

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Monday, May 1, 2023**

**10:00 AM**

**Special Joint Meeting with Town of Malabar**

**Meeting to be held at: First Baptist Church of Malabar  
1665 Malabar Road, Malabar, FL 32950**

**1. CALL TO ORDER: 10:03A.M.**

**2. OPENING MEETING AND IDENTIFY PARTIES**

Patrick Reilly, Mayor of Town of Malabar, introduced himself.

Marisa Acquaviva, town council, district 5, introduced herself.

Brian Vail, town council, district 2, introduced himself.

Jim Clevenger, town council, district 3, introduced himself.

David Scardino, town council, district 4, introduced himself.

Rita Pritchett mentioned the Board knows Mr. Matt Stinnett from previously.

Carl Bohne, town attorney, introduced himself; and he advised they are still waiting on one council member.

Frank Abbate, County Manager, introduced himself.

Commissioner Feltner, district 4, introduced himself.

Chair Pritchett, district 1, introduced herself.

Mike Knight, Environmentally Endangered Lands (EELS) Program, introduced himself.

Commissioner Goodson, district 2, introduced himself.

Commissioner Tobia, district 3, introduced himself.

Morris Richardson, County Attorney, introduced himself.

Chair Pritchett thanked the town council and the rest of the attendees for allowing the Board to come to their beautiful city. She stated there are numerous cards, therefore, she is going to give two minutes per speaker to get through the cards; she reiterated her appreciation to the town for having this meeting; and she thanked Commissioner Tobia for hosting the meeting in his district.

**PLEDGE OF ALLEGIANCE**

Commissioner Feltner led the assembly in the Pledge of Allegiance.

**3. MEETING DESCRIPTION AND OVERVIEW OF PROCEDURE**

Morris Richardson, County Attorney, stated the County is there pursuant to Florida Statutes, Chapter 164, the Governmental Conflict Resolution Act; the Town of Malabar initiated the conflict resolution procedures by passing a resolution outlining its desire to work within Chapter 164, last year; on April 10, 2023 staff for the County and the Town of Malabar participated in a Conflict Assessment Meeting; it was open to the public in the Malabar townhall; because no resolution was reached at the conflict assessment meeting with staff, they are now at the next step in the statutory conflict resolution process known as the joint public meeting; and that is

what is happening today. He went on to say as everyone knows County Commissioner Chair Pritchett will chair this meeting; Mayor Reilly was gracious in allowing for that; the Chair will call on public speakers for comment; because of the number of attendees, there will be two minutes for speakers; he asked that people try not to repeat themselves; if there is someone that represents a group, not everyone has to stand to say the same thing; the Chair will maintain order; and at the conclusion of public comment, which followed the introduction, both the Town of Malabar and the County have brief PowerPoint presentations setting forth the issues that were discussed at the conflict assessment phase. He stated the Town council and the County Commission are both tasked with considering the issues and seeking an agreement and scheduling additional meetings for each respective governing board, or their staff designees, to continue to seek resolution of the conflict; if no agreement can be reached at this public meeting, then both parties are required to participate in mediation and the cost of mediation is equally born between the parties; they must decide on a mediator within 14 days of this meeting if no agreement is reached today; once the mediator is scheduled, mediators are selected, and mediation takes place within 14 days; if the conflict is resolved today, the County and the Town of Malabar must adopt or pass an ordinance, resolution, or interlocal agreement that reflects the terms or conditions of the resolution conflict at separate meetings; and if there is a failure to resolve the conflict through the procedures described after this meeting and after mediation, then the parties may avail themselves of any otherwise legal remedy, and in this case that would mean the County would proceed with the current abated litigation. He turned the meeting back over to the Chair.

#### **4. PUBLIC COMMENTS**

Chair Pritchett stated she is going to start with public comment; she asked that the speakers come up when called and state their name and address; she will let the speaker know when time is up; she will not be able to add time to it because there are so many people; she asked that people not think she is being rude when she advises them that time is up; she would like to make sure that no one speaks out from the audience because of the difficulty in hearing; and she noted no cheers and no boos.

Grant Ball stated he wanted to bring up something he has not heard too much about and that is Malabar has 20 percent of its land in EELs property and he thinks that whatever the County wants to do with EELs, if it cuts out the use of it for the enjoyment of the residents of Malabar, then what it should be doing is giving the Town of Malabar some money to make up for the fact that the residents have lost 20 percent of the revenue, especially in the EELs property down where Harris is, because that is where the biggest impact would have been as it is an industrial complex; they are paying basically 20 percent more in taxes to give this land to EELs; and he thinks that should be borne by the State, the County, and everybody else that is affected with this property.

Jason Stroble stated he has a long list of clubs that he has been a part of in his life and he has yet to meet anyone who disagrees with research being done for Scrub Jays; everyone loves the Scrub Jays; the fact that people are being pitched as they just want to save the trails is outrageous; he wants to make sure they are talking about the Scrub Jays in South Brevard only; there are other populations in Brevard that will be fine and continued to be managed; according to BPA, there could be a lot of property cleared and it would not save the Scrub Jays; what they really need is a 70 percent strong habitat; in truth, Brevard County does not have many nature spaces, everyone is ripping out every piece of woods possible; and they all have their reasons including EELs. He continued by saying EELs actually restored the property close to his place; the area is cleared of almost all trees and is now virtually an open field; even with

supplementation, this population of Scrub Jays will go extinct and they will be left with an open field without the animal that they cleared the property for; EELs is looking to remove 10,000-20,000 trees from the property; and this is a high-tech community that loves the outdoors. He stated when he first moved there he worked for Harris and roughly 80 percent of the engineers he worked closely for have moved from this County to other places that provide more outdoor space; the proposed plan that they have does not adhere to what he knows about valuable Scrub Jay habitat, for instance, buffer zones; people need to look at the bigger picture and the only thing to consider is not just Scrub Jays in South Brevard County, what they really want is a balanced plan; and he would encourage all to look at the bigger picture to consider future generations and future residents, to find a balanced plan that save the Scrub Jays of South Brevard, as well as nature space.

William Fisk stated he is the president-elect of the Space Coast Audubon; they are asking both parties to look at the science; as the gentleman said previously, this is only dealing with one property, but there are a whole lot of people; he believes they all need to look out for the Scrub Jays; it is an endangered species; the people need to work for them; sadly, if they do not cut some of the trees, the Red Shouldered Hawks seem to think that Scrub Jays are a delicacy; and their perches need to be cut down so they are not predated on the Scrub Jays. He noted they are asking that everyone look at the science, and come to a compromise; maybe come up with some more recreation areas; but people need to think about the Scrub Jays.

Heather Elko stated she is there to support the scientific management of the Malabar Scrub Jay Sanctuary and the Florida Scrub Jays that are part of this unique ecosystem; she is confused as to why a city that is fortunate enough to have conservation land in their midst would want to develop that property; she uses the word develop because property used for human recreation is just that, development; everyone knows that the first victims of development are the species of that ecosystem, including in this case the endangered Scrub Jays; those who want to alter the Malabar Scrub Maintenance Plan have themselves enjoyed the life of these birds; people will never forget the magical moment when a Scrub Jay landed on the ground nearby, cocked an eye, and proceeded to dig up an acorn that it had stashed for later times; and people would be thrilled to see Scrub Jay parents bringing out the kids for the first time to learn how to forage. She added if people have seen these youngsters comports among the branches of low scrub plants, that is their necessary habitat and their survival; and her point is to be careful of what one wishes for because people may get it and in the process lose what they love. She went on to say she knows the cyclists and herself share the appreciation of the Scrub Jay environment because she has often met them on the trails of Wickham Park; cyclists of the scrub, choose their time to be out and it is rarely in the heat of the day; they do not demand that the scrub be something it is not; imagine if the cyclists went to the mountains and complained it was too hilly; she asked what if they went cycling in the Everglades and demanded something be done because it was too damp; and she stated the scrub is an ecosystem, so to respect it for what it is. She went on to say she voted her taxes to go to the good of the whole County not just this one municipality; there is innovative wisdom that everyone has heard, the story of the camel in the tent; and those who argue for control of Malabar Scrub sanctuary and oppose the Management Plan that was voted for, already have access to enjoy this endangered land.

Jim Burney stated he is speaking as a resident of Rockledge and a supporter of County land acquisition management; he expressed his appreciation to all of the Malabar residents for the past EELs acquisitions and current voter-approved bond referendum; it is obvious to him that all may differ on certain components of this management plan, certainly to the value and the County's natural areas; as a Rockledge resident, he has reviewed and is in support of the EELs management plan for all the Scrub reserves, including the Malabar Scrub Jay Reserve; given

the scientific study detail in Brevard County Scrub Jay population and their survival outlook his support includes maximizing critical habitat to further tree density reductions as specified by the Florida Wildlife Commission (FWC) and the US Fish and Wildlife Service habitat guidelines; he is opposed to single municipalities interfering with management practices that are well documented integral steps necessary to aid recovery of endangered and threatened species; and lastly, both FWC and US Fish and Wildlife have designated this project as protected and both agencies have direct ties to Malabar Scrub conservation area. He went on to say FWC, through financial support and legally binding management agreements, US Fish and Wildlife legally binding Scrub Jay habitat mitigation commitments over portions of the property; both agencies have been watching from the sidelines today, however, people should be aware that further interference with the Scrub Jay Management guidelines, including tree reduction zones will certainly eventually draw a strict and one-sided response in support of the Scrub Jay management; and right now, these guys are waiting, but there are not going to quietly wait forever. He thanked everyone in support of the recently posted bond referendum; and he thanked the Commission.

Richard Owen stated he wants to start at the beginning; when EELs was initiated it was initiated because a group of citizens got together that did not want all of Brevard County to turn into a strip mall or a housing area; they wanted to set aside some land to remain natural and everyone can have the benefits of having a balanced community; the initial idea was EELs would manage the lands and keep it in a way that is fairly natural for the environment; now coming to Malabar, what does EELs want to do with the land, they want to come in and clear cut it all, burn it, and then they think this is going to give the Scrub Jays a nice habitat; and this happened over in Jordan Scrub. He mentioned a friend that works for Harris happened to look out of his window one day and thought wow, Jordan Scrub is now a parking lot because after they shredded it and burned it all down that is what it looked like, all dark like a parking lot; a couple of years later he went there because he was curious to see what was going on and what he saw was a sawgrass desert with sawgrass everywhere; and he wondered how the Scrub Jays were going to deal with that.

Carl Bohne announced that Mary Hofmeister, district 5 town council member had arrived.

Vince Lamb stated the combination of Scrub areas in and around Malabar are considered the largest area in Brevard County for Scrub Jays excluding portions of the Kennedy Space Center (KSC); these properties have resident Scrub Jay populations and collectively provide Scrub landscape with a high probability of sustaining South Brevard's population of Scrub Jays for the long term; prior to Scrub Jays previously occupied bay areas of Brevard County where they can no longer be found, this includes an EELs program sanctuary right across the Lagoon; Coconut Point Sanctuary in South Breaches had a resident population for many years until about 10 years ago; and the loss of the adjacent Scrub Jay habitat to development left the sanctuary too small for the long term survival of the resident Scrub Jays. He continued by saying he strongly supports the management of the Malabar Scrub Sanctuary to give priority to Florida Scrub Jays and to allow passive recreation activities along the perimeter; and by taking these steps, it will ensure that this unique and important species continues to thrive in the wild.

Mark Gunter stated luckily he moved there a year and one half ago and got to see the other species and wildlife in the sanctuary; he thinks everyone ought to be able to come to some compromise on it and how many trees; if one looks at Jordan, rides Jordan, or hikes Jordan Sanctuary, he has done it most of his life, it is a catastrophe, there is no wildlife; it is awful; and what he is afraid of, he has turkeys that come in and out of his back yard, snakes, bobcats, even a panther back there, and what he is afraid of is it is going to run all of that wildlife out of there and the people are not going to be able to enjoy it. He continued by saying everybody

wants to enjoy the Scrub Jays, everybody; his wife encountered two of them the other day; they are friendly and beautiful; all the other species should not be sacrificed, there has got to be a compromise; it cannot be 10,000 trees and mow everything down; maybe 1,000 trees; and that is all he has to say.

Denise Simpson stated she is a longtime Scrub Jay volunteer; the property was acquired as conservation land; the proposed restoration was clearly stated in the management plan that was approved and open public comment at the time it was approved; of course, Scrub Jays are in decline; the area is critical habitat, the mountain bikers can go somewhere else, the Scrub Jays do not have that luxury; and no one is saying that the mountain bikers cannot be out in the Malabar Scrub. She mentioned that she spends hundreds of hours during the summer in properly maintained Scrub habitat and there is no reason people cannot go out there on bikes, but it needs to be conserved for the Scrub Jays that do not have an option to go someplace else.

Laurilee Thompson stated she knows that the loss of trees is hard to swallow, but at KSC, they have been managing for years for Scrub Jays and there is an incredible amount of wildlife in the areas that they have managed, burned, and cleared trees; she is not sure what happened in Jordan Sanctuary, but this land was purchased as conservation and she hopes they can all reach a compromise; she thinks the compromise that the selection and management committee has suggested is reasonable in that it would leave some of the oak hammock intact; and she hopes they can reach a compromise today. She mentioned Brevard County is going to have one million residents eventually; these habitats are critical to keep our diversity here; it is one of the most diverse areas in the entire State; and it needs to stay balanced.

Lew Kontnik stated the property was acquired by a process and a vote by the County population; he respects a variety of uses but he believes people have to live with the process that was adopted and voted for; he supports accommodation within the defined uses and he supports compromise; however, he does not support unilateral action in this case.

Deborah Langman–Murich stated she is speaking as a citizen today; she lives in the Suntree area part of Melbourne; she has been an active member of leadership positions Audubon and in the Sierra Club; she has taken master naturalist classes; she is not an expert but from all the field trips she has taken and activities, she has learned over the years that Scrub Jays are unique to Florida; one thing she found interesting, not being from Florida, was the variety of habitats that could not be found anywhere else; the Scrub Jays are even being considered to be the State bird because they are only found here in Florida; and the Scrub Jays need all the space they can get. She mentioned from the classes she took the land that is the most developable is the Scrub Jay land which is high and dry and used to be the highland when the seas covered Florida, so naturally everyone wants to build there; there is very little Scrub Jay land left so they really have to struggle to survive; each time they lose a high and dry property that should be Scrub it loses more habitat for Scrub Jays; part of that is burning, there are lots of parts of the country where habitat needs to be burned to be maintained and be kept low of taller plants; and Scrub is one of those habitats. She stated predators like hawks or owls will eat small birds and small animals; everywhere else in the County she wished there were more trees, but in Scrub territory there needs to be less trees; her wish is to go with the original idea from EELs; there are other parks for recreation; but EELs is for helping to maintain the unique Florida habitat.

Michael Myjak stated he has been involved in helping support EELs since the 1990s; he was one of the original pact that started EELs when they pushed the idea of science and management behind their decision making; he thinks that is what should rule the day; the purpose of this land was to save the Scrub Jay; it is nice that there is recreational opportunities

along with that, but it is the Scrub Jay that is the purpose of this property; if people cannot be respectful for those that are endemic and endangered, then he is not sure what is happening here; he reiterated the purpose of the land is to save the Scrub Jays; and he believes in the science behind it.

Stuart Nicholson stated this is unique land with the hammock and all the trees and dozens of his friends and thousands who walk and bicycle this all the time; while other people say they can go everywhere else, that is not the case; these are the second best mountain bike trails in the State, the best are in Ocala; many people go out there and ride them for that purpose; the County already has a shortage of parks at this time; and this is unique property. He continued by saying he is sure he voted for the EELs property however he really does not remember that proposition saying it is going to be managed and that they would cut down 10 to 20 thousand trees, it was not in there or he would have voted against that; as the last speaker pointed out there is a lot of this County that does not have those; immediately south of here, EELs owns huge amounts of property, maybe there is a way to move the Scrub Jays there; and all the taxpayers own this property and he was very unhappy to see the County close it up, shut off the management contract, spend more taxpayer money putting up gates, and cutting the public off for the last year. He advised they figure out how to work together if they need property management, legal management, or whatever.

Bob Wilbur stated he has been a resident of Malabar since 76, and been here since 66; he watched all this Turkey Creek area develop; he was on planning and zoning when they came into town; he fought for them saying this was an amenity that would be good for the town; and he still believes that. He went on by saying what they have is a location situation with Turkey Creek Sanctuary south, what he calls Malabar Scrub, because they are a home basin of Turkey Creek and all its tributaries are formally habitats of all birds; Turkey Creek Sanctuary, just this last year, had recorded over 90 different species of birds since January; there has been talk of the panthers, otters, and everything; when people start removing, it is opening it for exotics, like pepper trees; where one sees pepper trees, the land has been disturbed; and he thinks that leaving the Turkey Creek Sanctuary area intact is bound to preserve the oak trees.

Keith Winston stated the Brevard Zoo has been working with Scrub Jays for a long time; they pioneered the methodology of trans-locating them, removing them from one site to another because they are such poor fliers, they cannot do that on their own; when they are doomed, his group is who comes in and moves them; he wanted to make two points today; the first is the science behind them, population management, was one his group helped bring in; and it is the same people who do this around the world for tigers, pandas, and penguins, and they are the best at what they do. He went on to say the second is the uniqueness; he was actually at Turkey Creek on Saturday and he saw a short-tailed hawk; that is a specialist hawk that lives in deep forest cover; people will never see that over at Scrub; yesterday he was over at one of the EELs properties, a very healthy EELs property and he saw Scrub Jays; Scrub Jays will never be seen in Turkey Creek; and the analogy that he likes to use is if this County can send missions to space to get people to the moon and along the way they take some cargo, that is great, but if the time they are putting actual people for the first time there, they would not put in extra cargo and be happy with 20 percent more risk of those people not making it to the moon, there is no compromise for that. He stated there is no compromise with Scrub Jays; they are specialist and they live in what does look like a Scrub desert; that is what they need; if it is tipped at all and the trees are put in, Coopers Hawks, Yellow Rat Snakes, and everything starts feeding on them; they are super specialized and one might not love the look of that habitat, although well managed, Cruickshank Sanctuary has its own set of animals; and one will not see turkey around there, they are like the short-tailed hawks they do not want to be in the Scrub. He mentioned there is a mosaic of habitat in Brevard County and their job is to manage all of it; and to use the best science to do it.

Sandra Sullivan stated in January of 2022, she spoke in support of these protections for the Scrub Jays and the removal of the trees; she has a reversal on that position for a few things that have occurred; first she wants to thank the County and the City of Malabar for the beautiful trail system and all the Scrub land that has been set aside; February of last year she was driving by Cruikshank Sanctuary which is a beautiful place to go to for the Scrub Jay and noticed all the tall trees, so why is Malabar being selected; and she asked why all of the Scrub Jay habitats are not being maintained. She went on to say in August 2022 at a County Commissioner meeting, the same Commissioner brought up a proposal to sell off half of the EELs lands, particularly the EELs lands held by the State; for that part of it, it has not been discussed at all, of what may be an agenda, and she wants everyone aware of; her recommendation is that the City and the County agree with what they agree on right now, which is 90 percent of what was on the table; two seasons of Scrub Jay nesting has been lost, last year and this year; two seasons that the Scrub Jays could have been reproducing on these lands, because the City and County did not move forward with 90 percent of the plan that everyone agreed on, and it could always come back with the parts it was in disagreement with; and the obvious solution today is to come together and agree on what they agree on right now.

Maryann Civil stated she was very familiar with the EELs program for many years; she hopes everyone remembers in the original purchase for this Scrub property was to benefit the existing Scrub Jay population in that area; second EELs has made several compromises with keeping some of the tree canopy and have proposed moving some of the trails that will now be open to a buffer canopy areas; she thinks compromise is well deserved; and she hopes they can all put their heads together, keep the ego out, and come to a resolution because obviously the citizens want to use that property. She added to remember that recreation is a secondary value for this property. She went on to say she can see people are not happy that the original purpose was for the Scrub Jay families; if this is allowed, like several people have mentioned about Cruikshank that Scrub Jay families are coming back because of the land management that has been done at that particular location; if people allow the management to work, which is scientific and has been in place for a long time, then she thinks people will reap those benefits; and then everyone can get back to using the property as it was intended.

Bill DeBusk stated he is the chairperson for the local Sierra Club; the Scrub Jay is only found in Florida; one can travel to Alaska, Illinois, or California and see Bald Eagles, but the Florida Scrub Jay is only found in Florida; the Scrub Jay population is declining; currently it is on a schedule of threatened species list and as the population continues to decline it will become endangered, and potentially extinct; the Scrub Jay habitat needs to be protected; the latest population studies show that they will become extinct in Brevard County in 40-70 years if this habitat is not maintained; and he thinks the Town of Malabar and the County need to come to a compromise. He mentioned the Florida Scrub Jay is the primary premise for this land; the proposed restoration of Malabar Scrub will likely allow populations to thrive and increase at least 18 families, based on long-term studies and models that have undergone long extensive scientific periods; the habitat restoration will not interfere with public access, recreation; lack of restoration will certainly result in extinction of Florida Scrub Jays in an area that was established primarily for the purpose to be maintained to ensure the Scrub Jays do not vanish; therefore, he is asking this be resolved in a manner that ensures proper maintenance of the Malabar Scrub.

Mark Britt stated his property backs up to the Sanctuary; he would like to preface what he is about to say out of respect to the members of the County Commission and all those involved in this; they did not get there without all the hard work and dedication; at the same time, he wants to thank all the members of the Town; most of them are volunteers and they are there missing work; and he attended the April 10, meeting and he left scratching his head thinking why is the



proposal submitted by the Town not being even considered in the least little bit. He continued by saying this proposal was put together by engineers and volunteers for the Town, the Trails and Greenway Committee, and they put in many hours researching this; basically, all they are talking about is a little slice of paradise for the many people who use the Sanctuary; it is a very reasonable request or compromise; no one should be there today, this should be over; there are way too many other things to think about in life, mass shootings, too many problems, banks going under, and inflation; and he asked that the County and the Town of Malabar just get this done. He added for them to look at the proposal; and he advised it is a very small request.

Michelle Schwind stated she is speaking for herself, but she is also speaking for her mother because she cannot be there; they love the trees and do not want too many of them to go; it was locked up, and they were confused; she reiterated she loves the trees and hopes not too many have to be cut down; and that is their stance.

Joy Peters stated she has lived in Malabar for over 30 years; she is representing herself and her family and friends that could not attend because not everyone could get off work at this hour; she thought that the cutting off of the property to punish the citizens for this little tiff was a little heavy-handed and using the Sheriff to arrest people; she understands the Board of County Commissioners do what they do; the town is asking for three percent of the property to make it natural for the citizens; they are not anti-Scrub Jay, they just want a place they can go and enjoy the beauty; she is glad Commissioner Pritchett thought the Town was lovely, the residents would like to keep it lovely; and they are trying to keep these natural areas not only for the Scrub Jays to thrive, but also for humans to go out and have recreation, shade, and beauty. She continued by saying a week ago Sunday, she was literally on the Appalachian Trail; it is just beautiful; it just made her sad that they do not have anything even comparable here; she knows they are never going to match the beauty of the mountain trail, but there is something beautiful that the people can all go and enjoy, and she does not want to see it entirely destroyed; people need to come to a compromise to help the Scrub Jays but also have places for humans to go and enjoy the beauty of nature here; she would like to support the Town of Malabar; and she would like to see the compromise happen and end this little tiff that is going in because like someone else pointed out, it is not helping the Scrub Jays, and it is not helping the humans. She added this is a lovely place, and asked that they not destroy it and not clear cut all the trees because she would like some place for the people to go to.

Catherine Vecchio stated listening to everybody her thoughts have been changing a lot; she personally would like to see the park opened back up; the park is for everyone to enjoy; as a student in the Florida Naturalist program she sees a lot of benefit in that park, naturally; what this also tells her is that there is a lack of space and there needs to be space found; as a volunteer, she spends a lot of time in a lot of different areas just like these mountain bikers did, they maintained that trail; what the real big message here is, is that the citizens of the County want more open space for active or passive; Florida's native species are disappearing; she may advocate for other species in the County but because of conditions that she cannot control, that species does not thrive; this EELs property was set aside for the Scrub Jay; naturally there would be fire; and naturally there is no fire happening. She continued by saying the trees got to where they are because what happens naturally in Florida could not happen; she sees the beauty of it every time she is on her property and she loves it; she understands the City's perspective but she also understands the County. She went on to say she thinks there is a bigger problem because the more that is developed, the more green space that is lost; and she would hope the Board would consider opening that park today, and let the residents use it.

Kevin Schwind stated he has been hiking and biking these trails for years; it was one of the ways he met his wife; he is for anything that is keeping that as natural as possible; he

understands there is a need to do what people can to support the Scrub Jays, but at the same time he has never seen a Scrub Jay walking around with a chainsaw or backhoe; there has got to be a way for them to keep their areas clear, but the people do not need to go through and cut the entire place down; and there also needs to be a compromise here. He went on to say he really does not understand why the citizens are being punished because the County and the Town are bickering about what is going on with it; that serves no purpose at all; furthermore the people that voted in that EELs stuff, he is sure the majority of the people did not think the County would cut down a bunch of the trees when they were voting to preserve that land; they were voting to preserve that land the way they see it now, not with a bunch of bulldozers running over Gopher Tortoises, Bobcats, and all sorts of stuff that also live out there. He asked that the Town and the County do the right thing, compromise, and figure this out because he is definitely voting in the next election.

Rhonda Mayo stated she supports the thinning of the trees at the Malabar Scrub Sanctuary; one of the unique things about Florida is its many different habitats, from wetlands, to oak hammocks, to Scrubs; each of these habitats have its own unique beauty, set of plants, and wildlife; one of the most endangered of those habitats is the Scrub Jay; in Brevard County alone, the natural Scrub community was estimated to have been diminished by 69 percent, that was as of 1991; and the Scrub Jay habitat is just as important, perhaps even more so, than the other forested elements in Florida; the sandy soils in Scrub play an important part in the stormwater runoff, help ground water recharge and maintain water quality in the Lagoon; and Scrub sanctuaries reduce a chance of uncontrolled fire. She added while she appreciates the desire to check trees in general, it should be in context of a habitat that would have naturally occurred there, without intervention or neglect. She stated she wants to emphasize the voters approved taxing themselves to protect environmentally endangered lands, not necessarily recreational lands; passive recreation of the lands would be considered if done without harming the habitat to be protected; and Malabar Scrub Sanctuary was purchased to protect Scrub Jays and preserve habitat. She mentioned the shaded areas are beautiful, but the people need to embrace all kinds of nature, beauty, including Scrub; and if there is a way to return the area to its natural state and create some shaded areas for hikers and cyclists that would be great.

Lyndsay Mayer stated she is from the Florida Wildlife Hospital; people have spoken on behalf of the Florida Scrub Jays, and she would like to speak on behalf of the rest of the wildlife; she works with the wildlife in the area all day, all the time; it is her job and she loves it; the habitat is becoming unsuitable for many of Florida's wildlife, including Gopher Tortoises; the one she is going to focus on is the keystone species; keystone species is important because of the other species in that environment rely on them; they have 300 animals that rely on them to dig burrows to give shelter from fire, hail storms, and pull species out of the sun; and right now when one goes along the roadside, it is full of Gopher Tortoises at the road. She continued by saying she cannot say how many Gopher Tortoises she sees die because they get hit by cars; this is the open space, the dry, sunny areas that they need; when it gets shady it increases the parasite loads in Gopher Tortoises because they need that open sunshine in their habitat; she also lives right on the Scrub sanctuary; she used to have Scrub Jays in her yard, and now she does not; she keeps thinking if this would have happened sooner, and they did not have this delay, she might still have Scrub Jays in her yard; and she would like to see that habitat returned. She commented she really looks forward to being able to bike and hike there again.

Craig Smith stated he was not going to speak today because he does not feel that anything he has to say is going to make a difference or be heard, but there was a couple things that he heard that was kind of interesting to him; it is funny what people latch on to; he is going to read a quote that has been circulating at a lot of places for a long time, and a lot of people in the room have probably received the tweet of the Facebook post; and he read, "The issue here is off-road bikers want the trees preserved throughout the property to shade the trails"; he stated

that has been around for a long time; and he mentioned they are not there because of eight mountain bikers wanted shade on the trails. He went on to say they are there because the Town of Malabar gets designated as a trail town by the Florida Department of Environmental Protection as an active Greenway Trail Committee and they are asking for less than three percent of the trees to be reserved; he keeps hearing Malabar, Malabar is two very different pieces of property; one is to the east, square-shaped, and it makes perfect sense to do habitat restoration there for the Scrub Jays; and in fact, the Town offered to give them the permit to start working on the east, very early in this process, so they could start working out the details for the other property; the County refused that and stated they would go to court; and everybody there should go home and go to the Property Appraiser's website, look at the land, use the measuring tools, there is zero optimal habitat; that habitat is too small, it is rectangular, it is complex in shape, and it is zero potential prime scripted habitat in there; and it makes no sense to do the same scale of restoration with the small complex piece of property, that one would do on a large scale piece of property, it is irresponsible.

**5. CONSIDER THE STATEMENT OF ISSUES FROM CONFLICT ASSESSMENT PHASE**

Chair Pritchett mentioned they are now finished with public comment; and she believes it is time for presentations. She noted she will start with the City of Malabar; then the County has a presentation; and the County Attorney, Morris Richardson, will lead into it.

Morris Richardson, County Attorney, stated that is correct; the Town of Malabar has a presentation and he believes it is going to be presented by the Trails and Greenway Committee; and following that, Mike Knight, Environmentally Endangered Lands (EELs) Manager, has a brief presentation as well.

Drew Thompson, Chair of Greenways and Trails Committee, stated he is used to trails; everyday he lives on a trail; what he wants to do is bring everyone up on where the Town is with this issue; they found out about details of the restoration and it got them thinking; it really made them think of a few things; obviously the Scrub Jays and the science behind the Scrub Jays and ultimately the restoration plan and he would like to cover some things; the east and west are very different; ultimately he wants to talk about, what it amounts to, is a very balanced reasonable request; a lot of people talked about keeping that the outcome today; and what he is talking about first is Scrub Jay science. He went on to say, people have heard a lot about it today; there is potentially a lot of experts in the audience, and a lot of people really enjoy the Scrub Jays; the Town of Malabar know the Scrub Jays a whole lot more than the Town knew two years ago; Scrub Jays are endemic, and they are only in Florida; looking at a map they are really only under the panhandle and not quite across Lake Okeechobee, so the middle of the State is where one would see Scrub Jays; really what he is talking about is it is a unique animal that has a breeding pair and it has one to five helpers that are different ages, but they actually help as a family; and it is a truly amazing bird, and something worth saving. He continued by saying people have probably sensed from the Town from the various people who have spoken, the whole idea is there are two forces here, there is not; there are a bunch of people who love the outdoors and love and appreciate it; the restoration is really about making the science work, making the plan work; what the Town did was it took a look at the Scrub Sanctuary; the Malabar Scrub Sanctuary is ultimately two places; there is the east, which is almost a large square; and for the west is a strange looking thing called Malabar Scrub Sanctuary West. He explained what is ultimately going on is this is the Greenway known as the Turkey Creek Greenway; Turkey Creek connects to the Indian River Lagoon; this is a huge Greenway Estuary, where basically there is a natural site very close to a larger urban population; he knows the people who have talked in the past about the importance from the urban prospective and it has been mentioned in the Titusville area in North Brevard; the people there consider

Fox Lake a sanctuary area up there; it is basically their central park; and he puts forth today that Malabar recognizes this area as their central park. He added this is not just Malabar, this is South Brevard; there is Melbourne, West Melbourne, Palm Bay, a huge population, there is Micco to the south and Grant-Valkaria, and Malabar, and these are all areas with a huge population, roughly 250,000 plus people; they are all there to be productive; and basically what they have is an urban forest that is under the question of what to do with it to address the Scrub Jays, they are not against that. He explained while showing a presentation, there is Stillwater and Country Cove, these are residents, private developments in the middle, up above there is Cameron Preserve, it is a one hundred acre preserve managed by the Town of Malabar; above that there is Glenbrooke at Palm Bay an assisted living center; in the upper left-hand corner is the Turkey Creek area, and some of the property being talked about goes up into Turkey Creek; some experts stated today that people will not see Scrub Jays in Turkey Creek; and this plan somewhat tries to address trying to place Scrub Jay habitat on Turkey Creek. He stated the energies that went forth, a lot of people put in a lot of effort, and there have been a lot of studies about Kennedy Space Center (KSC) and a lot of studies to the south and what is called the south and central mainland; in studies of population, there is something called a PVA, Population Viability Analysis; some of these things are trying to make this work in this site; it is talking the Malabar Scrub Sanctuary, Jordan Scrub Sanctuary, plus Micco Scrub Sanctuary and that came to 2,631 acres; and a lot of the science appears to have been developed and a lot of the plan looks like it was based in this large area that does not exist as a contiguous area. He noted what he is talking about is the stats were applied, he thinks, without looking at the site; this is his concern; throughout everything people read about Scrub Jays, it seems everybody agrees that on the Florida Fish and Wildlife Commission's guidelines for Scrub Jays, he thinks was last published in 2019, they are basically saying there are two ways to do Scrub Jays; there are two metrics that are key and one is a 1,000-foot buffer, basically and area with minimal trees of height so there is a buffer between the forest and where the Scrub Jays start to live; 1,000 foot is optimal; there are two key words, there is optimal and there is suitable; suitable is 300 feet; therefore, there are two different things and they do not really specify if one is at 999 is it suitable and 1,000 is optimal. He continued by saying the plan called for 1,000-foot buffers throughout, for the Malabar Scrub Sanctuary restoration; the other part of being optimal has to do with the height of the terrain, the shrub height, and also the amount of open space; nobody is contesting that Scrub Jays need scrub, open habitat to hunt food, and those types of things; really what is being talked about is the metrics to be applied to the MSS Restoration Plan were based on bigger stats, a bigger area that more is Jordan Scrub, Micco Scrub, and ultimately, even the scientist agree the St. Sebastian State Reserve is the big opportunity in Brevard for where Scrub Jays could regain population viability; Scrub Jays, when they are in a strong habitat, and they are considered strong when they can reproduce and keep gaining numbers; if that population peaks out, it is no longer strong, so one would want to deal with a large area, and fire rotation in order to always have the latest and greatest habitat, one would want to do fire suppression; but looking at these two areas is looking at two very different areas. He went on to say he is going to click the slides a couple of times; one will see that this area here is on the east side so it is Malabar Scrub East; it is about twice as large as west; it is more suited for Scrub habitat and he has heard some people say that today; it is a continuous property and he was trying to figure out how to explain what it looks like, but it is really a big square; most of it 4,000 feet wide and 4,000 feet high; for simplicity sake, and the amount of time it is 16 million square feet which equates to, instead of being with its feet in the full gray area of 392, potentially 393 acres, the square comes down to about 366; it is roughly 26 different than the square everyone is looking at; and the best way to do a Scrub habitat is to start and do the buffers coming in, and he is not denying that. He stated at the 1,000 foot current Malabar Scrub restoration plan metric, they are talking about coming in 1,000 feet from the north, east, south, and west; he pointed out the green area is essentially what would be considered Scrub territory; that would be optimal because it is 1,000 foot, according to the FWC requirements; he asked how much of the Scrub at 392, or the 362 converts to 91.8 acres

of optimal; he asked how to fit that many Scrub Jays into that area, they are not going to hang out in the gray area because that is where the vulture, predators potentially have time to get to them; and he mentioned if the green area is what one is after, the 1,000 feet, then it is dealing with, basically, 92 acres. He advised if one looks at it as being, if they used the 300 feet, kind of like Cruickshank Sanctuary, kind of like KSC is identified again with a lot of the FWC documentation, Scrub Jays need a minimum of 300 feet; to go to the other extreme of 300 feet, coming in 300 feet from the north, east, south, and west, it is 265.4 acres; what he is saying is this translates to how many Scrub Jays Malabar Scrub can handle depends on how one interprets the project; it is either at 92 or 266 acres; what that really means is 22 acres per Scrub Jay family and that is giving a minimum of 22 acres per family, the difference between interpreting Malabar Scrub east with 1,000-foot buffer versus a 300-foot buffer is 12 families or four families for the 1,000-foot buffer; they looked at the plan and the 1,000 does not make sense from what they see; and they try to do their homework. He went on to mention it is similar to the west; west is a little strange or more difficult, consider a more complex site to look at; it is basically half the acreage; looking carefully at the habitat, it is less scrubby, more woodsy, a bunch of creeks running through, there is rights-of-way that are not at the east, and trees cannot be taken out on the right-of-way, and there is much more forest; if one looks at this from the diagonal perspective, the other one was kind of square, but look at this diagonal, it basically, if someone was standing on the Port Malabar Bridge and all the trees come down, as is in the plan, then someone a mile away could see each other; that is why people are upset; and that is why this room is full of people. He added the people think it is too extreme right now. He stated there is some opportunity on the east; looking at the 1,000 foot does not work a whole lot on the west side; he pointed out the red bars that can be seen throughout are coming in from the border and it nets three rectangles in the middle; if people were to add up A, B, and C, what is Malabar Scrub in parcels, and he is talking all the way to Turkey Creek Bridge on Port Malabar, it is 181.5 acres, adding that up on the Brevard County Property Appraiser's site it comes to 68.8 acres and the only amount they would have out of the 181, and that is at 300 not the 1,000; and unfortunately the Town of Malabar's plan calls for 1,000 feet. He went on to say if it is 1,000 feet and people really want to do the science they cannot do it; that is how he sees it; they could do it with 300, but then it ends up with those three rectangles that he mentioned; for the main idea this is very close; and the reality is there is not that much opportunity on this side, but it equates to 22 acres per family; and ultimately, it is coming down to three families. He mentioned when talking about how many acres per how many families, those are what make sense or is there some room for compromise, or opportunity; and that is why they are all in attendance today. He reiterated ultimately, they are looking at the Town of Malabar, the heart of the Greenway, which he pointed out are these two pieces of the Malabar Scrub, the Cameron Preserve and Turkey Creek at the top; that is all a natural area that all kinds of people basically said they see all kinds of wildlife; if it is cut down in these yellowed areas, what will be seen is those animals are not going to be there, they will be elsewhere; he is not sure where they are going to go; and it is just wrong. He mentioned if someone put into Google the Malabar Scrub Sanctuary, it basically comes up with the description of multiple habitats; it says it is a great place for people to observe upland, wetlands, transitions, different creatures, and different places where one can go; one place with a bunch of different creatures and different habitats; this is being treated as if it is all one site; they think that the fifth factor does not make sense; they are basically proposing this; and he thinks this is what everyone is talking about. He noted people have heard the words compromise, balance, heard people basically saying this is Brevard County and if it can put man on the moon, it can surely be worked out; there is a major population counting on this as a passive recreation area; there are environmental people wanting to save the Scrub Jays; and both can be done is what the Town of Malabar is suggesting. He pointed out to look at the numbers, blue is east and red is west, they are not to scale, those are just so people can see it, and those are generally what is being discussed; there are not any in the middle of the opportunity areas; west is kind of diminished just by the nature of west; they are really talking more of the east side; the numbers in the

packages today are specific per each of the requests, how many trees are being requested to be preserved, how many acres that involves, all that is summarized; and what it comes down to is ultimately, and everyone has heard the three percent being thrown out, and the Town is suggesting that this can be done. He stated the Town of Malabar has worked real hard to produce a package that they can work with the County to save Scrub Jays, and also respect the other ideals of the EELs mission, which is not to just cut down the forest; their prospective is itemized in the package; what it comes to is 507 trees on 17.7 acres which equates to about 3.1 percent; it also includes the modification, one site, the number six area, that is the site they are requesting be converted to the 40 trees per acre; and he thinks there are some people in there, respect that not all birds live in the scrub; they feel that number six, down by the pond should be 40 trees per acre; it is a simple change involving 4.13 acres; that 165 trees is almost a part of the 507, so again three percent of the change is all that they are asking for; the last thing does not involve removing trees, it does not involve any acreage, it is basically talking about working with the County to reroute trails to where they are not-so-much in the scrub area, so it nets more Scrub Jay area territory; he asked that the County please look at this map; he stated the map basically says that on the edges is where they want to save some trees and it is the middle that has to be worked into; he reiterated 300 foot, come into the middle, start the 300-foot on the inside of the sanctuary, after saving a few trees that are here; they have worked real hard on this and they think they are at a point where they can hopefully reach some kind of agreement today; and ultimately, he mentioned the middle has to be empty for the Scrub Jays, it could be reduced, it could be optimal level as far as scrub intensity and density, open area, scrub height. He added they are not arguing with that part they are just saying they need to keep some stuff on the sides; they hope the Board enjoys the package and finds that it is pretty serious, and it found some compromise; they hope today is a good day for everybody because they are ready to talk. He asked if there were any questions. He advised the packet contains all the back up; he stated there is a lot of information and they would be there a few days to go through it all; he thinks it is best that he just did the slides from the front; and each one is separately identified with photos, dimensions, what it is they are asking for, and with the total trees that they are talking about.

Mike Knight, Environmentally Endangered Lands (EELs) Manager, stated the County would rather not be there either; it took him years and years to consider what had to be done to deal with Scrub habitat; they struggled with it for many, many years, but he is now in his 26th year with the County and he has seen the science for many years; he has seen the system work and he has seen them be restored; he has seen them go from zero Jays to so many Jays that one cannot walk through a site without one landing on your shoulder; it works and it is scrub; and it is just the nature of what he does. He pointed out there are two photos on the screen and the one on the left is what overgrown scrub looks like; these are overgrown oak trees, not live oak trees, they are scrub oak trees; they are not supposed to be that big, they have only gotten that big due to fire suppression; and pine trees have infiltrated the area due to fire suppression. He noted all this happened prior to the County getting it and now it is in the issue of having to get these trees back down because the normal fire cycles that are on the system are not working; the photo on the right is what it is going to look like; this is not a place where animals are going to go scurrying off to other places; these places have deer; he heard someone say that Jordan Scrub has no wildlife, and he was just down there last week and he saw two deer, there is an abundance of Scrub Jays on the scrub sites in that area; and the idea that wildlife is leaving those areas could not be further from the truth. He went on to say, really this is what they are looking at, this is what they are trying to achieve; it is not a clear cut, it is not vegetation completely removed, it is just trees reduced down; this is what one to two trees per acre looks like on a landscape, it is not a clear cut; the property was purchased as many people stated under the referendum, specifically for the purpose of protecting the Scrub species; the policy manual they operate under was actually created by the County Commission prior to the vote going to the public; in fact, it went to the public in 1989, it failed because there was not a lot of

science based on the system, and then in the summer of 1990 the policy manual was created; and this is what it said, the primary objective for the program is to protect the protection of the landscape for preservation, and a clear secondary objective is where some of the lands can be used for non-consumptive recreation. He stated what optimal scrub habitat is, is essentially a condition which the individuals in the population grow to adulthood and survive through adulthood instead of dying before they get there; this is largely an open landscape four to five and one-half feet tall, essentially, with buffers that vary, but ideally one would want to shoot for 1,000-foot edge buffer, from the edge of any forest; he reiterated this happened all because of 30 years of natural fire exclusion; normally natural wild fires prevent all this from happening; they prevent these trees from growing in these densities, and prevent the oaks from growing this large; they have been trying for a number of years, since the property has been acquired, to take care of this issue; and they had mitigation development that he will talk about shortly, which has helped. He explained the site has had three private development mitigation projects on them; most of that mitigation work was done on the Malabar west site; he pointed out it is all these areas with blue foot prints show where this development took place; these were developments, they were in impacting scrub habitat in other parts of the County; in order to get their permits for development, they were able to come onto this property and get permits from the Army Corp of Engineers, the US Fish and Wildlife Service, and the St. Johns River Water Management District to improve Scrub habitat to a particular condition; the permit required that those tree curtains be removed; and what happened back then, and the most recent one was in 2014, staff made a decision to minimize the number of trees that came down along the trails specifically to see what was going to happen with the Scrub Jay response. He noted they were very clear at the time they did that, that there was a very good possibility that they would have to come back and remove those trees because they are very confident that the Scrub Jays are going to come back and take care of it; now under the permit, staff was required to do that in the first place; they are held accountable not only to their own management plan, but also to these mitigation permits; at the time they did this, the Town Manager, a different Town Manager, was okay with them using the right-of-way, in which they maintain a fire line; all that mitigation was done right up to the edge of that right-of-way; and that is why those trees were removed at that particular time. He commented overall they have work to do across the entire landscape, but most of the landscape, especially in Malabar East and the central part of it, is in really good condition, in fact, it is a reference site for the Florida Natural area's inventory in the State of Florida; it is one of those exceptional areas where one can see what scrub habitat was really supposed to look like; they are leaving out the major creek bottom on Malabar West, which is the area where the double yellow lines are; the tree thinning will vary depending, in some cases they do not have to do any because it is already in great shape; however, they will be working specifically towards habitat descriptions that are stated under FNA which are habitat descriptions used by burning agencies, and used by all of the land management agencies in the State of Florida. He stated the reason for doing this now is mainly because the Scrub Jays are responding to the mitigation work that is being done; they also have the PBA study which has shown that there is a much shorter time frame for this population, and they need to be working more quickly; the RBA also showed that this population can be sustained long-term as long as they can manage all those sites together; managing 70 percent strong habitat, one has to remember that scrub habitat fluctuates, and optimal scrub habitat is only a particular point in time in the state of that property, so the trees grow up and get too big, fire knocks it back down, then it is too small, and then it comes back up; it is in that little sweet spot that one has to keep managing; normally, that was done with prescribed fire on a regular basis; but it cannot keep 70 percent of the habitat in a strong condition, it has to have a lot more than that available so that there is 70 percent, because it is all going to be in different stages of process. He mentioned they recently relocated, within the last two months, as part of the PBA, four families of Scrub Jays, he thinks there were maybe 16 birds, from the Cruickshank Sanctuary, which is doing exceptionally well and is over populated with Scrub Jays, to Grant-Valkaria where they recently did some restoration; they know at least two of those Scrub Jays have found their way

to Jordan Scrub; they have not seen any make it to Malabar area; but they are migrating back this way, so that is a good sign that what is being done is working. He went on to say there have been some recommendations related to trails and some of them have merit; he has received some proposed options related to trails, in fact, moving some of the trails out of the scrub zone and into the hammock areas, so they will ever be impacted by the scrub management; EELs have provided a number of compromises in addition to the trails; they have looked at doing some additional trail modifications; they have re-identified trees along these sections of the trail, that were left previously, and they have determined which levels of trees; they had Scrub Jay experts come out and ask how many of the trees could be left in particular places along the trails; that was already done and have been marked; they have also looked at the perimeter of the trails, and he pointed out in picture two, it shows the North Canal boundary of the North side of Malabar east, and all those trees that are in the fence line that are basically between the fire line and the trail, or the boundary fence were going to be left anyway, they were not planning on really taking those down; they have identified an additional bunch of trees along the Country Cove property to try to minimize that concern on that side; and they have identified three different scenarios related to trails. He continued by saying these maps sort of show, the left is Malabar West and there is a green line that goes along the bottom and the side to the east and it is the same on the Malabar East on the right; he explained all those green lines are where that vegetation already exists; all that vegetation that exists along the right side of the paved trail, between the paved trail and the fence, is not going to be removed; all of that buffer vegetation will remain there; they have also pointed out and pre-identified where these trees are and what trees will be preserved that are on the inside of fire line; and obviously that is more of a concern for them, but they took the time to go out there and decide how many can be left and the distances to make sure those trees are far enough apart that they will not cause perching problems for raptors. He mentioned these are some of those examples; the top left is the paved trail on Marie Street, which is on the other side of the trees to the left; all those pine trees along the paved trail and Marie Street along the fence will remain there; the picture to the right, same thing; on Malabar west, all that tree vegetation that exists between the line and the homes will remain in there; bottom left, same thing, all the palm trees and trees along the left side would remain and then some of the trees on the right would be thinned out; and the bottom right again, all those trees right there in that picture would be left except for probably the pine tree to the right, but that is all the stuff that is along the fence line. He noted there is a significant amount of buffer vegetation there; he is not aware that they have been able to land anywhere on having the same opinion about what to do with the trails; he is not seeing anything in the presentation that is any different from what had already been discussed, if there is, there is always room to talk about that; he did not see anything in the Town's presentation about the 25-footwide buffer that they wanted them to leave around the perimeter of the site, so he does not know where that stands; however, there is a lot of talk about the 1,000-foot buffer and the 300-foot buffer. He explained the difference between the two is that the 300-foot buffer is determined by FWC Conservation Commission to be a short-term solution, not a long-term solution; the other argument is that they could not get 1,000 feet at Cruickshank Sanctuary so why even try to go that far; the Cruickshank Sanctuary has been extremely successful to the point where it is one of the most popular places to see Scrub Jays in Brevard County; actually so many so, that they have had to move some of them to the south, which is really the position they want to be in because the key with Scrub Jay populations is ensuring that there is enough gene diversity in that population; if there is not, they simply just breed themselves into extinction and become isolated small populations that are not going to survive; but going less, or leaving more trees along the buffer just because one cannot achieve to 1,000-foot buffer, is really contrary to the idea of protecting the Scrub Jays. He stated this is the last slide and it just shows in the FWC Scrub Management Guideline that guides everything that they do, it shows the difference between the optimal scrub conditions on the left and the 1,000-foot buffer at the bottom and suitable Scrub Jay habitat is really only for short-term protection of the Scrub Jays when talking about a 300-foot buffer.



## 6. DISCUSSION/POSSIBLE ACTION OF ATTENDEES

Morris Richardson, County Attorney, explained this is the portion of the joint meeting where the elected officials, Town Council, and County Commission can consider the issues that were heard, maybe ask questions of any respective presenters, and discuss any possible solutions.

Marisa Acquaviva, Town of Malabar Council Member for District 1, stated she is so proud of everyone there and her hope and prayer is that they can all be examples, they have the blessing of this land in Brevard County, and that they can work this out; she thinks they can; she lives in Country Cove so this is her District; she has lived here for 30 years; and she really wants this to come to a resolution. She mentioned she has a question, as a resident living there; when she first moved there, there used to be prescribed burns all the time; she feels like they do all this work but it is not being maintained to keep it at optimal within the last 30 years, or whenever they voted on the referendum; a lot of times, she feels, as a resident, that they get a bad name because people think they are against the Scrub Jays; she noted they are the ones out there cleaning it up; it is their land as well; she wants to be good stewards of that but she also, moving forward into this grand thing, wonders is it going to be taken care of because she does not feel like it has been in the last 10 years with prescribed burns; and when she reads about it, it sounds like that is what needs to be happening on the maintenance level. She asked why it gets so overgrown.

Mike Knight, Environmentally Endangered Lands (EELs) Program Manager, stated as he mentioned earlier, it is overgrown because it was overgrown 30 years prior to the County acquiring the property; EELs has tried very hard to use prescribed fire as a tool to get vegetation back down; the problem is once a Scrub Oak or a Pine tree becomes too big it become fire resistant and those large trees that they are talking about today are the trees that have been there from the beginning, that they have not been able to get under control; and that is why they have to do the mechanical removal.

Ms. Acquaviva asked if there will be prescribed burns to maintain that if they are going to come some resolution, moving forward; and she reiterated what she is saying is she really wants to take care of the Scrub Jay.

Mr. Knight responded absolutely. He noted there would have to be regularly prescribed fires at the appropriate intervals.

Ms. Acquaviva inquired if that would be on EELs to do that.

Mr. Knight responded affirmatively.

David Scardino, Town of Malabar Council Member for District 4, stated it looks like EELs is willing to make some compromises, along with the Town Council, who wants to make some compromises also, and he asked what it would take to get the public back to using the recreation and cutting the gates. He asked what can be done for that while they are all still in negotiations; and can an effort be made for them to use the land while they are doing this.

Commissioner Tobia stated he has always said he would be more than willing if a permit was issued and the County would immediately do that; he does not know if he was on the Town Council at the time, but, arbitrarily there was a \$40 fee for cutting down each tree; he is not putting the blame on any of stuff, he is saying the County took action as well as the Town taking action; does he think anyone is blameless, no, but if the Town Council was to commit to issuing the permit right now, absolutely; and he would put on some shoes and go out there and

help remove the gates today.

Mr. Scardino stated they need to get the two parties together to negotiate a handful of trees; it sounds like there is a group; they need to come to a resolution on what is going to be preserved; there is give and take between the two sides, and he asked who from the County side would be doing that with the Town Council.

Chair Pritchett advised she thinks that would be with the County Attorney.

Commissioner Tobia mentioned his understanding is that they have already done that; this was the compromise before by the experts; the County was hoping they would follow science; that is what the County is asking for; if this moves forward and the permit is issued, he has no problem with the gates; that is not what this Commission intended to do; he believes it gave 30 days warning before it happened so it was not something that was done that night; the County received no extension on the permit; someone was there when that \$40 fee magically popped up; that is how they ended up there; and his position is when the County made that vote, that was a condition that the County would immediately take down the gate.

Mr. Scardino mentioned he still thinks there is some work to be done on the two sides; he thinks they are fairly close; he sees the County is willing to leave some buffer; and he sees from his own side that they are not quite there; he thinks somehow it needs to go back and do some negotiation and come to a resolution; and he thinks with the science they are fairly close from what he can see.

Chair Pritchett stated she thinks Mr. Knight tried this at a previous meeting and he was not able to get information out and that is why they ended up in this position; she believes he was shot down; she knows right now they are talking about moving the trails, but that was already a topic...

Mr. Scardino interjected by saying he thinks they have to have an agreement.

Chair Pritchett reiterated that was already a topic of what was being considered; and Mr. Knight can jump in.

Mr. Knight stated his understanding was there was not support from the Town on the trail proposal that they had; and as far as the science is concerned, the County does not feel there is any room for negotiations on the tree density because leaving any more trees than what the County was proposing to leave would be detrimental to the goals of the property.

Mr. Scardino asked if the County offered the trail relocation, was it previously offered or if this is something new; and he stated it is not set in stone that the trail would be relocated.

Mr. Knight responded that is correct; the County has offered that as a compromised option to relocate the trails.

Mr. Scardino that had not been negotiated, it was just recently offered.

Mr. Knight responded it has been since the beginning; since the first time the Greenways and Trails Committee proposed considering relocating trails, ever since that originally happened, the County was supportive of doing something similar to that.

Attorney Richardson stating more recently, at the end of last year, Mr. Knight, Karl Bohne, Matt Stinnett and himself walked the property out there, talked about the potential trail relocations,

and there may be an opportunity for Mr. Knight to elaborate just a little bit more on what that trail relocation would look like; and it would actually add additional trails in terms of the overall length, and relocate some of those trails to parts that are going to be shaded and trees will remain natural.

Mr. Scardino stated if they cannot get an agreement today, he would like to see the attorneys go back to the table and see if they can reach an agreement.

Attorney Richardson advised if there is no agreement today, what is going to happen is the County and the Town will be selecting a mediator within the next 14 days and they will all be back at the table, attorneys and staff from both parties, within 14 days from that, so in the next 28 days they will have a mediation where staff could potentially mediate an agreement; what will be hard is, as was indicated, people are not there yet; after that it is go back to court; in court the judge gives a decision, typically it is all or nothing; and these compromises that are being discussed like trail relocation, which are negotiated, that is not part of what happens with the outcome of this.

Brain Vail, Town of Malabar Council Member for District 2, stated it sounds to him like there are some details to work out; he does not know if they are going to come up with a resolution today; it sounds like staff needs to get together and come up with an agreement; he believes everyone wants to come up with a compromise in this; obviously no one is going to have anything to present at this meeting; it would be something that would need to be prepared, as long as there is an understanding that everyone is willing to work together; and he would like to see it go back and have the staff get back together before going to that other step, to see if everyone can negotiate a settlement.

Chair Pritchett mentioned she is probably not agreeable with that and moving some of the trails because the County has already been through this a bit; she does not know where the other Commissioners are at; part of the issue is the bike path; even if the County moved it, which she does not mind, it can still be used for recreation; the only part that will be affected is some of the shading which is the primary purpose of trying to protect the Scrub Jays; the County has the responsibility of protecting the Scrubs; it was given to the County, and even moving forward trying to do these things, it is expensive; and if there was any way not to cut them, the County would rather not because it has to pay for them, but NASA scientists came back on the information and this was the recommendation that came up. She asked Mr. Knight is that is correct.

Mr. Knight responded affirmatively.

Chair Pritchett continued by saying that is what the County is looking at right now; the County is not making any money doing this; as a matter of fact, it is costing a fortune; but it is just trying to do its best with the responsibility that it has been given by the State of Florida, with the property.

Mr. Vail asked there is no consideration for the fact that it is only three percent of the land volume and there are specific unique areas; there are other habitants in the area; there are pine trees, there are other species around by the pond behind Malabar Park; they had discussed at one of their Council meetings, and Mr. Knight was there, and he is not a scientist, but it seems as though three percent is not going to significantly affect the plan or how well the intent of the plan is going to work; the Town Council has done its part in this; they have given up rights-of way, given up different areas in the town, the Fire Department has protected the land as needed; they have provided service to the EELs when they have the prescribed burns; manpower resources willing went out there to support them; and on a second token that comes

to a significant cost to them as well because there is no tax base on that land to support their efforts. He added also they lost that land to development in the industrial area and the higher density residential area, which is Malabar Scrub, and Jordan is the industrial. He reiterated the Town of Malabar is giving up a lot; he stated he thinks that three percent is not asking for whole lot; he has been hanging out in Malabar since 1978; he pointed out this is his place; he started sitting on the Council in 2002; he has been on and off council; his heart is in this town and he knows a lot of people who really love this town and will do a lot for this town; they have trail efforts where people get out there, they built the Cameron Trail shelter, they have done trail heads, they have done another trail head; this town is devoted to the trails system and that comes as a major cost to them because they have no financial support; and he thinks the three percent is not too much to ask for.

Mr. Knight stated the percentage is understandable, however, it is not the issue, the issue is the location of the trees; the problem is the trees and where they sit is right in the middle of the scrub areas; it is not a matter of the percentage of trees, it is the fact that the structure of these trees in this particular locations that are causing the problem; and that is the reason it does not work with the tree count.

Patrick Reilly, Town of Malabar Mayor, stated without council's objection, he would like to throw the first offer on the table to get this going; first he would like to get the locks off of the gates, without the permit; in doing so, the Town of Malabar will waive the permit fee, will waive the fee for the removal and the tree permit; it will also waive the tree survey; they would like to leave the compilation of the trees per the Greenways presentation; and that is their offer without Town Council's objection. He mentioned really the only negotiation he sees is the amount of trees per acre.

Ms. Acquaviva advised that is 507 trees.

Mr. Reilly continued by saying they are giving up \$400,000 for tree permit, that is \$40 per tree, 10,000 trees; they are giving up the tree survey; they are giving up a lot; like Mr. Vail said, the Town is already giving Brevard County a lot of the Town's industrial land; he would like to open up the trails again, today, and get those locks off; this is unfair to the citizens of Brevard County that those locks are on there; and they all pay for that land. He mentioned to get arrested for using the trails is just not right; and that is the offer to the County Commission.

Frank Abbate, County Manager, mentioned he has a question; he stated subsequent to the presentation, it showed there were six compromise options; subsequent to those six, and he thinks they were skirted over, but not a lot of attention was paid to it, he asked if subsequently they went back through that property, looked at additional trees that were marked, and inquired if those were the additional trees that were marked with the green trees in the presentation; and he asked if those additional ones were not discussed previously when staff went there initially to see what would remain, are shown on the presentation that were not shown previously.

Mr. Knight responded affirmatively; he noted those were trees that probably would have been left anyway; when they were doing the work they specifically look at where the trees are and try to be identifying them as much as possible along the trail system; and they just went out preemptively and identified where those are.

Mr. Abbate inquired if they were the ones that were not shown, so it was not known to anyone that they would be staying as well.

Mr. Knight responded affirmatively.

Mr. Abbate advised he wanted to make sure that was clear, because he does not think that came out as part of what was going on.

Ms. Acquaviva stated real quick just to the point about the tree permit, her own subdivision has been fined for taking out trees and had to replant them; this was not an arbitrary thing that was done to be vindictive about those trees out there; they try to preserve there; and they are a Trails and Greenway town, which is very prestigious.

Chair Pritchett advised the County already had this permit and they had trouble trying to ascertain the grant funds.

Ms. Acquaviva interjected by saying it had expired.

Chair Pritchett continued by saying that is correct but typically they would have gone ahead and extended it; she feels it was a little bit of an emotional response; she does not know; and that is why they are all there today.

Karl Bohne, Town of Malabar Attorney, asked to bring up the slide that Mr. Knight was referring to with the initial trees; what he is saying is he thinks they are close; he wants to give Mr. Thompson an opportunity to just address it very briefly; and if he understands correctly all those new pine trees there are additional preserved trees since they had all last spoken; and he inquired if that is correct.

Mr. Knight responded that is true; there would have been trees that they would have left initially, they just had not gone out and physically identified those on the map.

Mr. Bohne asked what those yellow things are.

Mr. Knight replied they are the trees that were previously identified along Country Cove.

Mr. Bohne asked if they are to be preserved.

Mr. Knight responded affirmatively.

Mr. Bohne asked if the map on the right hand side, if the yellow are the ones that were agreed upon to preserve, and the green are the additional ones since they last spoke.

Mr. Knight stated yes and the green shaded line all along there, and he pointed out the green line; and he explained all of this is existing vegetation between the fire line and the boundary fence that was not going to be removed anyway, but it was not previously shown on a map.

Mr. Bohne asked if Mr. Thompson could come up and address it.

Mr. Scardino advised he thinks they are close.

Mr. Thompson stated he thinks this is a situation where everyone is trying to absorb a lot of good information, real quick; the way he is absorbing it, from what he has seen in the past and what was presented today, he thinks the Commission is at a disadvantage in that it has not had a chance to absorb the specifics that are in the packets; he thinks a lot of what Mr. Knight has shown today, has a lot of overlapping; he thinks there are two versions of this that are so close, that it would be a shame to abandon it at this point; there is a lot of work going both ways to try to accommodate the other party; and he thinks what the key thing is, they are not disputing the inside of this project, the tree density in the middle, is what they are trying to accommodate, by

basically preserving small patches on the peripheral. He continued by saying, as Mr. Knight mentioned, the 1,000 foot, they want as much as they can; what the Town of Malabar is saying is basically start on the inside and try to save on the edge; he thinks if they look through the packet and compare what Mr. Knight is proposing to what they are proposing there is a whole lot of overlapping; unfortunately, he does not know if there is time today to do this; the intent of the presentation done today was to provide the packets so it would be available to not have to take the time to go into that level of detail.

Mr. Scardino reiterated once again, he thinks everyone is so close; right now it is on the trail relocation and a handful of trees from what he can see; and he asked to place the two attorney together briefly to see if they can come to something.

Mr. Knight responded in his opinion they tried.

Mr. Scardino noted the Town of Malabar is trying today.

Mr. Knight stated the locations that Mr. Thompson is referring to, he had a series of numbers on his slide and each of those locations, they specifically meant to, before this even became an issue, they went there because those are the trees that were left last time outside of the Army Corp of Engineers permit that they were required to remove; those were left there to see if the Jays were never going to respond to it and all they are dealing with is Gopher Turtles and other scrub species they would never have to have this conversation; but because they have, those trees are the problem, those interior trees that Mr. Thompson has numbered on the interior; they have already looked at the 25 trees in the stretch and determined which of those trees can be protected; and he does not see from the science view point, that there is any room to find more trees.

Mr. Scardino inquired so it is just on the edges; they are both in agreement; looks like both agree with the edges; he asked how many trees are in the middle that they are having a disagreement about; he asked for everyone to look at this and try to get something done here today.

Mr. Bohne mentioned he did not think they were talking about trees in the middle at all.

Mr. Scardino stated he does not think they are. He asked that the slide be put back up and see if this can be worked out today.

Chair Pritchett stated she thinks what Mr. Knight is saying is that he is adding those trees to the perimeter and he will change some bike paths and she thinks that is what they are saying as well.

Mr. Scardino noted he thinks they are saying the same thing; he thinks they can come to an agreement; he stated they could get the park opened back up, get the trees on the buffer, on the edges like they are talking about and relocate some bike paths; and to get this thing resolved today.

Chair Pritchett stated most likely.

Mr. Reilly asked if the Board could do a poll to see where they stand; and he mentioned they gave an offer.

Chair Pritchett advised on the middle trees, Mr. Knight is saying there is probably 7,000 trees in

the middle that he is going to have to get to a lower base; and she asked if they place those others on the outside and rearrange the bike trails would they be able to go with that number standing.

Mr. Scardino advised he thinks that would be fine; and he thinks that is a good compromise. He stated for them to come to a compromise.

Mr. Knight responded he is confused; what he is seeing on the map, most of that is not exterior perimeter, it is interior clumps of trees that have been debated on and on for a tremendous amount of time; and he is confused as to how they are getting to only perimeter.

Mr. Scardino stated they are willing to concede some of those.

Chair Pritchett asked if they were good with the other map, and to work off of that.

Mr. Scardino stated they are going back to the perimeter map; they are going to relocate the trails, they are going to open the gates back up, waive the permit fees, and the tree survey.

Attorney Richardson asked if they could pull up the map that they are agreeing to just so...

Mr. Scardino interjected by saying so everyone can be on the same page.

Mr. Knight advised he just wants to be clear, so they are all on the same page; those numbers that everyone saw on Mr. Thompson's map represent places along the trails, like up in here, and here where these numbers are specific locations along the trails where there are roots of both trees; he pointed out there is another one up in here, several down in this area, and what he is hearing is that everyone is okay with a compromise that has been reached on that the County has identified specific trees in those clumps that they are okay with protecting; and he inquired if that is what he is hearing.

Mr. Scardino responded that is correct, but the County is also going to relocate the trails and open the gates.

Mr. Knight stated responded sure; he is not hearing that there is any conflict, other than, there are regular buffer trees, there is the vegetative strip, there are these individual tree locations; one thing this map really does not show, and he apologizes for that, it does not show that there are certain trees identified in these particular locations along this section of the trail; but those are certainly what they would be happy to preserve.

Attorney Richardson explained, to be clear, it is not the entire clumps of trees on the trails, it is certain trees that were marked.

Mr. Knight responded affirmatively.

Mr. Scardino stated he thinks they are so close; and this is what the Town's intention was, to preserve the views from the side to protect the citizens so they would not have to look out and across the bearing waste land or scrub preserve.

Mr. Knight responded by saying absolutely; he stated he thinks the trails will be much better.

Mr. Scardino stated then let's do this.

Mr. Vail stated just for clarification he is looking at the map that the Town of Malabar presented;

are all the numbers of concern on the perimeter of the property; and he asked if that is agreed upon.

Chair Pritchett responded affirmatively.

Mr. Knight mentioned that is the same map; in his opinion where there is conflict is number six; his understanding is the Town wants them to preserve and not take that section down to one to two trees per acre; it is an overgrown pine forest; and he does not agree with that.

Mr. Vail asked if that is adjacent to the pond.

Mr. Knight advised it is. He continued on by saying the County has preserved some trees in there, but it is his understanding that the intent of this map is to not take any of those trees down in that section; and he wants to be clear...

Mr. Scardino interjected by saying there is a compromise there.

Mr. Knight stated he is just trying to make sure everyone is on the same page. He went on to say number one is not a perimeter site, but again it is just a reduction of the clumps that are there; he is not really clear on some of the locations; and he is not clear what six is on west, the red six.

Mr. Vail stated five and six were more about the trail relocation and why they are moving trails than adding additional trails; they are all for additional trails; and the question was why close down the trails.

Mr. Knight noted that EELs is not adding a trail, they are happy to relocate a trail, but they do not want to add to it; they think there are too many trails at the site already; this is an opportunity to move a trail out a key scrub area, that people are just going to be upset with when it gets restored and they think that is a better solution; three is obviously a trail relocation; and four, other than the perimeter vegetation, there is a clump of oak trees that the County has not agreed to. He mentioned area four is not an area where they have identified any trees to be protected in that zone.

Mr. Vail stated then they are pretty close.

Mr. Knight commented he would certainly say they are close.

Mr. Vail mentioned they are there to protect their town and to voice the concerns of their constituents; they came to the Town Council with a lot of concerns; they need to report their concerns and more importantly their constituents concerns; it seems like they are getting really close; he thinks everyone wants this to go away; and financially it makes sense.

Commissioner Tobia stated he apologizes if he came across poorly; he has a great deal of respect, not only for the role everyone plays, but voicing the concerns of the constituents whether he agrees with them or not; they have a very important role and he does not mean to diminish them; the concerns he has had with that board in the past because of how they treated his staff, his understanding is those people are no longer on that board; treating the Commissioners that way is fine, but not staff, and he reiterated that was the people on the board previously to those who are there now; and he reiterated if he came across poorly he apologizes for that. He continued by saying he is surprised that they have gotten to where they have today; he wants to capsulize this, he was taking pretty good notes and when he looked over at the County Attorney he had the same four points as he himself had, and that is scary;



the first is to remove the gates immediately, and he thinks that can be done very quickly; second, waive the fees for the permit; third, relocate the trails; and the fourth is to work off of the map that was presented by Mr. Knight. He went on to say if those four conditions, and he has not spoken with his fellow Commissioners, but he would certainly be amenable to that even going as far as removing the gates before they receive that permit because he understands that takes time; and he reiterated the four points are to remove the gate, waive the fees for the permit, work off the map presented by Mr. Knight, and relocate the trails.

Chair Pritchett advised she is in agreement with that.

Attorney Richardson stated something additional for the town that was left out of the proposal was along the trail, the trees that had been previously identified would be saved as part of the package and in addition to the permit, they also waived the survey requirement; and that is what he heard.

Mr. Scardino asked if the Board is in agreement and then there will be a vote.

Chair Pritchett stated they are all in agreement.

Mr. Reilly stated he has one comment; the Board considered these trees on the site to wait to see what happens and he would appreciate if EELs would leave trees in some locations to see what happens; they can always come back and take more trees in the future if needed; and he would like that to be considered. He asked Mr. Knight to leave the oak hammock now and then if they need to thin it out later they could do that.

Chair Pritchett advised Mr. Knight that she would like any tree that he could save to stay and he could go ahead and make the decision later, she would expect him to do that anyway, it is his job; and he is really good at it.

Mr. Scardino inquired if there is an agreement.

Commissioner Goodson stated not yet.

Chair Pritchett commented not yet, but she knows he would do that because she knows what he is like.

Commissioner Goodson stated if they are going to direct Mr. Knight to cut trees it is going to be a slow process; and if the tree person had to come back he asked what the cost would be; he explained once that timber guy goes away he is not coming back tomorrow for the same price to remove four trees.

Mr. Knight responded by saying it is very expensive and EELs is in the position it is in today because they had left trees in the past; and he would like to avoid that situation in the future.

Chair Pritchett asked Mr. Knight if he would not remove any tree that he did not think was necessary.

Mr. Knight responded he absolutely would not.

Commissioner Goodson stated but he is not going to go in the direction of them.

Chair Pritchett stated he is just making sure it is clear and it is legal; Attorney Richardson is going to give legal one in just a minute; and she asked if the Town had any more comments.

Mr. Vail stated he keeps going back to this same topic; as long as some of the map that has been provided by the Town is considered by Mr. Knight into his plan.

Chair Pritchett noted she does not know if she would vote that that gets put into the plan, since he has already done the study, but she does not know where the rest of the Board is; if he comes across a tree and decides he does not need to remove that one, she would certainly fall on his expertise for that moment; but right now she would not write that into the compromise right now because she thinks the County has given a bit here to do this with adding trees. She asked the County Attorney how to set this up so that everyone is agreeable on it moving forward, if everyone is.

Attorney Richardson replied the next step would be an interlocal agreement between the parties; that is something that would be brought back and it would have to be adopted at separate meetings; he would suggest that the next step here, and he knows Mr. Bohne has to go to court, but since there has been discussions and they summarized it, they could summarize once more and then each governing body would entertain a motion to direct the attorneys and staff to prepare an interlocal agreement to bring back prospective Commission and council approval; and that would be the steps. He noted he will just run it down one last time: locks off gates without the permit in hand, as soon as possible; County to relocate the trails; Town will waive the permit fees, permit requirement, and tree survey requirement; the trees will be maintained per the County; Mr. Knight's map on the perimeter buffer that was on the PowerPoint; and along the trails, all the trees that Mr. Knight had previously identified could be saved and remain will remain.

Mr. Bohne asked if Mr. Knight's map takes into consideration any buffer width, there is a 25-foot width; is there any area that that can be done, where additional trees are being preserved.

Mr. Knight stated the only place where there is that kind of width is like on Country Cove, but it is still just tree thinning along there, but as far as the vegetative buffer that he identified with the green line, that buffer varies anywhere from one tree width to probably 20 feet; and it depends on where the fire line is relative to the fence line.

Ms. Acquaviva asked if it would be done in phases; she stated she knows a lot of concerns at their meetings was about the fire; and she asked again if that is being done in stages.

Mr. Knight advised fires are always done in small batches; they do not want to burn the whole site at once; but as far as the tree removal, they had originally planned to have Florida Forest Service come in and do the work because it would not cost anything to have that done because they handle the contract; he is not sure, due to the correct market with timber if they can get a contractor to come back in; they have budgeted some money to try to get it done as quickly as possible; therefore, he thinks the tree removal would happen fairly quickly.

Mary Hofmeister, Town of Malabar Council Member for District 5, inquired as far as the trail relocation, who will oversee that and will EELs be working with Trails and Greenway with the trail relocation and can that be a joint effort.

Mr. Knight stated as far as the tree removal, the oversight would be with EELs primarily; he does not have a problem working with Trails and Greenway Committee on the trails, but he does not want to get back into a debate about where the trails need to go and which ones should be relocated and which ones should not. He added his preference would be that be handled through the selection and management committee.

Mr. Reilly stated he would like to move on to get council approval.

Mr. Scardino made the motion to approve.

Ms. Acquaviva seconded the motion. All Ayes - 5:0

Commissioner Tobia made a motion to direct County staff to come up with an interlocal agreement that includes: unlocking the gates without permit in hand; County to relocate trails; Town will waive permit fees, permit requirement, and tree survey; trees left per County's map on the perimeter buffer from the PowerPoint that was presented; and along the trails the trees that were previously identified to be saved.

Commissioner Goodson seconded the motion.

The Board directed the County Attorney and staff to prepare an Interlocal Agreement with the Town of Malabar for maintenance of the Malabar Scrub Sanctuary to include: removing locks from the gates, without a permit, as soon as possible; County staff will relocate trails; Town of Malabar to waive permit fees, permit requirement, and tree survey requirement; trees will be maintained, per Mike Knight, EEL Program Manager's map, on the perimeter buffer as shown on his PowerPoint presentation; and along the trails, all trees that were previously identified by Mike Knight to be saved, will remain.

**Result:** Approved

**Mover:** John Tobia

**Seconded:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, and Feltner

Upon consensus of the Board, the meeting adjourned at 12:18 p.m.

ATTEST:



*Rachel Sadoff*  
RACHEL SADOFF, CLERK



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

As approved by the Board on 7/11/2023.

## Kimberly Powell

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**From:** Kimberly Powell  
**Sent:** Monday, May 22, 2023 10:39 AM  
**To:** Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson  
**Cc:** Donna Scott  
**Subject:** 05-01-2023 Minutes for approval  
**Attachments:** 05-01-2023 special Kim Draft.rtf

Good Morning,

Attached are the May 1, Special Meeting minutes to be considered by the Board on July 11, 2023.

Please let me know prior to the Board date of any corrections.

Have a wonderful day,  
Kim

Kimberly Powell  
Clerk to the Board  
(321) 637-2001  
[Kimberly.powell@brevardclerk.us](mailto:Kimberly.powell@brevardclerk.us)