

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

The North Merritt Island Dependent Special District Board met in regular session on Thursday, January 8, 2015, at 6:00 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

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

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

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

Cindy Fox – We need to make a couple of motions for Chair and Vice Chair.

Mary Hillberg – I would like to move that Tom McFarland, being the senior person here, be our Chair.

Tom McFarland – I don't know whether seniority would be a reason, but I'd be willing to serve as Chair.

Shaye Williams – I would second the motion.

Tom McFarland – Do we have another nomination?

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

Tom McFarland – Now we need a Vice Chair.

Ted Balke – Chris?

Chris Cook – I don't know. I'm in a state of flux right now. I nominate Mary.

Ted Balke – Second.

Tom McFarland – Are there other nominations for Vice Chair?

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

Tom McFarland – The minutes from our last board meeting, I think everyone them in your envelopes. Did you folks get the last minutes?

Mary Hillberg – On page 8 we talked about having a memo, and Cindy and I were speaking about it before the meeting started. We talked about having a memo, and Tom asked if there was a way we could put the issue of different sized culverts and making them all the correct size, and doing something about drainage issues as part of our recommendation to the Commission. Cindy said, yes, we could include that and she would help us do a memo and make it separate. Cindy said to contact her and we could work together on the types of things we'd like to say, but now we know we can only do it each of us one at a time.

Cindy Fox – You can either contact me individually, or we can discuss it at the meeting.

Tom McFarland – I would suggest, if it suits the rest of the group, that we go ahead and approve the minutes, look at the item that's on the agenda, and add an item to discuss this issue of a memo to present to the Board of County Commissioners to speak about drainage and culvert size as a condition for applicants.

Ted Balke – Since four of us were not present, do we vote?

Tom McFarland – Absolutely. You're now members of the board and you can vote on anything that is before the board. I think you're responsible even though you were not at the meeting. Do we have a motion for approval for the October meeting?

Mary Hillberg – I move to approve.

Shaye Williams – I second the motion to approve the minutes.

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

III.B.3. (14PZ-00098) – BRAD A. LANGE – (Mark Gartley) – requests a CUP (Conditional Use Permit) for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in Conjunction with a bait and tackle shop, in a BU-1 (General Retail Commercial) zoning classification, 0.97 acres, located on the east side of N. Courtenay Pkwy., approx. 0.20 mile south of Chase Hammock Rd. (4920 N. Courtenay Pkwy., Merritt Island)

NMI Recommendation: Balke/Hillberg – Approved with the condition that alcoholic beverages are not to be served after 10:00 p.m.

Cindy Fox read aloud the request.

Mark Gartley – Mark Gartley, I live at 435 Crisafulli Road, and my wife and I operate the Tackle Box, bait and tackle. We're here to request to have on premise consumption of beer and wine, and we'd like to know what we need to do to have that.

Tom McFarland has this establishment had a beer and wine permit in the past?

Mark Gartley – Yes, and it has lapsed. I don't know how many years ago, but it has lapsed. So, now we're requesting to have it back again.

Tom McFarland – Essentially, reinstated for this piece of property. Any questions from the board?

Mary Hillberg – Will there be food served there?

Mark Gartley – No, ma'am, none whatsoever, just what they call 'bar food', it would be....

Shaye Williams – Packaged.

Mark Gartley – Potato chips.

Mary Hillberg – Is there going to be music there?

Mark Gartley – No, just there will be a jukebox, and shuffleboard, and if there's any other music there it would be someone there with a guitar and singing, but there won't be any bands or anything like that, none whatsoever.

Mary Hillberg – Are there any outdoor activities planned?

Mark Gartley – None whatsoever. We're going to open at 10:00 in the morning to 10:00 at night. Maybe we'll open at like 6:00 a.m. to try to sell some bait and tackle, but right now we're open from 10:00 a.m. to 10:00 p.m. We don't have any activities outside whatsoever.

Jack Ratterman – Seven days a week?

Mark Gartley – Seven days a week. There's no kitchen there at all, there's no facility for a kitchen.

Ted Balke – So, the bar-b-que will not be used?

Mark Gartley – No, there's no bar-b-que at all.

Ted Balke – There used to be one outside.

Mark Gartley – That's not there anymore. The only thing that's going to be there is people may bring in food that we'll give away. I mean, we won't be charging, it will just be someone bringing a local plate in maybe once in a while, but there will be no outside cooking whatsoever.

Tom McFarland – How many seats will there be for people to sit at?

Mark Gartley – 20 seats.

Tom McFarland – Most of them at the bar?

Mark Gartley – There will be eight at tables, and 12 at the bar.

Catherine Testa – What is the maximum occupancy?

Mark Gartley – I believe it's 80.

Catherine Testa – If a person comes and orders a drink, are they allowed to bring it outside?

Mark Gartley – No.

Catherine Testa – It must be consumed inside?

Mark Gartley – That's exactly right. There is no outside consumption. There is a back porch there, but it's only a porch and they can't go out there. You can go out there and sit and have a cigarette, but you can't sit out there and have any consumption of alcohol.

Mary Hillberg – Is smoking allowed inside?

Mark Gartley – Yes, ma'am.

Jack Ratterman – That's because you don't serve any food, right?

Mark Gartley – That's correct, and my wife and I never plan on doing that. It's too much of a problem, and we're not people in that business.

Tom McFarland – Any other questions from the board? Thank you, sir. Is there anyone else that would like to speak to this issue?

John Campbell – I'm here for support. They're good folks.

Tom McFarland – Does the staff have anything they'd like to say about this?

Cindy Fox – Before the alcohol license lapsed, this actually was briefly an Italian pizza restaurant, and they had approved beer and wine accessory to a restaurant. So, since they don't desire to do a restaurant, whether or not the alcohol had lapsed or not, you would be seeing these people again, so your approval would be only for beer and wine, and it will be a bar, not a restaurant.

Mary Hillberg – If they wanted to suddenly become a restaurant they'd have to come back.

Cindy Fox – Yes, they would, it would be an expansion.

Tom McFarland – What's the pleasure of the board?

Ted Balke – I suggest we approve.

Tom McFarland – Any stipulations involved with it that is not already included in the application?

Shaye Williams – Actually, and I don't have a stipulation, I'm just trying to understand. So, the conditional use permit, in the event it gets approved, and the business changes in the future, is there any risk as to how this facility would be used with respect to having beer and wine on premises. This business has been established in our community for a long time, and it's gone through different owners. I've known it to be serving alcohol for many years, so that to me is not an issue, but changing the use permit from originally being tied to serving food to now it's just associated as an element to go with their bait and tackle. If the bait and tackle moves out, is there a risk or anything to have this classification tagged to the property? It doesn't seem like there would be. It seems like a good fit, and certainly I would rather a business was operating than there was a structure being vacant that could be an operating business.

Tom McFarland – We can ask Cindy.

Cindy Fox – You can, as a conditional use permit, place any conditions on this approval that you desire. You could say that as approval with the beer and wine only, that they always need to retain a retail component of the bait and tackle store, therefore you'd always be able to at least know that it's always going to be bait and tackle and a bar, because someone could come in and rent it out and take the retail component away and use the entire location as just a bar. The building has been there since 1964. You could also ask for a condition if you felt like the parking was an issue, for them to improve the parking lot. You could limit the hours of operation. There's a lot of different things that you could do if you felt like it was going to negatively impact the neighborhood.

Shaye Williams – They already have proposed hours of operation. Is that bound within this conditional use permit in any way?

Cindy Fox – We can make it bound.

Shaye Williams – I don't see an issue with what's being proposed here, I'm just trying to anticipate, in the event it changes hands, what may change that we find to be a negative impact.

Mary Hillberg – You don't own the place, you're renting the building?

Mark Gartley – Yes, ma'am.

Mary Hillberg – So, say you decide to get out of the business and you leave, the license stays with the building. So, someone else comes in and they decide to have gambling and naked dancing, along with the beer and wine, is that what you mean?

Shaye Williams – Yes, just a different venue. Certainly, the beer and wine being available makes it attractive for various other applications, but I think when I've seen other bait and tackle shops, typically I can buy beer there.

Cindy Fox – In package sales, and they can do that now without approval. You're really just approving the on premise consumption of beer and wine. If you want to condition that approval to maintaining the retail component, or the number of seats, or hours of operation, or any other things, you can do that.

Mary Hillberg – Then I move that we amend the motion to make it contingent on the continuance of the retail application, as it is, and also perhaps the opening times to be no later than, what, 11:00 or something.

Ted Balke – I don't think it's the opening time as much as it is the closing.

Mary Hillberg – I mean the closing time.

Ted Balke – The closing time should be fixed. The opening time has to be flexible because he's going to be selling his bait. So, the closing time would be a concern.

Mary Hillberg – That's what I meant.

Ted Balke – Everything else in the area closes at 10:00, so it's prudent to make it consistent.

Tom McFarland – So, incorporate that in your motion.

Ted Balke – Incorporate that in the motion.

Shaye Williams – Does it need to be? If you're serving beer and wine for consumption on premises, is there already a limited time frame when you can do that? Is it a 2:00 a.m. closing time?

Cindy Fox – It's not within the County ordinances, it would be whatever the State allows.

Catherine Testa – And it could be 3:00 or 4:00 in the morning?

Cindy Fox – I think it's 2:00 a.m.

Tom McFarland – If the applicant would come forward.

Mark Gartley – Yes, sir?

Tom McFarland – Talking about these conditions, do you have any objections to these?

Mark Gartley – No, none whatsoever. Eventually, I'm going open at 5:00 a.m. for some of the fellows that go fishing, to sell ice, sodas.

Tom McFarland – But they can't buy beer until 10:00 a.m. anyway.

Mark Gartley – I'm really looking at the early morning, but right now we haven't had that crowd yet, but at 10:00 at night there's nothing going on on North Merritt Island, it's all quiet.

Catherine Testa – But if you catch on and it's really big, or if you decide to no longer operate there and somebody else takes it, the next person may look for.....

Mark Gartley – To stay open until 2:00 a.m.? Yes, ma'am, that could very well be, but my wife and I, she's retired and I still work out at the space center, so we're not looking to stay open too late. The other two establishments on Merritt Island, they close, too. If anything's going to happen, it's going to be on the other side of the barge canal.

Catherine Testa – There are more people coming to North Merritt Island.

Mark Gartley – Yes, there are.

Catherine Testa – We don't know what's going to happen with new people coming.

Mark Gartley – My wife and I would have no problem putting a time limit on how late we're open. Maybe leaving the time limit open on opening, so maybe 6:00 or even 5:00 in the morning, but 10:00 p.m. we have no problem with. I have another job, I have to go to work. I work midnights most of the time at the space center, and I open up at 10:00 in the morning and clean the place up for a few hours. We have a couple of people helping us. It's an older crowd that comes in there, first of all. Nobody under 30 years old comes in there. We control the music, and the people we have working for us are 60 years and older. I'm in my 60's and the people we have working for us are in their 70's, so it's an older crowd and we like to have things quiet. So, at 10:00 at night we're all going home. You can put any time limit on that, 10:00 would be fine. We wouldn't have any problems whatsoever.

Tom McFarland – Thank you, Mr. Gartley. What's the board's pleasure?

Mary Hillberg – I will second Ted's amending of that motion to include the retail component of the bait and tackle shop, and also the closing at 10:00 p.m.

Shaye Williams – Is 10:00 p.m. a reasonable hour? I don't want to restrict their use of the property if 11:00 p.m. is better.

Jack Ratterman – 10:00 p.m. just to quit serving liquor? Or 10:00 to close?

Shaye Williams – Actually, it would be the usage permit for consumption of liquor.

Jack Ratterman – So, they could still sell bait until.....

Tom McFarland – Wouldn't that be the case? Is that what we're talking about? The request is for consumption of beverages on the premises.

Mark Gartley – If we have two or three people there at 10:00, would it be alright to stay open until they finished?

Tom McFarland – Sounds reasonable to me.

Mark Gartley – That's all I wanted.

Catherine Testa – Serving versus consuming.

Mark Gartley – It would be a last call.

Catherine Testa – Yes, because it could be last call and you could have six lined up.

Mark Gartley – No, if someone was there and had whatever they were drinking, once they were finished with that.....last call would be at 10:00 p.m.

Jack Ratterman – That's good.

Tom McFarland – Any other questions for the applicant.

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

Cindy Fox – Just for clarification, it's a conditional use permit approved contingent upon maintaining the retail component and that your last call would be 10:00 p.m., or serve no later than 10:00 p.m.

Board Discussion

Tom McFarland – Let's talk about culverts.

Mary Hillberg – May I ask one thing of Cindy, first? You said they were giving these classes for the Sunshine. Is it possible that you could send us a schedule of when the classes are?

Cindy Fox – Right now they've instituted an annual requirement for staff to have that training, and right now it's just the directors and managers, but if this board is interest in knowing when the ethics training for the County is available, certainly I can get the schedules and find out.

Mary Hillberg – I'd like to know, so I wouldn't mind knowing.

Cindy Fox – And if you'd like to have one of the County attorneys come and discuss Sunshine Law, we can do that as well, or in lieu of.

Tom McFarland – Four hours seems a little over the top for me.

Cindy Fox – Well, I don't think you'd get a four hour class.

Mary Hillberg – Shannon does a wonderful job.

Catherine Testa – If it keeps you out of jail it's worth it.

Cindy Fox – If you'd like to have Shannon Wilson come and speak about the Sunshine Law, or she works really closely with Becky, who's a Merritt Island girl, and she's another County Attorney and I'm sure she'll be happy to come and talk. So, if you would like for me to arrange something for the next meeting I can do that.

Tom McFarland – I think it would be good.

Cindy Fox – Okay.

Tom McFarland – We had questions about culverts. This came up because of drainage issues with the previous application, and a considerable amount of discussion about property owners filling in their ditches after they had moved in, and then that causing downstream problems for neighboring residents who then had to deal with someone else's water on their property. Also, one of the solutions that people came up with was to put a culvert through their ditch, but it was just moving the water downstream, it wasn't taking care of the water from their property.

Mary Hillberg – And on top of that, the culverts aren't all, like, if you're going to have 10" or 14" culverts, you can't go down to a 10" culvert and then go back to a 14" culvert; the water gets all excited about that, so then it doesn't drain and everything starts backing up and then everybody wants to know what's happening. So, we wanted to make sure we had some component of making sure that the culvert size remained the same or larger as it went.

Tom McFarland – And met an engineering standard, basically.

Cindy Fox – Are you looking at an evaluation of all of the drainage? Can you give me an idea if you're for specific areas at first?

Mary Hillberg – It doesn't seem to be as much of an issue on the west side of S.R. 3. Pine Island has got....

Ted Balke – Crisafulli Road sure has....

Mary Hillberg – Well, they just got big money to take their area.

Ted Balke – That's only West Crisafulli.

Mary Hillberg – That's what I'm saying. I'm saying on the west side of Crisafulli.....

Tom McFarland – It was Chase Hammock, Judson Road, and East Crisafulli where the major....

Mary Hillberg – That is the big area, and Hall Road, and Chase Hammock, and Judson, you're right, those are big areas that seem to have a terrible time.

Cindy Fox – So, you're looking at the areas east of S.R. 3, the properties north and south of these roadways – Chase Hammock, Judson, East Crisafulli, and Hall Road.

Tom McFarland – I think what we would like to recommend in the memo is an engineering study of the drainage in those areas so that we know the size of culverts and recommended drainage, so the applicants will know.

Ted Balke – Are you going to suggest that they change existing culverts because of the fact that there just isn't anything? It's a five mile run before it actually gets to a pump.

Shaye Williams – Without the study we're giving a notional approach that something fix it, but if they execute the study....

Ted Balke – So, we're asking them to agree to the study?

Tom McFarland – I think the engineers will likely make a recommendation.

Cindy Fox – Could we do a two-prong, where we say we would like them to evaluate the existing system and make recommendations to bring it up to current standards?

Mary Hillberg – How about to improve it, because current standards are really kind of having a difficult time right now, that's why we want it studied.

Jack Ratterman – The culverts you're talking about, these are the culverts on the sides of the yards?

Tom McFarland – And also the ones that are adjacent to the road and the shoulders.

Mary Hillberg – I don't know if the County can tell people to put different culverts in their yards, can they?

Jack Ratterman – The right-of-way culvert, they tell you.

Mary Hillberg – I know the right-of-way one, but not other places on their property. What I'm thinking about is two big ditches. For instance, down Hall Road, like one side will be huge. It took a while before I could even see the tops of the culverts and it hadn't rained in two weeks. Chase Hammock was almost even with the road, and I was thinking, "why isn't it moving", and we don't know what the rest of the story is, you know.

Tom McFarland – And the question of bringing in loads of fill, which can exacerbate the problem and impinge on your neighbor's property.

Jack Ratterman – The culverts connect the property to the road. A resident on Pine Island made the statement to me, as a complaint, saying that he had put the culvert in and the fire department refused to go over the culvert with their fire truck.

Mary Hillberg – No, he told the fire truck they could not go over the culvert because it wasn't allowed for that much weight, and the fire truck went over the culvert anyhow. I don't think it broke it, but the fellow was all excited.

Ted Balke – I thought it was an FPL truck.

Mary Hillberg – Was it FPL?

Ted Balke – FPL, not fire truck. They wanted to do work on one of the poles.

Jack Ratterman – They did that. They brought the crane and everything, but this is what this guy said about it, that they had to bring the gurney up 600 feet to pick his father up.

Mary Hillberg – Oh, this is a different issue.

Jack Ratterman – That was his complaint, that the fire truck refused to go over it.

Mary Hillberg – So, they didn't think it was strong enough for a fire truck.

Jack Ratterman – I thought that once the County put a culvert in it would improve.

Tom McFarland – It didn't meet a certain standard. That's the crux of the matter, that this sort of thing has to be an engineering standard of some sort. That's what we're really searching for, I think.

Mary Hillberg – Safe and draining.

Cindy Fox – So, you would be looking for those particular area I previously mentioned, an engineering study or evaluation of the existing drainage infrastructure, specifically the culverts along the roads, and.....

Mary Hillberg – As well as where it outfalls to the east and southward.

Cindy Fox – Do you want to include something into that that evaluates or has some suggestions in case you have another situation regarding emergency vehicles?

Tom McFarland – Yes.

Mary Hillberg – Absolutely.

Tom McFarland – And if it's a right-of-way it has to be able to sustain whatever it's allowing access for.

Mary Hillberg – Your house can't burn down because you have a culvert.

Jack Ratterman – I know that I have a friend that lives on South Tropical Trail and an FPL truck went over their culvert and crushed it.

Tom McFarland – That's a concern.

Mary Hillberg – I believe there's even a case a while back where another property owner had large, large trucks with product on it.

Cindy Fox – There are many, many, many examples all throughout the county of having issues with those things, especially private easements and driveways and things. I think I have it summarized if you any other suggestions.

Catherine Testa – I have a question. With the suggested study and recommendations, will this put a burden on homeowners to put in the culverts, or will this be a culvert put in by the County? If it's required for the homeowner to put something in, will it be a burden they can't do?

Cindy Fox – I think what you're looking for is, you're looking for some standards to be set going forward.

Tom McFarland – It's pretty hard to go backwards on these things.

Cindy Fox – For instance, if you bought a piece of property and it was undeveloped, and you had no existing driveway, when you came to the Building Department at the County and wanted to put your house pad in, they would tell you what kind of culvert you needed to meet the standards. So, I don't think that what people are doing up here has been wrong, or substandard, they've probably only doing what the County has been requiring, but over time things deteriorate, standards and codes get more stringent, or better products or technology changes. It could potentially put a burden on someone who has a system that is very old, but it's not something that the County would come out and enforce, it would just be something they would recommend, that potentially this area has older culverts and they probably need to get upgraded. I don't know at this point the County could come in and say.....

Tom McFarland – And that sort of thing could fall under the recommendations part of what the engineers do.

Cindy Fox – And I think you could specifically want this study just to be for informational purposes as people move forward developing and re-developing properties.

Catherine Testa – There's a lot of land on North Merritt Island that.....

Ted Balke – The problem right now is we have existing issues. There were two and three day events that were non-tropical storms that completely flooded everybody's front lawns and properties. And that's existing culverts, existing drainage, and there was no relief at all. It sat there for three weeks and it's still sitting there. There are some homes in our area that are still under water.

Tom McFarland – Unfortunately, we don't have a problem with mosquitoes up here, so that standing water is no issue.

Catherine Testa – Only because they keep spraying pesticides.

Ted Balke – They've been out there, and this mosquito commission has taken all the tests, and have proven that we have a major infestation, and that's the only way you got relief on the 23rd of December and the past two nights. But that's another problem.

Tom McFarland – But they are related in some respects.

Ted Balke – They are related, and the standing water is still breeding them and they come back every seven days. It's not changing the zoning and culvert style type, and whatever, it's finding an engineering solution to remove the water, because what's happening is you have the agricultural property that's pumping all of their land dry and they have internal ditches and culverts, and they're pumping it into Judson Road, and that stops everything from falling from above, from the east.

Cindy Fox – And those are all things that.....

Ted Balke – And as they're agricultural, the County has no control over them.

Shaye Williams – Well, they're also historical. Their performance has been going on for over a generation.

Ted Balke – The abandoned fields there? They're abandoned orange groves and they're still pumping them dry, which made no sense at all.

Shaye Williams – No, because that costs money, and agricultural is where you put your money where you're going to get a return, but historically, we have ditches – some are hand-dug, others we have pumps put in – it's a condition that the County needs to recognize and the study needs to document that and establish what the impact is.

Tom McFarland – And that would also cover the culvert sizes and all of that. Then engineers will know what to do with that direction, I think. If they have further questions, we'd be delighted for them to come to a meeting and we can talk to them.

Mary Hillberg – This is John Denninghoff's department?

Cindy Fox – It's probably a combination of Public Works and the Stormwater, under Natural Resources, who also has Mosquito Control.

Jack Ratterman – It may be a pipe dream, but just to ask, they have elevation maps.

Cindy Fox – Flood plain?

Jack Ratterman – Yes, of the area. Would they have a flow map of where the water is supposed to go?

Mary Hillberg – Yes.

Ted Balke – They supposedly have one, and I've asked for a copy and haven't been able to get it.

Catherine Testa – Can we request one officially?

Tom McFarland – That's a FEMA map.

Cindy Fox – FEMA does the flood plains. There are things – I'm speaking a little bit out of my area, because I do zoning – but I can tell you that they do flood basin studies and those are done by engineers and they don't just look at individual things, they take the whole and they give information on that. And based on those types

of studies, that dictates the type of construction and engineering that goes forward. So, it may end up that that may be something they decide – the engineers decide – that is something they want to do as part of this. And there may be one that is existing, but now FEMA has changed some of their maps, so those two things will play together.

Tom McFarland – I know that there are soil studies going way back, and all of that has an impact on how the drainage works.

Jack Ratterman – That might help us a little bit.

Cindy Fox – Andy information would help.

Jack Ratterman – When we had that last long period of rain, I complained to the emergency management system, and they sent somebody out from the County, from Road and Bridge, and that person educated me about Hall Road. All the water that flows from the north to the south under the culverts, none of that water flows into the Kabboord reserve. Not a single drop. It goes down two ditches, one on the east side next to the Savannah's and one on the west side, and that's it. When they bring the pump out they're pumping out of the south side Hall Road into the Kabboord reserve, and that's the only time the Kabboord reserve starts to take water, unless it rains. I thought those ditches flowed into it someplace else, but they don't.

Mary Hillberg – Just as an aside, are you aware on Chase Hammock Road of a.....is it possible that people have drainage ponds and can go underneath the road and drain into the other side of the road?

Cindy Fox – I don't know. I would think that type of thing would be something the County would know about.

Ted Balke – Per the County Commissioner's office, they said that you're allowed to pump into any open drainage ditch from your personal property.

Mary Hillberg – So, this fellow has a big pump on Chase Hammock, and it comes up about this high and it's just shooting up a huge plume of green water, and it goes on for a long time. You just see it every now and then.

Jack Ratterman – You said to any open ditch?

Ted Balke – It's permissible for private citizens to pump into the drainage ditch.

Jack Ratterman – Could you pump into the wetlands?

Ted Balke – I don't know how far you're going to pump, but they're suggesting that you pump it into the ditches that aren't moving anyway.

Catherine Testa – So, in the case on Crisafulli, there's a ditch on one side for most of the park.

Ted Balke – Yes. The opposite side of the street you're allowed to pump underneath the street into that ditch, but that ditch is already flooding everybody's front lawns.

Catherine Testa – So, one side will be dry and the other side will be even wetter than it was because it's not moving.

Ted Balke – There's nothing moving from either side this time because, again, the only pump action that we have for relief is five miles away at the end of Pine Island.

Mary Hillberg – And that's the mobile pump that comes down?

Ted Balke – No, it's the fixed pump that's there at Pine Island.

Catherine Testa – But they only pump after an event.

Ted Balke – They only turn that on after an event.

Mary Hillberg – There's a mobile pump. That last big storm they put a mobile pump out and it was pumping foam, brown foam. Where does that pump come from?

Jack Ratterman – That's from Road and Bridge.

Ted Balke – That's a portable pump that they use to supplement at the end of Hall Road.

Catherine Testa – And that pumps south?

Ted Balke – Only Hall Road. It doesn't connect to anything north of Hall Road.

Catherine Testa – Is there a way we can request, in this memo, that pre-rain events that they know that are coming, so they can start pumping beforehand?

Chris Cook – They do that at Pine Island.

Mary Hillberg – They do it at Pine Island, but nothing is helping Hall Road.

Tom McFarland – What about all the new work on Hall Road? At the intersection?

Mary Hillberg – That isn't helping.

Tom McFarland – That was supposed to do something with the drainage.

Catherine Testa – So, it should definitely be noted in the request that they figure out a solution.

Ted Balke – I can tell you that one day they opened up some kind of drainage that goes into the river, because it ran for four hours continuously, there was a flow that you could actually see. At exactly 12:30 it just stopped.

Mary Hillberg – Where is the weir, exactly?

Jack Ratterman – The weirs are at the ponds. It's just a bridge between....

Mary Hillberg – I know what a weir is, but not Pine Island.....

Ted Balke – They opened up something, or else they had the backhoe in there and they opened up drainage.

Mary Hillberg – Not on Pine Island, we're not talking about, right?

Ted Balke – Yes, and then it was shut off. That's the only place that the water goes all the way from....

Mary Hillberg – Yes, but I'm talking about down Hall Road. Is there any weir there?

Ted Balke – No, that's the portable pump that they use.

Tom McFarland – Does that go into the Kabboord?

Jack Ratterman – No, the portable pump pumps into the Kabboord reserve, then there's drainage ditches, or drainage culverts with valves on them that go into the barge canal from the Kabboord reserve; however, when we rode a bike down there and cut over, the culverts that empty from the Kabboord reserve into the barge canal, they have places for the valve to go – the up and down piece of metal – there was no metal on there.

Tom McFarland – It rusted?

Jack Ratterman – No, everything was new, it was just completely open, there was nothing there. So, whatever filled up in the Kabboord reserve drains out.

Chris Cook – Do you have what you need? Are we done?

Cindy Fox – I think I've got what I need.

(TAPE CHANGE)

Chris Cook – I know the County uses the aerial photographs that the tax assessors put out, to look at new buildings and that sort of thing. Have they looked at, or are investigating, the use of drones?

Cindy Fox – Well, I do know that they have had LIDAR flown a few times in the last few years, so there is some good data. I don't know whether or not it's been.....I know there has been some evaluation done on North Merritt Island, because after Fay there was a big push.

Chris Cook – I'm not talking about flooding, I'm just talking about looking at mostly construction and building. I know the laws regarding drones are really going to be tested now because people flying over people's houses.

Cindy Fox – You're not talking about surveying.

Chris Cook – For example, someone cleared the property and dug a big pond and put a pad in, but it was at the back end of the property and a call was made – without pulling permits or anything – and the County said, "I can't see it from the road, this lot, so I can't go in and look at it". Could they, in fact, take a little drone and fly it over and take a look and say, "Yes, you've cleared two-foot diameter oak trees and dug a big pond and put a base in there without pulling any permits at all".

Cindy Fox – I can tell you that's probably a legal question, because we're not even allowed to look over a fence, as far as Code Enforcement goes.

Jack Ratterman – What about Google Earth?

Chris Cook – That's too old, that's a couple of years old. They only update that every few years.

Jack Ratterman – But if you got it on that, would that.....

Cindy Fox – They are able to use some aeriels, but I believe that the officer, in order to testify at the Code Enforcement hearing, has to actually witness, and they usually get permission from the property owner to go onto the property.

Chris Cook – Because we're in an unincorporated area, a lot of people have their own drones and are flying over, and there's some privacy issues. I know I've heard a couple of people talking about some guy in the neighborhood flying drones around and taking pictures of their backyard.

Cindy Fox – That's not just an issue here, it's an issue all over the country at this point.

Chris Cook – Is the County working on any codes for that?

Cindy Fox – No.

(Several speakers at once. Inaudible.)

Tom McFarland – Is there any other business to come before the board?

Upon consensus, the meeting was adjourned at 6:50 p.m.