

**NORTH MERRITT ISLAND
DEPENDENT SPECIAL DISTRICT BOARD MINUTES
SPECIAL MEETING**

The North Merritt Island Dependent Special District Board met in regular session on Wednesday, April 15, 2015, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Tom McFarland, Chairman; Shaye Williams; Catherine Testa; Mary Hillberg; and Jack Ratterman.

Staff members present were: Robin Sobrino, AICP, Planning and Development Director; Cindy Fox, Zoning Manager; and Jennifer Jones, Special Projects Coordinator II.

The meeting was called to order by the Chairman, Tom McFarland, at 6:00 p.m.

Tom McFarland – Thank you all for coming out on an unusual night for us. We should do our minutes, I guess, to get these out of the way. Did everyone have a chance to look them over? Any additions, corrections, or changes recommended?

Mary Hillberg – I felt they were very good questions and a good recommendation.

Tom McFarland – Thank you. Is there a motion to approve?

Mary Hillberg – Motion to approve.

Tom McFarland – Second?

Catherine Testa – Second.

Tom McFarland called for a vote on the motion as stated, and it passed unanimously.

Tom McFarland – This special meeting is to go over an ordinance that pertains specifically to the North Merritt Island Dependent Special District Board. I'll turn it over to staff.

1. An ordinance amending Chapter 98, Article V pertaining to the North Merritt Island Dependent Special District Board.

Robin Sobrino – Thank you, Tom. Thank you all for being here today as a special meeting. Staff wanted to bring you into this process. Some of you may not know me, but many of you do. I'm Robin Sobrino, I'm the Director of the Planning and Development Department. We have recently discovered that there is a disconnect in our current ordinance that authorizes the North Merritt Island Dependent Special District Board as far as its authorities and powers. Looking further into it we discovered that unfortunately, our ordinance, which was enacted back in the '90's, was out of step with a Florida Statute. As you know, your board had been authorized, initially, to hear, in lieu of the Planning and Zoning Board, rezoning requests, and to make recommendations to the Board of County Commissioners. This body was never authorized to serve as a Local Planning Agency. A Local Planning Agency is a specific organization that is recognized under the Florida Statutes and among their authority is hearing comprehensive plan amendments. So, when this board was developed it was recognized that it could not serve as the Local Planning Agency because of State Statute. Instead, we had a process at the time that was called the Citizens Resource Group. The Citizens Resource Group was an additional level of public input that was utilized by the Board of County Commissioners for comprehensive plan purposes. They were originally conceived back in 1988 when we did our first comprehensive plan, and they became the initial body that was very specialized. We had approximately four CRG's. One was for land use, one was for infrastructure, and one was for environmental. Those are the ones that I recall off the top of my head. When it came to reviewing policies in the comprehensive plan, depending on what element of the plan they were in, we would bring those policies to that respective CRG for recommendation and ultimately, then the Local Planning Agency would make a formal recommendation to the

Board of County Commissioners. When the County Established the North Merritt Island Board, the ordinance said, in lieu of the applicable CRG you could serve as a CRG and hear comprehensive plan amendments. What that did to the process was that you were now the first level of review in a comp plan amendment that was in the North Merritt Island district. That item would then go on to the Local Planning Agency, which was the duly recognized recommending body to the Board of County Commissioners, per State Statute. And then ultimately, that recommendation would be taken under advisement by the Board of County Commissioners when they heard a comp plan amendment. Back in 2007/2008, that fiscal year 07/08, when the real estate market took a hit, as we all remember, and the County was going through its budget reductions, one of the things that County staff was tasked with was coming up with recommendations of how to cut each department's reliance on the general fund. The Planning and Zoning Office at the time was fully subsidized exclusively by the general fund, so it was our obligation to come up with recommendations for reducing our budget by 10%, and also recommendations for reducing our budget by 20%, depending on what level of reduction ultimately would be necessary. So, part of our 10% reduction, and I guess I really don't need to underscore how difficult making reductions are when you're general fund and your primary expenses are staff. When you're tasked with coming up with a 10% reduction it's very hard to say, "I'm going to cut out all my pencils and paper supplies" to get to that 10% reduction that way. The 10% reduction constituted looking at eliminating people. I happened to go back and find the proposals that went to the Board of County Commissioners that showed the 10% reductions of all the departments that were accepted, ultimately, by the Board of County Commissioners, and as part of the Planning and Zoning reductions we eliminated a Special Projects Coordinator IV position, which was person and not just a vacant position, but actually a person that we had to let go. We eliminated an Executive Secretary, a person who many of you probably know, and luckily she found work at Merritt Island Redevelopment Agency, and that was Cheryl Hurren, she was our Executive Secretary. We had to eliminate some payments that we were making to the LPA and board members for attending meetings. And the fourth thing that we did that was accepted by the Board was eliminating our CRG's, because the overtime staffing for those meetings was coming out of the County budget. So, it was at that time that the CRG process was eliminated. The Board of County Commissioners had the ability to eliminate it because it was a process that they themselves had instituted; it was not a State-driven requirement to have that extra level of review, unlike what is set aside by Florida Statute, and Florida Statute is very clear about needing a Planning and Zoning board, needing a Local Planning Agency, and the role of the Board of County Commissioners in making land use decisions. So, when we made these reductions, in our mind, in Planning and Zoning's mind, eliminating the CRG's meant that the North Merritt Island Board didn't sit to hear comprehensive plan amendments any longer because we don't have a CRG process, so therefore they aren't going to hear comp plan amendments, they'll just be heard by the Local Planning Agency, and then acted upon by the Board of County Commissioners. So, unfortunately, in retrospect, hindsight is 20/20, and probably not only did we not do a very good job of communicating that distinction to you as a board, but also it appears that we still had some staff members who didn't understand the differentiation between the North Merritt Island board sitting to hear rezoning items as a recognized P&Z board, versus the North Merritt Island board sitting as a CRG listening to comprehensive plan amendments. So, anything that fell within your border we continued to bring to you, even though we had eliminated the process from the County. So, that probably served to make us getting to this point that much more confusing for everybody because, "When did this all happen? We've been hearing items, so what do you mean we're not supposed to be hearing items?" Yes, you've been hearing items, but per the process you shouldn't have. So, if that wasn't difficult enough, we also just now discovered that also the State Statutes had changed back in 2003. I brought copies of the statutes from 1997, which showed the role of the Local Planning Agency per State Statute in 1997, and then I brought a copy of the 2003 statutes, and you can see the distinction in the 2003 statute is that suddenly the statutes recognize the requirement to have a School Board member participate in many land use decisions, and that in order for somebody to hear a comprehensive plan amendment and make recommendations to the Board of County Commissioners it has to be a Local Planning Agency, and by default a Local Planning Agency must have a member of the School Board representing the School Board on the board as well. You'll see in the 2003 ordinance that what that also stated was even rezoning requests we now have to handle them differently. A rezoning request, for example, for alcohol, that's an item that you all can continue to hear, but the statutes say

that if it's a rezoning request that constitutes an increase in density, it has to be heard by a Local Planning Agency as the recommending body to the Commission.

Jack Ratterman – Okay, all I've heard is just you talking, and I want to know who was asleep at the wheel from 2003 until present? Who was asleep?

Robin Sobrino – That's right.

Jack Ratterman – Everybody was asleep.

Robin Sobrino – Yes, sir, but that doesn't change the State Statute, sir. So, I mean, you can be angry.....

Jack Ratterman – No, I'm just, you know, I should have faith in my local government, and somebody's not even reading this, you know? What else are you not reading?

Robin Sobrino – Well.....

Jack Ratterman – A lot of things, I guess. This is pretty important.

Robin Sobrino – Yes, sir.

Jack Ratterman – All those people that had these changes, they could go back and, 'I could go back and if I didn't get it right I can go back and sue you because you didn't do it right'. Is that right?

Robin Sobrino – That's correct. Well, let's put it this way, you could file suit, but I don't know what the judge would do at this point in time, but yes, you certainly.....

Jack Ratterman – That's gross negligence in my book. I don't care how your staff was reduced, you know? If I, as a business person, you know, 'I got a staff reduction, so I'm not doing my job.' No way.

Robin Sobrino – I think you missed.....

Jack Ratterman – Your department is not doing it because you missed it twice. You made the statement, "We discovered". Recently discovered, how recently did you discover this? This year, 2015?

Robin Sobrino – Yes, sir.

Jack Ratterman – Oh boy, that's a nice discovery.

Robin Sobrino – Be that as it may, we can't undo the past, we can only look forward and make things correct for the future. So, no matter how upset you are about what has transpired in the past, that cannot be changed. That's why we're here today, to move forward. So, we're proposing an ordinance that helps to embrace the Florida Statute, but also recognizes that the Board of County Commissioners does, indeed, want you to still be part of the process, even though the Florida Statutes don't make a specific place for you in comprehensive plan amendments, or in rezoning requests that translate into a request to increase density. So, what we bringing forward is an ordinance that still allows you to have an authority to review comprehensive plan amendments and also rezoning requests, as a courtesy, so that you are aware of it. It enables you to be able to have input in your community. It gets you in at the ground floor of an application, and should you, as representatives of your community, take exception and want to see a denial, or an approval, if you feel that it's important enough you can make an appearance before the Local Planning Agency to hear your concerns about a comp plan amendment. And as far as a rezoning request, you could go to the Planning and Zoning Board and have them understand your concerns about the request.

Jack Ratterman – We could do that as an individual, too, couldn't we?

Robin Sobrino – Yes, sir, you can.

Jack Ratterman – Then what are we doing here?

Tom McFarland – I don't see a need for an ordinance to allow us to appear before the LPA under anything that the LPA discusses.

Robin Sobrino – The distinction is that without this ordinance we could just bypass this body completely, and the Board of County Commissioners are saying, "No, we would like an ordinance that at least somehow keeps you in the loop".

Mary Hillberg – I think that my understanding is that – of course, the commissioners can bypass anyone they want – instead of our recommending directly to the Commission, now we recommend to the LPA, or recommend to P&Z, if there is an increase in density involved in the zoning change. Otherwise, we recommend to the Board. I think the thing that kind of moves around peoples' mind is that an elected board is now recommending to an appointed board. It seems kind of like a backward thing, you know what I mean? I mean, usually appointed board recommend to elected boards, and to have – because we're countywide on the ballot, we were elected, this board was elected by the people here, then they recommend to a politically appointed board.

Robin Sobrino – Unfortunately, that appointed board is the board that has been designated as the Local Planning Agency.

Mary Hillberg – But you see what I'm trying to say.

Robin Sobrino – Yes, absolutely.

Mary Hillberg – It feels as though you've been, like, delegated down a notch, but we do appreciate the fact that your organization, you and your colleagues, will come here and hold the meetings and make the minutes, and do this and continue the process. It's just kind of hard for, I think, everyone to kind of realize that even though we are elected, like the County Commission is elected, we will be recommended to an appointed group who will then recommend to the Commission.

Robin Sobrino – On the zoning items that are not a density increase.

Mary Hillberg – As an aside, of course, the P&Z and the LPA don't necessarily....I mean, you can read their minutes, they don't even mention.....sometimes they don't even ask, "What did North Merritt Island do?" It isn't even mentioned whether or not what we thought one way or the other. We vanish after we've made our recommendation. So, now we have to directly go to them. In other words, it gives the population and the people....I think what they're feeling is, "One more meeting where we have to go before another board and say the reasons that we feel this is not a good idea", and then they go before the Commission to say the same thing, representing the people who elected us. Do you know what I'm trying to say? But we do appreciate the fact that – I don't know if it was your decision, or Jim's decision, or who's decision it was – that we still are supporting the elected representatives for the area.

Robin Sobrino – It was a Board action. It was Board direction to make these adjustments now to keep you in the process.

Mary Hillberg – So, that is appreciated and it's not that we don't appreciate that, it's just that you can see how it's hard when 12 years have gone by and suddenly.....

Jack Ratterman - Discovery.

Mary Hillberg – You feel like you've been demoted.

Cindy Fox – But in those 12 years, what did this board not see?

Mary Hillberg – Now we're not going to see....

Jack Ratterman – Now we're not going to have any authority to see anything.

Mary Hillberg – No, no, no.

Cindy Fox – That's what I'm saying, in the last 12 years.....

Catherine Testa – But increased density is probably one of the biggest issues, if not the biggest issue of North Merritt Island.

Cindy Fox – But what occurred in the last 12 years that wasn't seen by this board?

(Several speakers at once. Inaudible.)

Mary Hillberg – That isn't the issue.

Cindy Fox – That's what I'm saying, is that we as a staff may have missed the change in the ordinance, but we still brought everything.....

Mary Hillberg – That isn't the issue. I'm just explaining how people who have talked to me about it – members of the community that have asked what in the world is happening – and I've explained to them, and they say, "How come you got a demotion?" I'm like, it's not really a demotion, it's kind of like a rearrangement. It does feel like you go along and then stop. I don't mean the LPA is down or anything, I just mean it feels.....and we feel obligated now we have to go before the.....another meeting, another board, instead of just going directly to the Commission. So, they have a recommendation from this board and a recommendation from the LPA, and a recommendation from the elected people in the area. So, that's the reason I think there's a lot of confusion. And incidentally, this is a very good idea to have this explanatory meeting, because I think even members of our board were not clear about it, and to think that for 12 years we haven't been following what we were supposed to.....but I don't think anybody would win a lawsuit doing that, because it still went before everybody else, it just went in a different order.

Robin Sobrino – And I would like to clarify my statement. You would be making an advisory recommendation, but it would be.....

Mary Hillberg – To an appointed board rather than to the Commission.

Robin Sobrino – Right. So, it would be advisable that if you wanted your recommendation to have more impact – not to say that the written word is not sufficient, but rather it doesn't necessarily capture the essence of the concern that you probably, more effectively verbalize.

Mary Hillberg – And we realize that now we have to go to another meeting, because before we were going directly to the Commission.

Robin Sobrino – Or just have somebody who chooses to be the spokesman for the group. And it's only if you are so inclined. You may not feel the need to. The other thing to keep in mind, and it's a whole separate item,

is that as you know, we are doing that small area study, where I would hope that the recommendations coming out of that from that group would hopefully be representative of the sentiment of the community, and therefore that would set the standards for evaluating density. It's not as if you necessarily are dealing with a board that isn't aware of community sentiment, because we could say this is a fresh study.

Mary Hillberg – And small area studies, historically, have done surveys of the people to find out whether or not the people want this event. The North Tropical Trail had one survey, and the East Merritt Island – I can't remember if there was a survey or not – but that is the kind of thing that gives validity to, and standing to, a group other than saying, "Everybody wants this", and you get three people who come up and say, "I don't want it", and you think, well, maybe nobody wants it. So, you don't know.

Robin Sobrino – Our staff comments would say, "The study has recommended a density of.....or, the comp plan has now been amended based upon the recommendations of the study to establish the reasonable density", and that helps provide.....

Mary Hillberg – It gives it validity and substance, and standing, before the Commission, and it should, I agree, the survey should be done for that. Like I said, as far as here is concerned, you would have to have somebody go before the Commission and represent the community, but we can't have a survey on every issue. They've elected us because they trusted us to represent them. Just because the Commission says they don't want that, it doesn't mean everybody in their district doesn't want it, so that would be an understanding.

Cindy Fox – Let me just say I've been here 15 years, and Merritt Island is my home, and I'm very passionate about Merritt Island, and Robin doesn't know I'm going to say this, but I have attended these meetings here, I've attended all P&Z meetings, and subsequent Board meetings, and I can assure you that for over 20 years this board had a representative sitting on the P&Z board and the LPA board, Aneta Ott.

Mary Hillberg – Yes, we did. Yes, she was.

Cindy Fox – And you cannot discount her participation and her effort to ensure that the things that this board was concerned about were brought forward. You had a personal representative.....

Mary Hillberg – We did, but if you read the minutes you would find very few. I went back and read most of the minutes just to find those references, and occasionally Henry would say something like.....

Cindy Fox – I think, Mary, in all honesty, you would have to go back many years, many, many years, in the very beginning when we were all much younger, including Ms. Ott, and see what her influence was.

Mary Hillberg – Yes, that was very strong.

Cindy Fox – And the rest of the board, and the people that have been appointed to the P&Z board respected her tremendously. So, I do not want you to feel that not given.....

Mary Hillberg – No, no, no, not in the past, but now it feels as though it's almost like a.....and nobody's really quite sure, so you having this meeting here is a wonderful idea so we can community what the situation is, and I think there are a lot of things and challenges coming up, and the small area study is going to be a big event.

Robin Sobrino – I hope that you can recognize that this special – even though you may feel a little bit put out by what's going on here – North Merritt Island has had special recognition in the eyes of the Board of County Commissioners, historically.

Mary Hillberg – Yes, we've been.....

Jack Ratterman – Well.....

Robin Sobrino – Just a minute.

Jack Ratterman – No. The reason they have special recognition is because whoever wins this district wins the County Commissioner seat, so you're saying we're going to get some special thing....

Robin Sobrino – Mr. Ratterman, let me finish.....

Jack Ratterman – Until MIRA came along, we were the step child of this county, and when MIRA came along and we finally got some landscaping, the County Commissioners did not care about Merritt Island whatsoever.

Robin Sobrino – Mr. Ratterman, allow me to.....

Jack Ratterman – So, you saying that.....

Robin Sobrino – Allow me to finish my statement. Thank you. First of all, the fact that a dependent special district board was allowed to be established by the Board of County Commissioners – that's not something they confer readily, and only you and Port St. John have that unique ability. So, there are probably a lot of other communities that have been fighting their own battles with density down in the south mainland, for years, Micco Road and that area, that they would have loved to have had that local board being part of their process. Secondly, this is going to be the third small area study that we've done in North Merritt Island, and there are places that we've never gone to. So, I want to assure you when it comes to planning and land use considerations, the Board of County Commissioners does give special consideration to North Merritt Island, and that's just a fact.

Tom McFarland – We're grateful for the attention of the Commissioners and their history of attending to us in that respect. I feel grateful that they have done that in the past, and I do hope that they'll continue to. I will say that the last couple of times that I've appeared before the LPA I have not have a similar feeling about the attitude of the LPA towards myself. I thought they were, rude, disrespectful, and dismissive, and I didn't appreciate it, and I felt like I was sort of interrupting their lovely event. I was distressed about it, and I don't get distressed about it very easily. I haven't spoken to the Commissioner about it, and I probably won't, because I think I can handle myself okay, but I was distressed that they behaved in the manner that they did, and I think it's unnecessary. I think we're all grownups and we can behave accordingly. That's my soapbox for this evening.

Jack Ratterman – I want to correct you on the small area studies. How many small area studies, Darlene?

Darlene Hunt – Five.

Jack Ratterman – Five. This isn't the first one. You're not granting us something the first time. That's what you just said.

Mary Hillberg – No, she said it was the third.

Jack Ratterman – Third.

Robin Sobrino – I know the three.....

Jack Ratterman – But again, you're saying you allowed us to establish this board. Why would you not want to have, if this is a truly, you know, open society, and you're seeking input from the community, why are you allowing me to participate in my own government? That's not right. Why doesn't the County seek more of that? To me, as a history teacher, this is terrible; this is awful for this to happen. It's like affront to democracy.

Why even elect me? Why do I even have to file for it and go through all of that? It's a rouse because you're making the community..... or you're getting the community to think, "Well, we have some weight".

Shaye Williams – Jack, I understand, you're right, but we need to try to concentrate on what we have here, too. Not to cut you off, but....

Jack Ratterman – Okay, what do you have?

Shaye Williams – My concerns are, the board is formed; this was not an altruistic event by our Commissioners. They didn't do this because they thought it was the right thing for this area, they did it because this area expressed a concern that they needed representation. It didn't come down from the Commissioner saying, "Well, we're going to create a board". And government works that way, we understand that and we appreciate it. I'm reading through the ordinance and I just need a little clarification. I see this, "In lieu of an applicable CRG.....review and provide recommendations to the Board..... applications", essentially, "against county future land use. So, if the CRG's were eliminated that responsibility would have come forward to this organization to provide some review and input on that?"

Robin Sobrino – This organization was supposed to be a substitute process to the CRG process.

Shaye Williams – Okay, so now it's lined out.

Robin Sobrino – Because CRG's went away, so there is no CRG process, so there is currently, technically, no mechanism for you to be hearing comprehensive plan amendments.

Shaye Williams – What if the comprehensive plan amendment is going forward?

Robin Sobrino – A comprehensive plan amendment in North Merritt Island, technically, under today's Florida Statutes, would still only go to the Local Planning Agency, who has the School Board member, and they are the ones making a recommendation. So, this ordinance, instead, is saying that you can still review and provide advisory.....

Shaye Williams – If there's a zoning change associated with it, rezoning? It's only tied to rezoning applications? If this is being re-written to comply with the Statute, I understand.

Robin Sobrino – Paragraph 4 is for the comp plan.

Shaye Williams – Thank you, very much.

Robin Sobrino – "They review and provide the Local Planning Agency with an advisory recommendation upon site specific applications requesting a change in the future land use".

Shaye Williams – Thank you.

Robin Sobrino – So, we're creating a niche for this body.

Shaye Williams – That's an extremely valuable niche to have, and that's definitely what we're interested in participating in.

Mary Hillberg – To ask our member of the '91 all of North Merritt Island Small Area Study, the Corridor Study, then the North North Tropical Trail Study, and....

Robin Sobrino – I forgot the Corridor Study, that's another one.

Mary Hillberg – There were two corridor studies. The first one didn't study well enough, so they had another one.

Darlene Hunt – It sat on a shelf for a couple of years and then they reinstated it, and it was different group of people.

Mary Hillberg – So, that's where you're getting the fifth one, because I only had four.

Darlene Hunt – When I'm allowed to speak I have some other historical things I wanted to share with you.

Robin Sobrino – I did forget about the corridor study.

Tom McFarland – You were there, Robin, how could you forget?

Mary Hillberg – Also, some of these studies that we do, which are wonderful, and I know they are supported, and when money is tight this is a good thing, but like the corridor study, the second one, even, we haven't gotten the enforcement that....it's like you put all of this effort – we put all this effort, you all put all the effort, and then resources, and then it's put over here and that takes care of that.

Robin Sobrino – With the small area studies, not the corridor study, but the small area studies have translated to comprehensive plan amendment changes.

Mary Hillberg – That's true.

Robin Sobrino – The corridor study....

Mary Hillberg – Is the only one that has not.

Robin Sobrino -effects other agencies because they dealt with lighting, driveway cuts, and things like that that were not planning and zoning-type things, or comprehensive plans.....

Mary Hillberg – From a resident's point of view, you look around and say, "The corridor did a lot of good because".....you know what I mean. I was just looking at that one as being one, but Darlene, is right.

Robin Sobrino – I would consider it one protracted.

Tom McFarland – That group sort of folded. I remember we had to change rules so that we didn't rely on a quorum because it had gotten to the point where we couldn't put together a quorum even to decide to stop.

Mary Hillberg – But this also does reinforce the fact that this area is a very active area that wants to be part of their own destiny.

Robin Sobrino – Absolutely.

Mary Hillberg – They want to make their community their own.

Tom McFarland – If these things were simple it wouldn't be necessary to have these small area studies, or studies, at all other than just to inform people. They are complicated and there are multiple viewpoints and lots of voices that wish to be heard on these issues. I think we serve a valuable function and I, in the past at least, I feel like the Commissioners have recognized the function that we served, either as this special district board, or as the various CRG's and small area study groups.

Catherine Testa – Just a side note, North Merritt Island is different than so many places. The ecosystem is not the same as the central part of Merritt Island, or the south part of Merritt Island. We are so different up north, and we do need special attention, and we need it not only by our own residents, but by the County Commissioners and any organization that's involved in deciding our future. We have to really have people that are interested in learning what North Merritt Island is really like to live in, to be part of. We do one thing wrong and we can wipe out manatees, panthers – 'cause I've seen them – the bobcats, birds, I've seen an indigo snake, I've seen more wildlife in my last two years than I've seen in my entire 56 years. Of all the places I've been, I've never seen so much diversity, and that's why North Merritt Island needs people to protect what we have. You know, having people come in.....if we have no say in our own density and protecting the environment that we live in.....

Tom McFarland – We will have it.

Catherine Testa – We don't, we're losing it, we're definitely losing it, and we need to have it. The people that are here obviously are very much concerned. We've volunteered, we're elected officials, but we volunteer our time. It's wrong. If there's a Florida Statute that states that we should have nothing to do with – and basically that's what happening, you're just pulling it from us – we need to get a Florida Statute that gives us that right back.

Mary Hillberg – That would be the legislators.

Catherine Testa – Then we'll have to start with Mr. Crisafulli.

Tom McFarland – Darlene has some things to say, and if we're finished with our first piece of it here, then Darlene.....

Darlene Hunt – The reason that we wanted to form a North Merritt Island Dependent Special District is because when zoning issues would go before the P&Z and LPA, they didn't get it. Some of them had never even crossed over the barge canal, they weren't with us, or understanding, what it was we were asking to happen. So, three people: Aneta Ott, Tom McFarland, and Darlene Hunt, went to speak to the Port St. John Dependent Special District and find out what it takes to make a special district. We had a Commissioner, Randy O'Brien, we talked to him and he didn't think it was a good idea, and about a year later or so he thought it was a good idea. So, we started – I guess you have to get permission from the Commissioners – and we had it on the ballot on North Merritt Island, "Do you people want to have your own dependent special district?" And 75% of the people who vote on North Merritt Island said, "Yes, we want our own". This is how it happened; it wasn't a casual thing that anybody gave us, this was a methodically done thing. So, that's why we started this, because the P&Z didn't represent our area properly. Number 2 – I've got a lot of them – Number 2, the reason that we're here today and that you're trying to work on cleaning up something that was not taken care of years ago, is because we alerted you to it. We said, "Why did you bypass this North Merritt Island Dependent Special District". They didn't know they were even bypassed. A citizen made a phone call and said, "What's this zoning thing coming up?" It was a comp plan change that was going straight to the LPA, but nobody here even knew that. Maybe you're not supposed to, but here are 12 times in those same years this group heard issues like that. It wasn't that they were always bypassed, it all of a sudden got bypassed. If that person hadn't contacted, you still wouldn't know and we'd still be doing business wrong, I guess. Cost: here is Mel Scott's memo that outlined the costs. It did cost \$295.91 to hold a North Merritt Island Dependent Special District. That's the cost, that's the cost savings, \$295.00. The last one is, you have to keep the North Merritt Island Dependent Special District in the entire loop, comp plan, zoning, the whole loop. You can't delegate that to the LPA. The Commissioners deserved to have this input from the people on North Merritt Island directly.

Tom McFarland – Thank you, Darlene. Okay, I don't know that our board needs to vote on this ordinance, but I think as a courtesy to the Commissioners it would be good for us to ask the Commissioners to approve the

ordinance, or not approve the ordinance, or amend it however, so that they know that we've read it, for one thing, and that we're in the loop.

Catherine Testa – Darlene mentioned that 12 times we've voted on things. That sets a precedent that we've been given this in the past. It sets the precedent, and there's no reason why it shouldn't continue the way it has been.

Shaye Williams – Let me add something else. In regard to the value of this board, we've provided insight from this direction back to the Commissioners, but that's only half of what happens here. The other half is that we have an issue come forward to the Board, and that's a way to introduce it to the community, too, and at that point then you begin to get more and more response from the community, and that's how the information flows. Similarly, like Darlene pointing out we recently had the proposed amendment plan coming forward that we were not initially aware of, and it's information like that that once it gets onto an agenda, the awareness is there, and our community is quite active and paying attention to what's happening, and that's why it's essential that things that affect the Planning and zoning, the densities, it is very important that we are included in that process just as a way to get the information out to the community, because it's difficult for people to search it out, and it's much easier for us to provide them an opportunity. That's a big part of what the board also does.

Mary Hillberg – May I also add, just as a tiny addition, I've spoken to several people, maybe 100 or more, over the last several years that I've been on this board, and they're newcomers, all of them, or people who have been here a long time, but most of the newcomers here that have only been here for this many years or that many years, or just moved here, or whatever, they're like, "This is like paradise. This is what we've been looking for. We work in Orlando, we work.....", one lady worked farther than Orlando away, and she said, "Our family came here and said this is where we want our home, this is where we want to live. We'll drive, we'll do whatever it takes, but we want to live in an environment like this", and you can't find this anywhere. Everything gets the suburbanization and the organization, and you need to do that for the land and for the people, but in addition to that it's a safety issue. I think at the last SAS meeting, Sue said that the rising sea level was a huge issue for North Merritt Island. You all may remember Bob Lay, who did a wonderful job as the director of Emergency Management forever, and he's deceased now, but he and I had a long conversation about the issues for Merritt Island and North Merritt Island. He said the biggest issue facing all of this island, as well as the barrier islands, but specifically this island, and the northern part of it more than anything else, is the rising sea level, and he can't get it talked about, no one would discuss it, and he was very frustrated with it. I guess he wasn't in a position to do anything about it, but that is an issue, and we can't mitigate things like that. That is happening, and what you do to be safe is you keep density down, and you zone in such a way with the type of zoning that can make the land useful on things, and profitable, and an asset, without putting people, and property, and resources at risk. So, there are practical reasons for it, it's not just the love of the birds and the bees, there are practical reasons to being careful how you do this, because you can end up with a lot of people unable to.....we've got a drawbridge here, trying to go that way to get out, or you swim. There are artificial and manmade – natural – barriers to drainage, to flooding issues that have been here since eternity. The Public Works Department – John is a sterling man, and he's done a fantastic job and we love all the help. It's a huge challenge when you add a heavier load to a land that really can't carry it. Ultimately, it's not safe and it's not practical. This group recognizes a lot of these things and tries to rate them and translate them when they give their suggestions and recommendations, too, so it's coming from that as well as coming from, 'this is ours and we were here first and we want a bigger yard'. We were here at one of the small area study meetings – I forget what it was – and the septic tanks were about six inches from the water level, from the water table. Six inches is on it. There are things that you have to really look at, and densities and land uses are so critical, and that's why this group is as passionate as it is, and why the community is interested, too. That's all I have to say.

Tom McFarland – Generally, I think of the statutes as being as sort of a minimalist. You must do at least this much, according to statute. I believe that the Commission, the School Board, and boards like us can do more, but we can't do less than the statutes permit. I think that's the way they work, and are intended to work.

Orlando and Orange County must do a minimum of this amount, and if they want to do more they are certainly authorized to do more, but they must do at least this much, and I do think that in the case of board like this we're pretty good about moving along to the next thing, so we're not going to delay someone's ability to use their property or to have their wishes moved forward. We don't generally table anything unless there's a very specific reason, like we have an SAS in the works, so that should be accomplished first. I don't think it's in the interest of this board of listening to the same arguments over and over and over again, we'd like to hear what's going on and make our recommendations flat-out. So, I don't think that we would delay the process and I hope that we can continue to operate generally as the advisory board that we were elected to be. Saying that, can we have a motion on the proposed ordinance?

Mary Hillberg – Would there be suggested language for this motion?

Tom McFarland – The first vote, I think, should be as presented to us that we recommend to the Board of County Commissioners that they approve the ordinance as presented.

Mary Hillberg – I would move that we recommend to the County Commission that we approve the ordinance as presented.

Catherine Testa – That they approve it? Then they've taken away.....that we no longer have any say in the increased density?

Mary Hillberg – The thing is that we have a say, but we cannot go the same route that we did because the State Statutes trump whatever.....

Tom McFarland – What really has changed is Paragraph 4 has been added, which is our organization, the board would review and provide the Local Planning Agency with an advisory recommendation upon site specific applications requesting a change in designation on the County Future Land Use Map. So, that would mean that we would advise the LPA on those things rather than advising the Board of County Commissioners. And my presumption is that if we advise the LPA that it will show up in their minutes that go before the Board of County Commissioners for eventual approval. I believe you guys are very, very, very, thorough in how you present minutes for those things.

Robin Sobrino – Yes.

Jack Ratterman – Second.

Tom McFarland – Any further discussion?

Tom McFarland called for a vote on the motion as stated, and it passed unanimously.

Tom McFarland – Thank you. Our next meeting is in.....whenever we get an application.

Jennifer Jones – The next deadline for the July meeting is May 8th.

Mary Hillberg – Could we ask who – it wouldn't be you, I guess, your department – how would we go about asking for zoning and land use changes to be postponed until the complete study has been done? That may be totally different. The last North North Tropical Trail Study was in progress and an alternate resigned from the board; the small area study group put in an application for a higher density than was approved while the study was being....before it was solidified.

Robin Sobrino – From talking to Stuart, he feels he's going to have some wrapping up meetings with you and probably this summer we should be having a draft of the study.

Mary Hillberg – Darlene is the Chair of it.

Robin Sobrino – There are not going to be any zoning actions. The Commission and the Local Planning agency, and the P&Z all recess in June, so the Commission actually doesn't even see... after May, the Commission doesn't see a rezoning request until August. So, hopefully we'll have some kind of draft, and it might serve as a guiding document. If some application happened to come in, then we would just evaluate it, I guess.

Mary Hillberg – Is there any way that there can be a pause in the flow of these? When you hear there's going to be a sale, or the sale is going to be over soon, everybody goes for the sale, so if during this time there are more applications popping up, is there any way that you can say, 'these are not appropriate', or does the Commission have to say these are.....

Robin Sobrino – It would have to be the Commission.

Mary Hillberg – For this particular area, not for the whole world, just this little area while it's under study. I think that's what was happening in East Merritt Island, and everything stopped for East Merritt Island while the study was going on, until it was finished. I was on it.

Cindy Fox – I think that plan of action is that if there is still an ongoing small area study that is not heard by the Board and adopted by the Board, then the Commissioner of that district should then say, "We're working on this small area study", and then appeal to the Board to go ahead and table that item until the study is complete.

Tom McFarland – Until the study is complete.

Mary Hillberg – It would be up to Jim to do that.

Cindy Fox – I would think that was the best thing, simply because we at the staff level are not allowed to prohibit.

Mary Hillberg – You can't put brakes on things?

Cindy Fox – No, and moratorium is not a word we can use. It's just not something that our level.....so, it really is at the Commission level.

Jack Ratterman – So, should we ask this of the Commissioners? Or Mr. Barfield?

Cindy Fox – I don't think you have a need to, because there's nothing in the hopper.

Tom McFarland – Right now, yes.

Cindy Fox – I think maybe after we see where the small area study goes, if the process is going to proceed longer than August, then.....

Tom McFarland – Then maybe we should....

Mary Hillberg – Go to the Commissioner, go to Jim and say, "Could you please....."

Tom McFarland – That seems reasonable to me.

Mary Hillberg – Just this area, not the whole world.

Tom McFarland – We're in contact with the small area study people, so they know we know what their expectations are as far as completing the thing. I do thank the staff for presenting this, it's very, very helpful, and all beyond your control.

Robin Sobrino – Thank you for your time tonight.

Tom McFarland – Thank you.

Upon consensus, the meeting was adjourned at 7:03 p.m.