

CHARTER REVIEW COMMISSION MINUTES

The Charter Review Commission met in session at 3:00 p.m. on Thursday, November 12, 2015, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Bldg. "C", 3rd Floor, Florida Room.

Kendall Moore - Chairman Kendall Moore called the meeting to order at 3:04 p.m. and asked Ms. Rupe to please lead us in the pledge of allegiance. Chairman proceeded with the roll call.

Board members present:

Mr. Kendall Moore, Chairman, District 1

Ms. Maureen Rupe, District 1

Dr. Ron Bobay, District 1

Mr. Chuck Nelson, District 2

Mr. Cole Oliver, District 2

Mr. James Rosasco, District 3

Mr. Dale Young, District 3

Mr. Tom Jenkins, District 4

Mr. Peter Fusscas, District 4

Mr. Marty Adams, District 4

Mr. Jack Ryals, District 5

Mr. Scott Sorensen, District 5

Chairman Moore noted that Mr. Sorensen (District 5) arrived at the meeting shortly after it was called to order. He stated that for the record, the Board members absent from the meeting today are: Mr. Henry Minneboo (District 2), Mr. Matthew Nye (District 3), and Jason Steele (District 5). Chairman Moore said there are twelve (12) Board Members present who will be voting throughout the meeting.

Staff members present:

Wade Vose, Charter Review Commission Attorney

Al Schwarz, Partner, Vose Law Firm

Ms. Sandy Smith, Administrative Secretary

Chairman Moore asked if there was anyone in the audience who wanted to introduce themselves into the record.

Ionna Hawkins – Ms. Hawkins stated she is with the League of Women Votes and also the secretary of the League of American Association of Brevard.

Fran Baer – Ms. Baer stated she is with the League of Women Voters.

Kendall Moore – Chairman Moore stated that Item II would be the draft minutes of the October 15, 2015, Charter Review Meeting and he asked the pleasure of the Board.

Jack Ryals – Mr. Ryals said he would make a motion to approve the minutes of the October 15, 2015, CRC meeting as submitted.

Chuck Nelson – Mr. Nelson stated he would second the motion.

Kendall Moore – Chairman Moore asked if there was any further discussion on the motion, seeing none, he asked all of those in favor to please raise your right hand, and those opposed by the same. He stated that the vote passes unanimously.

Chairman Moore stated that Item III, under the Chairman's report, he wanted to report on two or three things that the Board asked to have done. He said that many of you may have noticed the article that was printed in Florida Today on November 8th & 9th, both on-line and in print. Chairman Moore stated that he wanted to thank Mr. Jenkins for his wonderful quotes to the reporter on the behalf of the Charter Review Commission.

He said the second one is a press release issued by the CRC office to over 100 media outlets, using the County's media outlet list for that purpose. Also, he received an agreement from Don Walker, County Communications Director, regarding social media, saying they would be willing to put out information relative to Charter Review Commission. Chairman Moore added that there will be nothing published relative to our opinions or what we think or believe; it is simply another tool or outlet to make the public aware of the CRC. He said lastly, there are the invitation letters which were mailed to County, City and other officials such as the League of Women Voters and the Space Coast League of Cities. Chairman Moore stated that if the Board has anyone who they want to invite, please let Ms. Smith know and she will send that information out to them. He said this is a general letter letting the citizens know the CRC does exist, including the meeting schedule, advising them that they can participate. Chairman Moore stated that he will report do the Board under the Administrative Secretary item. He advised that there is now a portal on the County Webpage that has the Charter Review Commission information. Chairman Moore stated that CRC roster, meeting dates, agendas, approved minutes, agenda request form for submittal of proposals, as well as any proposals that will be coming before the CRC can all be accessed on the County Webpage. Chairman Moore asked if the Board had any comments or questions on any of these issues. He said in seeing none, we will move to Item IV on the agenda.

Chairman Moore stated he is going to ask Mr. Vose to report on what he found out during discussion with the Supervisor of Elections office. He added that this is really a two-part issue – Mr. Vose was going to communicate with them to try to figure out what the deadline date is to get something on the 2016 ballot, still giving us time to go to the County Commission with our report prior to going to the Supervisor of Elections. Chairman Moore stated that we are going to depend on the information Mr. Vose is going to report to the Board.

Wade Vose – Attorney Vose said he had an opportunity to speak to Tim Bobanic, Chief Deputy of IT for the Supervisor of Elections Lori Scott. He stated that their deadline date is Tuesday, August 22, 2016, for them to have, in hand, the ballot title and ballot summary for charter amendments proposed by the CRC. Attorney Vose said we would need to back up from that date, as any proposals coming from this body have to go to the Board of County Commissioners, who then takes action to put it on the ballot. He advised that he had an opportunity to look at the "draft" meeting schedule of the County Commission for 2016, and they have a couple different meeting dates in August; however, the latest meeting that would comply with that deadline is August 9th. The Board of County

Commissioners agenda deadline date is July 26th, 2016, so this is what we are looking at as far as your work with regard to the ballot title and ballot summary. The CRC work needs to be entirely completed so we ensure it is turned in by July 26, 2016, agenda deadline date, for the August 9, 2016, County Commission meeting. Attorney Vose added that there is also a provision in the Charter that requires 3 public hearings at intervals of not less than 10 days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. He said from the July 26th date, we need to come up with a schedule of public meetings spanning at least 10 days in between each of those. Attorney Vose stated that his recommendation would be for you to complete your substantive work even prior to those public hearings. He said he just got this information, so he doesn't have proposed dates yet, but the drop dead end date for your work to be completed is July 26, 2016. Attorney Vose noted that this is roughly a month prior to the August 22, 2016, deadline date to have the ballot title and ballot summary in the hands of the Supervisor of Elections office.

Kendall Moore – Chairman Moore stated that he is going to recommendation that we go back to May, out of an abundance of caution, the County Commission does not meet in June. Anything can happen in terms of delays, so thinks getting back to May makes us feel a lot more comfortable relative to the work that we've got to do, and this will actually start some chatter prior to going to the County Commission. Mr. Moore asked if the Board had any thoughts on this matter. He recognized Mr. Rosasco and then Ms. Rupe.

James Rosasco – Mr. Rosasco asked the Chairman when he was talking about May, did he mean to begin in May for the 3 public hearings or what – he asked Mr. Moore to define what he meant by May.

Kendall Moore – Chairman Moore stated that he thinks we set the 3 hearings in May. So we would have our 3 public hearings in May, which then encourages people to come to this body earlier with proposals. He said we would then have a proposal cut-off date sometime in the April timeframe, and then you would only be dealing with those that may be on the ballot and then it would be in the hands of the Commission to move forward from there.

Maureen Rupe – Ms. Rupe asked if there are 3 other attorneys that look at this.

Wade Vose – Attorney Vose stated that as he recalls, they are either attorneys or retired judges. He advised that in discussions on one of the other Charter Review Commissions that he represents, your provision concerning the independent review, has been a topic of discussion. One thing they noticed, it doesn't specify precisely when this is to occur and the amount of time they have to do it. Attorney Vose said it just says, "For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the county's expense, shall empanel a panel of three persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law and this Charter." If at least two members of the panel find that it complies with all of that, then it goes on the ballot; however, it doesn't specify precisely when that occurs. Attorney Vose said he would reasonably think it would occur after you have the 3 hearings, and it is transmitted to the Board of County Commissioners. He stated that it seems to be a good idea to get this done early so it can be reviewed by the 3 person panel.

Kendall Moore – Chairman recognized Mr. Adams.

Marty Adams – Mr. Adams stated that as Mr. Vose was giving us the countdown back from August 22nd, he was thinking that this is beginning to sound like a Memorial Day drop dead date for us. Then when you mentioned doing the hearings in May that made a lot of sense to him. Mr. Adams stated that he agrees with what was proposed by the Chairman.

Dr. Ron Bobay – Dr. Bobay said just for clarification, when you talk about the ten days, could you do for example, north, central, south and do it 3 days in one week, or.....

Wade Vose – Attorney Vose advised that the Charter states, “the Charter Commission shall conduct three (3) public hearings, at intervals of not less than ten (10) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners.” He stated that he reads that as – have a meeting in a period of time of not less than ten days, and then a period of time not less than ten days have another meeting, and then a period of not less than ten days, have the third meeting.

Ron Bobay – Dr. Bobay said in that case, he is in support of the Chairman’s recommendation.

Kendall Moore – Chairman Moore asked if there was any further discussion. He said in hearing none, he would entertain a motion.

Chuck Nelson – Mr. Nelson said he has one question, if we’ve concluded what we believe is all the business, we’ve held all the meeting where people can present things, he would hate to see us just sitting around waiting because we’ve set an end date. How would we deal with this?

Kendall Moore – Chairman Moore said he would think it would be a threshold deadline, more than anything else. He stated that we wanted the date for two reasons, if we say May, we will come back to you with the Doodle poll again and set the meetings from now until the very end. Chairman Moore said that way you will know which meetings are where and when, and his would allow the attorney, staff and public to schedule. He added that if we see those additional meetings are not necessary, then we will probably start cancelling them.

Chuck Nelson – Mr. Nelson said at what point to we stop accepting proposals, because you could literally be getting submittals right up to the last meeting, and maybe we need to focus on that.

Kendall Moore – Chairman Moore said he would assume if we cut it off in May, probably 30 days before that, is about where that would fit. He said that would put the final proposals submission point sometime in April. Chairman Moore said he would suggest making that date be May 1st, and we would not accept any proposals after April 1st. He said that since we know that, we can now build a schedule and make the public aware now, that it won’t go beyond that April 1st date, so people will have plenty of time to come forward with any proposals. He asked Mr. Nelson if he was comfortable with that.

Chuck Nelson – Mr. Nelson said yes, particularly when he heard the cut-off would be April 1st.

Tom Jenkins – Mr. Jenkins pointed out that May 30th is Memorial Day, so he would think you want to be finished before that. He added that we would probably have to start the latter part of April at 10-day intervals.

Peter Fusscas – Mr. Fusscas asked if the Statute is silent, in other words, does it address the last day to submit a recommendation.

Wade Vose – Attorney Vose said there is nothing addressing this in the Charter provision concerning timelines for members of the public to submit recommendations. This would be at the Board’s discretion.

James Rosasco – Mr. Rosasco said he thinks what Mr. Nelson was saying, is there is a 20 day period, not a 30 day period, because there are 10 days between meetings. He added that if we are required to have this 3 expert panel, if the County Commission has to appoint that panel, and since the County Commission doesn't meet in June, we also need to take that into consideration.

Kendall Moore – Chairman Moore stated he would imagine they would run that procurement sometime in the December or January timeframe.

Wade Vose – Attorney Vose stated he can take a look at how they did this during the last cycle, but he would imagine they are going to run that prior to the Board getting done with your work, unless they have some strong indication that you all are going to return with no recommendations.

Jack Ryals – Mr. Ryals stated he would propose a motion that all proposals to be considered by the Charter Review Commission be received on or before April 1st.

Kendall Moore – Chairman Moore said there is a motion by Mr. Ryals, and he asked if there is a second.

Scott Sorensen – Mr. Sorensen stated he would second the motion.

Kendall Moore – Chairman Moore asked if there is any discussion on the motion. He said in hearing none, he asked those in favor of the motion to please signify by raising your right hand, and those opposed by the same. Chairman Moore said the motion passes unanimously. He stated that he will do two things, he will work with Mr. Vose in an effort to come up with a meeting schedule, and the second thing is the Doodle poll, and he asked if anyone had a problem using it again. Chairman Moore said we will send that out, and go ahead and schedule dates for meetings now, as he feels certain everybody has a busy travel schedule. He added that this will allow us to schedule everything that we need, right up until the very end, that way we will have a very clean and crisp schedule, and allow that to be published to the public. Chairman Moore asked Mr. Vose if there was anything else he could think of concerning submittals, deadlines, meeting dates.

Wade Vose – Attorney Vose said no, nothing he could think of. He asked the Chairman if we could get that formalized in the way of a calendar.

Kendall Moore – Chairman Moore said yes, we will send out the Doodle poll between the next two meetings, so you will have a definitive schedule. He added that we will set all the meetings in terms of a schedule, but if we need less or more, we can always add or delete meetings as needed. Chairman Moore said we can have further discussion on the calendar, but he wants to get a schedule locked in so that everyone can plan accordingly. He advised that Ms. Smith is going to try to send out the agenda package out to the Board 7 days prior to the meetings, now that we have concluded the administrative work. Chairman Moore said that since we are not accepting proposals, the agendas will go out 7 days prior to the meeting, but submittal of proposals will be 10 days prior to the meeting. This will give Ms. Smith a few days to process any proposals that are submitted by the deadline date, and then sent out the agenda package 7 days prior to the meeting.

Tom Jenkins – Mr. Jenkins asked the Chairman if it would be possible to manage the number of items on each agenda, so that we don't end up having meetings until midnight.

Kendall Moore – Chairman Moore said we will try our best to manage that as best we can. He added that he is going to try and hold the meetings to two hours, as it seems as though that is about the tolerance level of everyone. Chairman Moore stated that we will try to schedule the meetings out so we are not here all night if we can help it. He asked if there is anything else administratively to

discuss before we move on to Item V. on the agenda, which is a proposal submitted by Dr. Bobay. He asked Dr. Bobay if he is ready to proceed.

Dr. Ron Bobay – Ron Bobay said his proposal has to do with Impact Fees to be established by the Brevard County School Board for Schools. He said his question is why we should not have the School Board determining impact fees for the schools. Dr. Bobay stated we have an autonomous elected Board by the public, and they would have the ability to determine impact fees for schools.

Kendall Moore – Chairman Moore recognized Mr. Nelson, and then Mr. Young.

Chuck Nelson – Mr. Nelson said the authority to collect impact fees; he believes comes from the State, therefore he thinks you would have to change the legislation to allow locals to do it. He added that he thinks that is a question for Mr. Vose.

Wade Vose – Attorney Vose said the authority to impose impact fees doesn't come from the State Statute, it comes from the Home Rule power, either a City or County respectively. He stated that there is a State Statute that governs with some constraints on how impact fees are assessed, what requirements there are, what sort of connection between the fee that is being assessed and what it is being assessed for. Attorney Vose said traditionally in Florida impact fees are seen legally as an outgrowth of the Home Rule power of the citizens of the County to be able to impose fees. He added that under Florida law, School Boards tend not to have those types of Home Rule powers; however, they do have statutory power to assess certain discretionary millages that are granted in Statute, which allows them to do that. Attorney Vose stated that as he has mentioned to the Board, sometimes there are things we can't do directly, but we can indirectly. He noted that there is some disparity within County's that impose school impact fees – the County's are imposing it for the benefit of the School Board, but the School Board doesn't have any direct power of it. Attorney Vose said that he is not sure that the County Charter can give over the power to impose impact fees to a School Board, but it may be that the Charter could delegate the County Commissions power to set the amount of that impact fee. He added that this might get to the same place in a slightly different way. Attorney Vose said this is going to require excessive research on the subject.

Kendall Moore – Chairman Moore recognized Ms. Rupe.

Maureen Rupe – Ms. Rupe said she can't remember exactly, but didn't this question come before the County Commission before during the Charter Review process, and they turned it down.

Tom Jenkins – Mr. Jenkins stated that he didn't think it came from the Charter Review, but the County Commission can amend the Charter.

Maureen Rupe – Ms. Rupe said she remembers somebody bringing this forward, and the County Commission turned it down.

Ron Bobay – Dr. Bobay stated that he was not aware that this issue had ever been brought up before.

Marty Adams – Mr. Adams asked if there is a problem presently that needs to be solved, and what are some of the consequences that might arise if this were to go through and pass. He said he thinks of an impact fee, as being more of a tax, and he asked if that is correct.

Ron Bobay – Dr. Bobay stated that the way he sees this is, one independent board having jurisdiction over another independent board - who is responsible for meeting the needs of the students of the community. He said the impact fees that he has seen, that have been supported by external studies

– you have them on roads, libraries, and schools, and he thinks a decision needs to be made. Dr. Bobay added that it is basically an impact on infrastructure costs related to growth – there is a fee assessment and the County Commission specifically, assesses fees against what the study supports, or a percentage, or nothing. He said he is not aware that there is a problem particularly, but he does think to have one autonomous elected board, having decisions over another one doesn't seem to make good sense.

Kendall Moore – Chairman Moore recognized Ms. Rupe and Mr. Ryals wanting to speak to this issue.

Maureen Rupe – Ms. Rupe stated if there is no impact fee for the impact you are creating in the community, then those taxes go on all of us. She added whether it's for a school or roads or whatever, we will pay the taxes if there is no impact fee.

Kendall Moore – Chairman Moore asked Mr. Jenkins to explain the impact fee.

Tom Jenkins – Mr. Jenkins stated that he thinks what Ms. Rupe is saying is – if it's new construction, the new construction pays for what infrastructure is required for that new construction, which avoids the existing residents from paying that much more taxes. He added that this is different, this has to do with who is going to levy it and not how much it is going to be, or whether we are going to have it or not – it is strictly who is going to levy it.

Jack Ryals – Mr. Ryals said it seems that the impact fees are kind of a package deal, and he questions the wisdom of breaking it down to the individual entities that receive the proceeds from it. He stated that impact fees over the years have become somewhat of an economic incentive package. Mr. Ryals said he does not regard this as being an authority over the School Board – it is just a funding technique.

Ron Bobay – Dr. Bobay stated that the schools have had their own independent study in support of what impact fees should be set, adding that it is the same thing with roads, they also have had an independent study done. He said he thinks the School Board should have the authority to decide.

Kendall Moore – Chairman Moore recognized Mr. Young and Ms. Rupe.

Dale Young – Mr. Young said the impact fees have a direct affect on the economic development of the community. He stated that right now we don't have a road impact fee, and the County Commission has the responsibility of choosing what entity as a whole, and he is not sure that he would trust the School Board.

Maureen Rupe – Ms. Rupe said currently there are no impact fees at the County Commission level. She stated that the School Board has different issues and budget than what the County Commission does, so she really thinks the School Board should be able to set their own impact fees.

Dale Young – Mr. Young said he thinks the School Board is still getting their impact fees.

Maureen Rupe – Ms. Rupe stated that whatever they get is not enough.

Ron Bobay – Dr. Bobay stated the last impact meeting that he attended with external associates – they basically took 50% of what the real impact was. He said in other words, the decision was made to take something less than what was supported by the study. Dr. Bobay stated that with respect for understanding about economic development etc.; however, there is also pressure for the Board to build two new schools. He said they did make some compromises and impact fees were isolated into four separate districts throughout the counties, and that money had to be spent within that. Dr. Bobay

stated that the bottom line – especially for schools, is they don't have the autonomy to decide. He said the County School Board must build the schools.

Kendall Moore – Chairman Moore recognized Mr. Fuscas.

Peter Fuscas – Mr. Fuscas said it seems that the current system works pretty well. He asked if there is any other tax or fee that allows the School Board to adjust in accordance with its own definition of its needs.

Ron Bobay – Dr. Bobay said the answer to the question is yes, there are some discretionary funds that can be accessed.

Peter Fuscas – Mr. Fuscas said that if the system is not broken, then why fix it.

Kendall Moore – Chairman Moore asked for further discussion.

James Rosasco – Mr. Rosasco stated he would agree with Dr. Bobay, that the School Board should control its own.....

Ron Bobay – Dr. Bobay said he would make a motion that we request Mr. Vose to investigate to see if impact fees established by the School Board for schools, and whether it would be appropriate to be added to the Home Rule Charter.

Wade Vose – Attorney Vose asked if he could suggest, adding to that motion, other alternatives to accomplish that same end.

Ron Bobay – Dr. Bobay said absolutely. He stated he would amend his motion to include other alternatives.

Maureen Rupe – Ms. Rupe seconded the motion.

Kendall Moore – Chairman Moore asked for any further discussion. He said in seeing none, he all those in favor of the motion to please raise their right hand. Those opposed by the same. Chairman Moore stated the motion passes by a vote of 9:2.

Chairman Moore said we are back to Dr. Bobay again. We are moving on to Proposal #2 entitled "Growth Management Advisory Board".

Ron Bobay – Dr. Bobay said the purpose and reason that he submitted this proposal, is that this would create a non-binding advisory board to develop a regional Brevard Plan. He stated that his rationale is this; each municipality in the county has autonomy for the development of the Comprehensive Plan, throughout Brevard County, which can be of cross purposes. Dr. Bobay said this mechanism would provide a voluntary mechanism which could provide a blueprint of Brevard County. He stated that an example that he likes to use, is that 71% of the Lagoon is in Brevard County, as well as a number of municipalities that are involved. Dr. Bobay said he feels we need a Regional Plan to address some of these issues. He added that he had an opportunity to go to the East Central Florida Corridor Task Force studies that were done recently, and he believes there were five regions established by the Governor of Florida. They discussed how to solve some of the transportation problems that we have in our growth areas. Dr. Bobay said that the things that permeate both the "How Shall We Grow", and also what he saw reflected in East Central Florida Corridor Task Force studies, is that we want to protect conservation, green space between communities, and we want to protect farm and agriculture. He said he has also had the chance to see the Space Coast Transportation Planning Organization plan, which was a coordinated effort to

determine how we use our limited money to solve our transportation problems as we go forward in Brevard County. Dr. Bobay stated that some of what they are dealing with is how to create high speed rail between some of the urban corridors in Brevard County, or just have buses from certain areas going to hubs that would be connected to high speed transportation. He said when he compared the studies and the maps, the green space between Titusville and Cocoa is gone, the green space between Cocoa and Melbourne is gone, and there is an encroachment on the St. Johns Water Shed. Dr. Bobay stated that when he questioned the Planners in the Transportation Planning Organization as to why this goes on, their answer was that they don't have the authority to plan for the growth; they just have to deal with the consequences. He said it ultimately goes back to the fact that there is no requirement for the Comprehensive Plan, to be in agreement with each other. Dr. Bobay stated that as it is now, you could have an area that is pro growth and another community that is opposed to any growth, and yet regionally we are not really looking at the problem. He advised that as he has talked with people, and he has heard comments like, "we don't want this area to become another South Florida". Dr. Bobay added that we are all in this together – there are 16 municipalities in the County who are ultimately doing their own thing. He said this would not be binding; it would simply be an advisory board where everybody would participate and come up with a blue print to develop a voluntary plan. Dr. Bobay stated that he feels this would be a mechanism for proper growth as there are a lot of different issues that could be addressed.

Kendall Moore – Chairman Moore recognized Mr. Ryals and Mr. Oliver wanting to speak to this proposal.

Jack Ryals – Mr. Ryals asked who would fund staff support for something such as this.

Ron Bobay – Dr. Bobay said that is a good question; however, he didn't get into the nuts and bolts of this, or how it would be supported financially. He stated that his feeling is that the people who would largely participate would probably be staff people who are involved, and his hope would be that the support would come from the County and Municipalities. He added that the idea here is that we have an opportunity to think regionally for the entire County.

Cole Oliver – Mr. Oliver said he has a question for Mr. Vose, and that would be, does this Board have the authority to require municipalities to participate if this proposal gets passed.

Wade Vose – Attorney Vose said in the absence of your particular Charter provision, in particular Section 1.8. He said in the absence of that, yes, he believes, it could require the municipalities to participate as this section is much broader than the requirements that exist under the Florida Constitution. Attorney Vose stated that he is not convinced this would run afoul with this, but it would certainly run afoul if you were making it a binding force, like the Local Planning Agency (LPA) for the entire county and all the municipalities; however, he is not necessarily convinced that it would. He said requiring them to participate, but then not changing any of their existing regulations, he does not know if it crosses the line of Section 1.8.

Cole Oliver – Mr. Oliver stated he would like to think that everyone would work together for the betterment of the entire County. However, he has concerns that this could lead to some regional aspects, where certain portions of the County are concerned about other portions of the County being more successful, and they would try to slow growth there, to encourage growth in their own area.

Kendall Moore – Chairman Moore recognized Ms. Rupe, Mr. Jenkins and Mr. Rosasco.

Maureen Rupe – Ms. Rupe stated that when she thinks of an advisory committee, she doesn't think it as being official. She said that she thinks what is happening, is that over the next 40 years the plans the TPO and the Regional are making, will have a tremendous impact on Brevard County. Ms. Rupe

stated she was on the committee for “How Shall We Grow”, and she was also on the one in the 90’s, and what she is seeing now coming out of the Regional Planning Council is nothing at all like what they did with “How Shall We Grow”, and yet they keep bringing this up. She said she feels an advisory board is always good, never bad. Ms. Rupe stated she would like to know how many boards and/or committees we have in Brevard County, because of the question about the budget.

Ron Bobay - Dr. Bobay said he would hope that we would end up with an advisory board being made up with the professionals that work in various municipalities and County. People who are familiar with the Planning and Zoning, Building, Comprehensive Plan, and its impact in the overall County, and come up with some kind of professionally developed blue print. Dr. Bobay stated perhaps an ad hoc citizen involvement where the municipalities and county themselves would contribute the staff who deal with this everyday.

Tom Jenkins – Mr. Jenkins said a couple of observations, number one, the MPO is mandated by Federal or State law; however, he is not quite sure which. He stated that they are basically responsible for appropriating Federal and State dollars. Mr. Jenkins said the County Commission and the Municipalities still allocate the local dollars that they use for roads. He stated that if it is going to be an advisory body, he is questioning whether or not it needs to be in the Charter. Mr. Jenkins added that perhaps that is something the County and Cities could agree to do on their volition. He said he does know that there is a certain degree of planning that goes on between the County and the Cities as it relates to their Boards. For example, the County and the City of Rockledge have unincorporated areas, and the Staff does meet and coordinates plans in that regard, and they do that throughout the County. Mr. Jenkins stated that he does not know how you would take on this task without some fiscal impact.

Ron Bobay – Dr. Bobay stated that he absolutely would agree with Mr. Jenkins that the communities would have more of an incentive if this were on a voluntary basis. He added that there are some small municipalities that geographically are pretty small, and they don’t have near the problems such as roads; however, they do not have as many road miles. Dr. Bobay said in that case, they might not be as interested in some of these issues that are being discussed, and yet they would be invited, and included in the discussion. He stated that he thinks we need to think regionally, and that is a reason for everybody to participate.

James Rosasco – Mr. Rosasco said he is a little confused. He assumes this proposed board will be making recommendations to the county, so he is not exactly sure how the municipalities will interface without their own agenda. Mr. Rosasco stated that he thought the MPO was the organization that does the regional planning type thing. He said he is concerned that this is just another layer of advisory committees, and he is not sure this is really necessary.

Chuck Nelson – Mr. Nelson said he thinks at best, you could re-establish the Growth Management Coalition to give the sides a chance to air out what the problems are, but really it is just a step to sue each other if it goes that far. He stated that he thinks it is good to air things out, but he doesn’t think you can formalize anything, and it certainly does not belong in the Charter.

Al Schwarz – Attorney Schwarz arrived at the meeting at 4:05 p.m.

Peter Fusscas – Mr. Fusscas stated that he will associate his remarks with Mr. Nelson, that we have the Central Florida Regional Planning Organization, in which Indian River County, opted out. He said he was wondering, if we form this group, how it would coordinate and interact with that. He stated that there is nothing that prohibits Brevard County from setting up another advisory board; however, he agrees that he does not think this should be in the Charter.

Dale Young – Mr. Young said this is not the first time this has come up, in fact, if you go back and look at the records, this was discussed during the last two Charter Review Commissions. He stated that he doesn't see how this works because we still have the Florida East Coast Regional Planning – we have more land organizations than we could possibly use. Mr. Young said you are stepping on the toes of the people who are hired because of their expertise – people who really know what they are doing, whereas people on advisory committees, quite frankly, don't know what they are doing. He stated that he thinks this is a very bad idea.

Ron Bobay – Dr. Bobay stated the problem that concerns him is the fact that there is no communication among those involved in making decisions, and he sees this is an opportunity to change that. He said he liked the comment of Mr. Nelson's when he said this provides a forum for people to air their concerns. Dr. Bobay said he is naïve enough to think that when people share ideas, it could change the opinion, and he thinks that is important. He stated that still somehow we haven't voluntarily come together, and his point is that we need to be more thoughtful as we move forward, and this is an opportunity to do that.

Kendall Moore – Chairman Moore said he has a question, and then he needs to do what he neglected to do on Proposal #1 – we didn't vote by consensus. He advised that we had agreed that we would allow the public the opportunity to address the Board if anyone volunteered in that regard, and we did not ask that question. Chairman Moore asked Dr. Bobay – clearly you are not intending to turn this into the Local Planning Agency – it is much more about a non-binding kind of planning process, along the same lines as the “Brevard Tomorrow”, correct?

Ron Bobay – Dr. Bobay said he has to admit, he doesn't know much about “Brevard Tomorrow”.

Kendall Moore – Chairman Moore stated that it is a very similar style process; however, it went beyond this. He said it included a lot of community organizations which were broken down into five areas, consisting of multiple committees. Chairman Moore added that this was originally a County function, and then taken over as a local planning function - “We Brevard”, approximately 4-5 years ago, and funded by the County if he is not mistaken.

Ron Bobay – Dr. Bobay said he doesn't see this as a citizens advisory committee, he deems it as professionals in the Planning & Zoning, and Comprehensive Planning offices having a forum where they are required to participate, but were not required to have to follow a blue print. He added that this way everybody would have a voluntary plan that would integrate a regional look at how we operate.

Kendall Moore – Chairman Moore said the second part of that, is that the top four could end up telling the remainder potentially what to do with that fractional share because of the way the population distribution looks around the county. Chairman Moore said this could make some folks in some cities pretty powerful people in that process. He added that even if we do go forward, part of the discussion would need to be, how to allocate that, because this could change the beaches, by a vote of people who have no beach.

Chuck Nelson – Mr. Nelson said he thinks the reality to any of this, is it is going to create a plan that's a vision, a vision ultimately turns into some type of regulation, or something that's formal structure and that brings the politics into it. He stated that he refers to a group doing this as a career limiting opportunity, because their elected body is ultimately the one who is going to decide. Mr. Nelson said maybe a recommendation from this group, while we don't think it is viable as a Charter amendment; it is something that the County, municipalities and different authorities should consider as there is value to it. He added that sometimes just airing it out is a good thing, but he just doesn't

think we can get this to the point where the vision will be accepted by everybody. Mr. Nelson noted that basically we have 3 different counties here in Brevard – north, central and south, and each one has different positive and negative aspects, so it is real hard to get a consensus on that. He said he thinks the best we can hope for is to get a voluntary group, non-charter that continues to have this discussion.

Kendall Moore – Chairman Moore said before we bring this back to the body for any action, is there anyone in the audience who would like to be heard on this issue.

Courtenay Barker – Ms. Barker, City Manager of the City of Satellite Beach, and also the President of the Space Coast League of Cities, Said she can assure the Board that as soon as she turns in these proposals, she will not be the only City represented here. Ms. Barker stated that she thinks the biggest concern that she has, being a former planning director, is that she thinks there may be an assumption that they don't have coordination between the County and the Cities. She said the directors meet quite frequently, and there is a lot of coordination between them on the staff level. Ms. Barker stated that the biggest concern that she has is making this a part of the Charter. Ms. Barker said this is a great idea to have this as a concept outside of the Charter, and she thinks most cities would be glad to participate as a voluntary effort outside the Charter, but she thinks there will be a lot of feedback if this is a required issue. She advised that they care a lot about the environment and storm water and they have a huge coordinated effort going on right now. Ms. Barker stated that she just doesn't want to see a future group focus on something that is already being done. She asked the Chairman if he was going to take any comments on schools.

Kendall Moore – Chairman Moore stated that since he did forego that, he asked the Board if they would be kind enough to indulge him, as he would like to hear from her.

Courtenay Barker – Ms. Barker said she serves on the Capital Outlay Committee which she chairs, and it includes all planning directors and city managers. She stated that they went through that impact fee issue. She noted that the School Board doesn't do their capital studies; the County does one big study which goes through all of them – parks, libraries, etc. Ms. Barker said they agreed with the School Board that there were problems. She added that they all supported it brought this to the County, and she said she thinks there was some change among the commissioners. Ms. Barker stated the School Board then decided they didn't want to do that. She said the problem she has in shifting that responsibility or power over to the School Board – there are a lot of complaints, where there is not a lot of coordination between the School Board and local government. Ms. Barker stated that she thinks by moving that over, you are lessening that coordination, because by the County having to approve those, it forces them to talk to each other, and it forces them to make sure they are depending on each other. She added the sole autonomy of any group is not a good thing. Ms. Barker said that she thinks the way it is done is also a package deal, and she agrees with that. She added that the County looks at those impact fees, but by dividing it out, you are losing that coordination, and she would be opposed to that.

Kendall Moore- Chairman Moore asked if there were any further comments from the Board. He asked Dr. Bobay what he desires to do with his proposal - does he want the Board to take any action on it?

Ron Bobay – Dr. Bobay said he tends to think he's got the sense of the house, but he would make a motion to seek approval of his proposal, relative to the Growth Management Advisory Board.

Kendall Moore – Chairman Moore said there is a motion by Dr. Bobay, and he asked if there is a second.

Peter Fusscas – Mr. Fusscas stated he would second the motion.

Kendall Moore – Chairman Moore said all those in favor of the motion; please signify by raising your right hand. He said all those opposed by the same. Mr. Moore said the motion fails by a vote of 1:11.

Chairman Moore asked if there is anyone in the audience that would like to be heard. He said in seeing none, he brought the discussion back to the Board. Chairman Moore recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco said he would like to seek some guidance from Mr. Vose relative to the Comptroller, as he feels this is an issue that is going to come up.

Kendall Moore – Chairman Moore asked if there is anything else to come before the Board. He said in seeing none, we will consider ourselves adjourned at 4:26 p.m

