Unless you guys are super under the gun, my first thought would be to meet with the people and maybe try to work some of these inuendos out and these fallacies, and whatever has transpired here, because after I heard them all I'm a little bit more confused than when I got here. So, I'm not sure if that will accomplish anything. It's not a mandatory situation, but if you and the owner, your client, feel that would be helpful I can maybe get this board to table it until you guys work it out and then we meet again.

David Agee – It's a consideration. I would be open to that if the owner would be. First, I'd like to address a few things, if I could.

Henry Minneboo – Is that on the table for discussion, then? Is that a consideration?

David Agee – I'd have to speak with my client.

Henry Minneboo – That might help. Saying that, maybe there's a lot we can clear up tonight.

Ron McLellan – I think it would help out a whole lot to really get with the people, because this thing came in way off from what you all figured it would be.

David Agee – Well, yes and no, but I'd definitely be open to that.

Ron McLellan – There's things like.....I think your piezometers and all that stuff is in line. I think the whole concept about mining in a binding development plan.....they don't understand that. We don't want to hurt nobody's property or drain anybody's pond.

Several member of the audience spoke at once. None were audible.

Ron McLellan – Let me tell you all something, I'll never haul the first grain of dirt out of there.

Henry Minneboo – Ms. Eden.....hold on, we're going to try to move this along. Is that acceptable, if they agree upon it to and still stay within the constraints of their timeframes?

Eden Bentley – You mean if you table the item?

Henry Minneboo – Yes.

Eden Bentley – You can table it on your own motion. A binding development requires a voluntary agreement, but a tabling is a prerogative of the board if it needs more information.

Henry Minneboo – Can we draw them back in on the LPA?

Cindy Fox – That would be your only item on that agenda if you wanted to do that. Otherwise, we would be looking at a November 9th Planning and Zoning date.

Henry Minneboo – And everything today is going to be heard on the 5th, at the regular Board meeting?

Cindy Fox – Yes, it would set them back a month. Today's meeting would go to the November Board of County Commissioners, and the next meeting on the 9th would go to the December Board of County Commissioners.

Henry Minneboo – I'm just laying this out for discussion because that's what you're up against. We'd have to meet as an LPA and that's the third Monday of this month and we have nothing else on the agenda. So, this board, if they agreed to do that, it would be going way out of their call of duty. There's a lot of us that live way north of here.

David Agee – Can I ask a couple of questions? I don't do this all that frequently and I want to make sure I'm following the rules.

Henry Minneboo – Do you want to have a discussion with your client?

David Agee – On point is there were a lot of misconceptions about some things. Yes, I guess I need to talk to my client. I'd like to get some bullets of what some the misconceptions are, so when people leave they can think about it, or Google it or whatever, as opposed to feeding on some misconceptions for three weeks.

Clyde Thodey – Henry, I'd like to hear what he has to say, and then you can do whatever you want at the end.

Henry Minneboo – I certainly wasn't speaking for us, but I thought it was important to lay that out on the table.

Clyde Thodey – He has a right to rebut that conversation.

David Agee – Some things that were mentioned was sinkholes. There's no sinkholes in Brevard County; the geology doesn't allow it to happen. Sinkholes happen when you've got limestone and water gets through it,

and you get collapsed structures or underground caves where the ceilings fall in and the material above it drops and collapses. The reason you don't have it in Brevard County is because you've got 125 to 150 feet of sand – unconsolidated material – that causes it to bridge. It's happened, but it never rears its ugly head like it does in Tampa and Orlando and down south where there's limestone at the surface. It just can't happen geologically. I'm just saying it's not a sinkhole. You may have some piping or something causing soil to erode around some irrigation or some plumbing or something else. It was mentioned about South Florida and Broward County, trying to compare the geology and the whole process to something up here. In Broward County you have limestone at the surface.....lime rock/limestone, but it's hard and it needs to be blasted. It has whole different properties; it's the stuff that comes up on the trains. Miami lime rock comes up and you hear it every day, and it's used for road base, and it's very durable, it has a high abrasion, it doesn't break down. It's great for road material and road base; it's very supportive. What we have here is coquina – and I did say it was coquina/lime rock, but not stone. And it is made of shell fragments, which is primarily calcium and magnesium. There's a little bit of silica in it, but for the most part it's calcium and magnesium. The soils in that area are (inaudible) sands, Eau Gallie sands, and Beringer sands, the proportions of silica in those sands are like 10 to 20% max. So, predominantly, carbonates, limestone, and calcium. There was a comment made about a backhoe being able to reach 30 feet or so to get this or that, but that's not the way the excavation works. You have an area, you dewater, you start digging your sand or material out, and then you go down some more and start excavating another lift, and you dewater material. So, you don't have huge equipment, you have a typical industry/commercial backhoe, like Camache 220 or 225 that might have about a 15-foot reach, but it's not a big piece of equipment, or an exceptionally big piece, or a specialized piece of equipment. Some comments about Crystal Bay and airborne dust and that they couldn't control the dust, but that's not true because you can always control the dust. You can have it contracted and it's going to start stripping the land too much too soon instead of acre here, they could do five acres, or 20 acres, all the vegetation gone, you've got dust and nobody out there with a water truck keeping the dust suppressed. It can get away from you, but shame on them, that's a contractor issue, it's not something that has to happen. I'm saying it's irresponsibility on their part; it's very controllable standard means and methods for construction practices. There was a comment about the road as well. Even with the crummy road that Babcock is right now, the traffic increase based on County staff comments would only increase.....it would still be at 50% capacity of what that road can handle. The County is re-building that; it's being designed; and I think it's even been funded, and starting next year they are going to be re-doing that. To support the traffic loads that are going to be there.....it was designed and built as a country road, then with the boom in development and traffic it can't handle the volumes of traffic and the loads. There's a lot of trucks that go down that road.

Loretta Goggin – Mr. Chairman, could you remind the audience that this is not a discussion between the audience and.....

Henry Minneboo – I will.

David Agee – On the water issue, on one had I'm hearing from somebody that there's a lot of flooding that was going on, and on the other hand I'm hearing that by dewatering it's going to cause things to dry out...wells or ponds to dry out. There was such an amount of flooding in the Deer Run Subdivision that the County a couple of years ago put in a pump to be able to handle that and be able to discharge it into C39 – I'm not sure which canal to the north. Just as an aside, I made a mistake on those two figures, and it is about 600 feet, not 750. I've done some groundwater monitoring and installed some monitor wells, not piezometers, which are just basically solid pieces of pipe.... I mean, open, slotted screen, pumping well, to 40 – 45 feet. Set up some subsequent monitor wells to the north at about 150 to 200 feet apart, pumped on it and drew the water down to about 35 feet and held it there for about six weeks. I mean, obviously, you get it down to that depth you're not pumping as much water anymore, but you're controlling the water that comes back in, and multiple times a week measuring the water level draw-down on those temporary monitoring wells at 150 feet and then 300 feet from that well. There was no draw-down; it had zero effect on it, which demonstrates that at a maximum you might get 150-foot effect of any dewatering that would occur within that five-acre pit area. Ground vibration. I

can't imagine you get a whole lot of vibration from a backhoe breaking up some coquina or some sand. I'm not saying you can't, but again, we're not looking at blasting, there's no sudden charges or sudden sounds or impacts. I'm not an equestrian person, so I can't really speak to that, I just know a conventional backhoe breaking up some sand, or coquina shouldn't really create any vibrations. There was discussion about a pond that was 12-foot.....I guess the bottom of the pond was about 12 feet from the ground. It's over three-quarters of a mile away from the pit. Maybe I've got the wrong one. 171 Deer Run? I'd like to hand out some figures if I could? It sort of demonstrates the draw-down of the piezometers, the locations of the Deer Run.....

Henry Minneboo – Can I ask some questions? You talked a little bit about the pumping system. Do you plan on.....what's the operational times for this pit?

David Agee – We're constrained to basically dawn to dusk.

Henry Minneboo – If we put a binding development plan that says you can only work there from 8:00 a.m. to 5:00 p.m.?

David Agee – I think that's generally the plan; 12 hours is a max that the pump could be on to keep water five feet below the bottom of where you're at.

Henry Minneboo – What about Saturdays and Sundays? Operational times could play a significant role in this whole thing. If we gave you the green light you might be pumping all night.

David Agee – It's prohibited on Sundays, so there will be nothing then.

Henry Minneboo – There's Saturday, too.

David Agee – And Saturday, too, sorry.

Henry Minneboo – I'd like for you to give that some thought. I mean, I don't think you're going to get out of here without a binding development plan.

David Agee – That's good.

Henry Minneboo – You really need to do some work here.

Eden Bentley – Mr. Chairman, this item is a little bit different. This item is a conditional use permit, so you can impose restrictions that mitigate the negative impacts of the proposed use. You can impose those conditions, unlike a binding development plan where it must be a voluntary agreement.

Henry Minneboo – Now, on your figure 6 in your packet, there's all kinds of borrow pits all the way around here. In the past.....

David Agee – Can I hand out a couple of these?

Henry Minneboo – You show a myriad of borrow pits throughout. There's one right across the street. There's another one within 200 feet of Deer Run, the north end.

David Agee – Yes, there's a lot of borrow pits in the area.

Henry Minneboo – Don't these have an impact on what these people have experienced before this person made application?

David Agee – I would think they do. I don't live down there.

Henry Minneboo – I don't either, I'm just working off your figures. I see five borrow pits surrounding this area.

David Agee – There are. There's Brevard Land Materials, the David, Inc. piece, which just recently got a 75-acre extension. Pence is to the east.

Henry Minneboo – I think there used to be one within 200 feet of Deer Run on the north side.

David Agee – Brevard Land Materials used to be there. There's the Blackhawk pit to the north of Deer Run, which is now Rolling Meadows, I think.

Henry Minneboo – Did you do any testing to see if they had any impact on this? I would think they would have.....people are saying their water went way down.....no one told me if it's been in business or not. So, I guess I'm confused. My understanding was this was going to be.....I'm going to call it a dirt mine, and all of a sudden I'm hearing the word 'rock' again.

David Agee – Coquina, sand. It's not rock. It's just overburden.

Henry Minneboo – Is this going to be just a dirt mine?

David Agee – Somebody said something about the coquina being 15-foot below land surface, and that's true. That's kind of the average there, so there's a lot of sand and material to get off before you even.....

Henry Minneboo – If this word comes into play, I can understand from the Blackhawk Quarry mining days. A lot of these people probably weren't even there, but some of us have been around a long, long time. We listened to dynamiting back in the 90's. That's why when I first reviewed this I was under the impression we were just going to be in the dirt business, but that doesn't mean you're going to go out there with a sieve and if a rock shows up.....I mean that isn't what is my understanding.

David Agee – It's just material from the ground surface to.....

Henry Minneboo – Is this just going to be five acres, period?

David Agee – It's 17.61 total acres, but the maximum would be worked at five acres, or less.

Henry Minneboo – Do you have a timeframe on completion?

David Agee – Within five years.

Henry Minneboo – See, that may have to be.....I just see an awful lot of information here that I think is important to me. I mean, timeframes, materials, water, how long you're going to be there. The trips and traffic don't really mean a whole lot to me; it may to the rest of the board. You've got 20 points of interest here that need to be discussed.

David Agee – I don't disagree with that.

Richard Charbonneau – You just alluded to that the dirt, or sand, goes down 13 feet and then we start hitting coquina. Is that accurate?

David Agee – Or so, yes, it varies and comes and goes, but yes.

Richard Charbonneau – So, one minute we're talking about digging dirt, which stops at 13 feet or so, but we're talking about digging a hole that's 31 feet deep. So, we're going to dig the dirt and then we're going to go further and we're going to dig coquina. That don't sound like digging dirt to me, it sounds like digging coquina. I just don't understand that. I mean, you can't have it both ways.

David Agee – It's just digging construction material. First of all, dirt is the stuff under your fingernails, it's soil.

Richard Charbonneau – I hereby certify that's not an attorney. He's not a politician either.

David Agee – I'm just saying it's soil, sands, gravels, cobbles; it's just earth material.

Henry Minneboo – The only thing with coquina, at least with the knowledge some of us have down there, it's not going to be.....if it's at 13 feet it's not going to be that thick all the way to the bottom, is it?

David Agee – It's very discontinuous. The maximum is probably 12 feet, maybe, or so, then it gets back and there's a black clay below it. In some areas you might have two or three feet, you know, 25 feet to 27 feet in some areas.

Henry Minneboo – Are you sure 500,000 gallons is what is going to be pulled out of there a day?

David Agee – Yes.

Henry Minneboo – That's not the permit max.

David Agee – That's an average that was in the St. Johns permit.

Henry Minneboo – But you're going to have to retain some of that, I mean the mass majority of that water.

David Agee – Yes, it all has to be retained in a retention or settling area.

Henry Minneboo – What did these other people do that dug all these other ones around here?

David Agee – Some of these things started in the '80's, so I'm not sure what everybody did, but generally speaking they would take them to retention ponds. The industry, the process, really hasn't changed forever.

Henry Minneboo – You've got five or six other people that are, I guess, fully permitted. That's what confuses me a little bit.

David Agee – They're permitted, but they're not active, and it doesn't mean they can't be active. They have a source of supply but nobody wants to buy it, so there's no reason to spend money to dig it.

Henry Minneboo – Anybody else on the board have questions?

David Agee – There's one other issue. All the permitted wells, at least that I could find in Deer Run, the shallow wells are 60 – 80 feet, generally speaking. The deeper wells are about 135 – 150 feet, and they're in the rock. The shallow ones are the unconfined aquifer, and the deeper ones are the confined aquifer. And they're cased from ground surface to about 60 feet or so in the shallow wells, and they're cased to rock in the deep wells. So, no matter how you're pulling on the water table, or drawing on the water table, you can't affect those wells through that casing.

Henry Minneboo – So, that's your professional opinion? Whatever they do at this pit down south will have no impact on these peoples wells?

David Agee – Correct.

Clyde Thodey – Henry, I've got something to say in regards to this as well. You know, we get a rezoning review worksheet, and if you look at that, to me, it's saying consistency with the land use regulations, and our County comes up and says "Yes, current zoning can be considered under the Future Land Use designation, Section 62-1255". Then it goes down and says, "Proposal can be considered under Future Land Use designation, Section 62-1255", and would you propose maintaining acceptable levels of services under LOS XIII 1.6.C – Yes. So, everything that he has asked up here, the County is saying yes.

Henry Minneboo – That's what I said, there's five other pits around there.

Clyde Thodey – I'm with you. I think we ought to table this. I'm not worried about the timeframe. He goes back and sits down with these people, and if they can't get it ironed out, they come back here and we'll make the final decision. I think that's the way we ought to handle it. As a matter of fact, I'll make that motion right now that we table this.

Henry Minneboo – We've got to agree on it.

Clyde Thodey – I'm going to motion to table it and if the board don't go with it, then the board don't go with it. And then he has to go back and meet with these people in my motion. If he doesn't do it, then they come back in 30 days, is that what we need?

Cindy Fox – November 9th.

Clyde Thodey – Then that's my motion.

Richard Charbonneau – Second.

Henry Minneboo – We've got a motion to table this.

David Agee – Within 30 days, or can we come back in three weeks?

Clyde Thodey – 30 days.

Cindy Fox – It has to be either to your next LPA meeting or to the next zoning meeting, or the next zoning meeting after that.

Henry Minneboo – Does everybody understand that?

Cindy Fox – So, 30 days would be November 9th, would be the next meeting.

Henry Minneboo – When is the LPA.

Cindy Fox – The 19th of this month.

Clyde Thodey – That's not enough time.

Cindy Fox – November 9th would be your next day.

Richard Charbonneau – I'm okay with that.

Henry Minneboo – Can you all get everything done by November 9th?

David Agee – Yes, it absolutely can be done by then, in the next 15 days or whatever.

Henry Minneboo – You want to add that to your motion, Clyde?

Clyde Thodey – Yes, that's fine.

Richard Charbonneau – Fine with me.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Richard Charbonneau – That gives you all time to come back here again and have an organized.....you know, you said you didn't have enough time to get all your people together, and now you can get all your people together, but now he's got time to get his act together, too. That, to me, seems fair.

David Agee – As far as having our act together, can that be addressed? Again, we met the code.

Cindy Fox – I think that the board – and tell me if I'm not speaking correctly – the board is tabling so that you can meet with the residents.

David Agee – That's good, but that's not having your act together.

Richard Charbonneau – How about a better plan? Let's put it that way. There were some things left out of your plan.

David Agee – I'm good with meeting, I'm just saying.

Bill Cannon – Still, I think to go back to what Loretta said and what Rob said, that much of this could be avoided by the applicants and the residents meeting prior to, either to agree to disagree, or to work out whatever – or fine tune – the applicant's request, and then we wouldn't have all this discussion. That's fine that we can have that, but still, you come to a meeting and it's the responsibility of the applicant to get in touch with the homeowners association president. I see people shaking their head 'no'. I just would think that this would avert much of this.

Henry Minneboo – Well, we're trying to answer everybody's questions, and they'll be able to do that in a much more serene location. Is there anything left on the agenda?

Cindy Fox – Yes, one more item.

Clyde Thodey – Henry, can we take a five-minute recess?

Henry Minneboo – Yes. We'll take five and let everybody get out of here.

III.B.3. (15PZ00054) – EDWARD L. TYLER, LIVING TRUST – (Janet Rochester) requests a change of classification from IN(L) to EU-2, on 1 acre, located on the south side of Aurora Rd., approx. 0.25 mile west of Wickham Rd. (No assigned address. In the Melbourne area)

P&Z Recommendation: Thodey/LaMarr – Approved. Vote was unanimous.

Janet Rochester – My name is Janet Rochester, I am the owner of this property's real estate agent and he has been trying to sell it for about seven months, but it zoned low-institutional, I believe, and we feel that's probably the reason he can't sell it. So, we'd like to get it zoned to residential, EU-2.

Henry Minneboo – That's on the north side of Aurora, west of Wickham?

Janet Rochester – South, next to the Church of Christ, who owned it at one time.

Henry Minneboo – Did everybody take a look at that?

Clyde Thodey – I'm ready to make a motion.

Henry Minneboo – Motion by Clyde.

Robert LaMarr – Second.

Henry Minneboo – To approve.

Robert LaMarr – To approve.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

Upon consensus, the meeting was adjourned at 5:14 p.m.