

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, February 12, 2014, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Carmella Chinaris; Greg Messer; Randy Rodriguez; and Peter Costello.

Staff members present were: Cindy Fox, Planning and Enforcement Manager; and Mary Taylor, Land Development Specialist.

The meeting was called to order by the Vice Chairman, Carmella Chinaris, at 6:05 p.m.

Carmella Chinaris – Good evening, this is the Port St. John Dependent Special District Advisory Board meeting. We have one item on the agenda tonight, which is a binding development plan change in a BU-1-A zoning classification on 2.59 acres, located on the southeast corner of Fay Blvd. and Adams Pl. Let's deal with the minutes first. (Minutes of November 6, 2013).

Randy Rodriguez – Madam Chairman, I have an issue on the minutes. I'd like them to be corrected. At the bottom of page 16, there's a comment attributed to me. I could read the long version, but it might be shorter to say it's the line after, 'Carmine Ferraro, I appreciate your time'. I believe someone else made that statement, but I'm pretty sure I did not.

Carmella Chinaris – Does anyone else see a problem with the minutes as far as they recall from last meeting? Could we have the amended? Motion to amend?

Randy Rodriguez – So moved.

Greg Messer – Second.

Carmella Chinaris called for a vote on the motion as stated, and it passed unanimously.

V.B.2. (13PZ-00084) – CARMINE FERRARO, TRUSTEE – requests removal of an existing BDP in a BU-1-A zoning classification, on 2.59 acres, located on the southeast corner of Fay Blvd. and Adams Pl. (4735 Fay Blvd., Port St. John)

PSJ Recommendation: Messer/Costello – Tabled to the March 12, 2014, PSJ meeting. Vote was unanimous.

Carmine Ferraro - Good evening, board, I'm here tonight to bring before you the item that was discussed. We are here again tonight to try to address concerns from the last board meeting. What I did is I put together a timeline, just very quickly, so we could give you an idea of what's transpired since the last time we got together. Basically, on November 6th we met here before your board and it was a unanimous denial by the board for the removal of the binding development plan. The board did not support the removal of the binding development. There were concerns from many about safety of school children, and one or two of the comments in the minutes that you guys just passed was that you would like to see us return with some solutions regarding possible solutions to the access problem. So, with that, in December, we took those comments and had conversations with Family Dollar regarding those comments. Also, at that time, if you remember, one of the residents that spoke, Carmen Ferese, she contacted me and she had a suggestion for alternative access to re-route the school children, and I'll get into that a little bit later in the timeline. Also, I met with Commissioner Fisher from District 1 to discuss to tabling the final zoning and asking for his input for what he suggested that we should do, and he was very supportive of saying, "Well, you need to go back to the local board and you need to address their concerns and take it back before them before you come back to us". So, that's what we did. In January, we knew that one of the concerns regarding children's safety, one question came up regarding the school. We started meetings and discussions with Challenger 7 and met with the school principal, Dr. Mena, and Vice Principal, and then had conversations with Dr. Laura Reinhardt, who's the North Area Superintendent who then led us finally to Dane Theodore, who is the Facilities Management

Superintendent and has a lot of responsibility for crossings and such. We also, at that time, decided to meet with County staff regarding this possibility for alternative access. What I did is.....I just wanted to show you what we tried to do because we were looking for alternatives. What we tried was.....and this is the resident's idea – Carmen Ferese came up with this.....is let's take the kids out of Challenger and take them down the block and let's just bring them straight out through here, thereby avoiding any traffic situations or access over here and bring them out to Fay Boulevard over here. We were going to go ahead and volunteer to use our land here, but we had to cross over a retention pond, so we went to County staff and we asked them if that was even doable, and their response was that no, we weren't allowed to build improvements over their pond and there was an issue – or concern – about liability, and then also when I met with Mr. Theodore there was.....it was a quick comment, but I took it to heart, is that he felt like he wasn't as excited about that plan as the plan like this because he felt like the area might be too secluded and it might potentially be a stalking situation, or predatory for the children because they would be walking unattended that long distance, and it wasn't as visible. I asked him if that was important to him and he said yes, that the children be visible around a lot of eyes. That was a good thing. He said that was a kind of balancing act for them to figure out how to make intersections safe in the area where the children walk and be more visible. Then we get to February, and prior to our meeting we wanted to go ahead.....because we had quite a few residents here that spoke about it, we wanted to go ahead and have a resident's meeting, so what we did is we went down to County zoning and got the list of everybody that was being mailed out to and we sent an invitation to all the residents to attend the meeting, and that meeting was held on February 5th, and the idea of that meeting was to go ahead and bring some clarification as to what we were trying to do again, that this wasn't a matter of whether Family Dollar was permitted to go there, it was a matter regarding access, and we had a plan to modify access and keep the binding development plan in place. We had three residents that came to that meeting. Two of them had actually shown up at the previous hearing. One was Carmen Ferese and the other was Ron Mansfield, and there was a third one, Sarah Sofield, who is a resident of Port St. John, but I will disclose she is my daughter, and she came to the meeting because she was concerned because I have a two year old grandson and she was concerned about access issues as well. So, we had that meeting and basically I made the presentation I'm going to make before you tonight and at the end of the meeting I was told that I had their support. I don't know if they sent emails or not, that was completely up to them whether they wanted to do it.

Carmella Chinaris – Are the minutes of that meeting in here anywhere?

Carmine Ferraro – No. We have to have minutes? It was like an open house kind of thing where we made a presentation and invited them to come. So, with that, we then knowing that we felt like we had something that would work, we finalized and asked for the support of the School Board, and we did receive it. I have an email from Dane Theodore, the Facilities Management Superintendent of the School Board, who said he supports the modification to the binding development plan that we're going to submit to you tonight, and he actually also, just so you know, he did sent it to Carol Mena and Laura Reinhardt as well, and some other people I don't know that he sent it to. He said there were about 3 to 5 people he would want to get input from before they gave us their support. So, with the support for that we submitted a modified binding development plan to County staff on February 10th, and I'm going to go into that at the end of my presentation. I've brought the binding development plan.....do they have a copy of that plan?

Cindy Fox – We tried to get it out, but I don't think we got it out in time.

Carmine Ferraro – I've got the pages all the way up to signature page that show all the changes that we're going to make and I've highlighted them. The next thing I want to do is just a couple of clarification points from the last meeting, again, just to make sure that we're all on the same page. The first one was that..... I believe you brought this up, Greg, that there was a concern about hours of operation of the school in terms of there being after school care and there being the possibility of crossing guards, or people leading to cross kids across that area of traffic late in the afternoon, so we wanted to make sure that we address that and we went back to Dr. Mena, who is the principal of the school, and we asked her basically two questions: 1.) Do you have after school care; and 2.) Would you have the necessity for crossing guards. And her response was that

yes, they have after school care and that all children are picked up by an adult after school hours. So, I just wanted to clarify that, as you guys consider this tonight you'll have that information. Basically, what she was saying to me is that after school hours no kid gets out from that building unless it is with a duly authorized adult that is able to sign them out can get them through the doors. It's interesting too, I'll just note that I happened to go into Challenger 7 to meet Dr. Mena and there is a lot of security to get in and out of the building. I haven't been to a public school in a long time, so it was interesting and it felt very safe in there to see the parents come and pick up the kids, but they had to sign them out and go through all this stuff and the doors locked automatically, so it was interesting. So, that was one of the clarifying points, and then the other one – and she's not here tonight – Wendy Porter brought up a point about she was concerned that there was going to be an increase in traffic of 1,126 cars, and I just wanted to clarify that if you look at your package, on page 10 I believe it is – is what I have in my package, I hope it's page 10 in yours – it's the rezoning review worksheet that you guys get, and I studied this, and I have to admit I was taken a little bit off guard when I was standing here, and I kind of agreed with her and the 1,126 trips, but the way I understand this now, having gotten clarification on it, if you look at the first column, which is the first segment, the trips for proposed zoning would be 465. The maximum allowable zoning in that district – in that current level of service – is 33,900. The current volume is only 12,379, so the increase of traffic would be 465 trips. Then in the second segment – I'm assuming that's Adams Place and the first segment is Fay, is that correct?

Cindy Fox – Yes.

Carmine Ferraro – So, in the second segment there is only of trip of 45. Again, the maximum allowable volume was 3,085, and the current volume was 1,126. So, I just wanted to clarify that for the record. So, the actual increase in trips would be 465 on Fay and 45 on Adams. I'm going to be talking over these boards here, but what I did is I made a copy of each for each of you. What you're holding in your hands are there are the...basically the two boards that are up here, and a (inaudible) of the proposed gate system. So, what I want to do first is.....what we did after we received the denial and we went back to Family Dollar, we asked them to re-engineer the site with the idea that this may be the plan that they may have to go forward with, so they went and re-engineered the site and they moved their deliveries over to this side, and basically, under the existing binding development plan, and the site plan that has been submitted, they will be granted their access only in on Adams, and they have an existing drive way that's in only. So, they would be able to bring their truck traffic around here and out through Fay Boulevard and have to connect back somewhere through I-95 on U.S. 1 or something. It is a little out of the path for them, which is why they wanted to line their cars up here and go that way, but this is a dual plan for them. If we lose the hearing tonight and the County in March, this would be the plan that they are going to go forward with. If we win the hearing tonight – and that's why I've put this second sheet here to show you what we're proposing – if we win the hearing tonight, what we are proposing is that we add language to the existing binding development plan. Firstly, we want to close the driveway here. This driveway is existing, it already creates traffic here, it will be increased traffic because it's in only and it's where children cross, so we're giving that commitment to go forward and close that driveway. The second thing we want to do is construct a full-access here to line up with the existing driveway across from the Kangaroo, and what we're going to do.....and I say Family Dollar here, but in the binding development agreement it's really Owner/Developer, whoever the Developer/Owner is, and in this case it's Family Dollar for the presentation. Family Dollar is to construct a metal gate system for the concept drawing that I've given you, which is basically a metal gate that will swing together and close and then swing together and open in a locked position, locked position. The gate system will be maintained and kept in good working order by Family Dollar. The crossing guards will have the expressed prior permission by Family Dollar to swing the gate closed, blocking access to and from Adams driveway during their assigned crossing hours, and then crossing guards will swing the gate to the open position when they leave their post, allowing full access during the non-crossing hours. What does this plan do? In trying to address the concerns of the board, the way this plan is designed there will be no additional cost or burden to the County because the crossing guard that operates here should be able to come here and lock this gate out, and then there's no traffic here at all. No requirement of additional materials, cones, or barricades, which is something we looked at, but then you get into storing things and who is responsible for that, so we decided to make it a permanent situation that doesn't require that. Easy

operation and compliance.....it's simply just going ahead and unchaining the gate from the base and chaining from here, bringing these two pieces together chained to the eyelet, and then these gates remain in a closed position, and when they open again they get chained down to the base. Probably the best part of the plan that really was something that Dane Theodore liked, and he had voiced concerns initially, is how we are going to synchronize all of this. We simply have synchronized this to the school's schedule, whatever it may be, and since we know that no crossing guard will be.....there is a crossing guard here when school is letting out, or school is coming, people are walking to school or they are coming home from school. When that happens, that will trigger the closing of the gate, so it will be a nice synchronized system. If there are additional things that happen and there were crossing guards assigned that day, then they would operate the gate. Another good part of this is that this in the binding development plan this is giving the authority of this entry to somebody else, the Owner/Developer of this has no say so in when this happens. This happens according to the Brevard County School Board schedule, so we feel it creates a safer environment for the school children than the existing binding development plan, which already allows for the ingress to Adams, which will be used by customer's and delivery trucks, and we do believe it probably would require extra costs for crossing guards, which I think that would be a cost the County would end up having to bear. So, this is the plan that we're presenting to you. I have the actual binding development plan, and I would just like to go over a couple of quick points of this, and then I'm going to just wait to finish my comments after the public has had a chance to speak. What we did is we asked County staff for their sample plan and this is their most recent, I take it, which is very similar to our existing plan; however, we noticed there were some additional things that were put in this plan that weren't put in our plan back in 2007, and they were good things, they were things that came up during the discussions with the School Board and with people I've talked to about it enforceability. What I would ask you to look at first is on page 1 – you just see the highlighted portion – this is a change that we've made to the sample document. We're simply asking that we be.....we recognize there is a binding development plan in place and that if there's any conflict with that plan that this new plan would supersede in the event of a conflict, which is typical when you're amending something. On page two we kept in place all of the prohibitions against the uses that we agreed to. The meat of this is Number 4, and Number 4 is what we're trying to do here now, to change limiting ingress/egress. And as you can see here, we have gone specific with the language that I've made in the presentation: close the existing Adams Place driveway, construct full-access driveway.....and again, you see there's name Family Dollar here. It's Developer/Owner because of whether Family Dollar is in business for five years or 20 years, whoever owns this property will be subject to these restrictions. They're basically going to have to agree to give up the right of access, full complete access on Adams.....and then you can see the language that's in there. I would also just bring your attention to the third page, Number 8 and Number 9, and that was where.....again, that was something different that wasn't in our older plan, but we welcome this, it is great, it's probably necessary to be in all the future plans, and it deals with what happens for enforcement action. If for some reason part of this plan is not being kept up, there are teeth in this development agreement to enforce this development agreement. Code of ordinance violations, violations of zoning.....and what that, I believe, simply means is fines, levy's, and potential loss of property, so it has everything that is necessary to make sure that whomever is in the position of owning the property will be able to have the necessary encouragement, whatever you want to call it, to support it and to make sure they keep their word. That is where I'm going to stop right now. I know I've given you a lot of paper and I apologize for that. I wanted to kind of feed it to you as I presented. I will wait if you want to bring me back up and answer questions after the public, or if you want to ask me questions now, whichever you prefer.

Carmella Chinaris – Do you want to ask questions now?

Peter Costello – Madam Chair, I have a question (inaudible) that determines where I sit. I'm on the board of directors of the church that is the leasee of the property.....the neighbor to the subject property here. In that capacity I have a strong perspective on what happens with this property, so I will be sitting out.

Randy Rodriguez – Is there any financial benefit, or distraction?

Peter Costello – No.

Carmella Chinaris – Is there a reason he should recuse himself?

Cindy Fox – Unless there is a financial gain for approval of this application to you personally, there's no reason (inaudible – interrupted)

Carmine Ferraro – And to put your mind at ease, Pete, you vote your conscious, okay? Don't feel like I'm leading in any way.

Peter Costello – My vote would probably be more colored by my position on the board than it would be.....on the board of the church than this board.

Greg Messer – On that same kind of note, with this issue being twice denied by this board, and it's been denied by the County Commissioners, I'd kind of like to wait on a vote until we have our full board here, with as much backlash as this has had prior, you know, to have everybody present.

Carmine Ferraro – It wasn't denied (inaudible – interrupted)

Randy Rodriguez – I don't think the County Commission (inaudible – interrupted)

Greg Messer -it was denied here, this binding development plan, when you brought it back to us it was denied.....

Carmine Ferraro – In November, one time, right.

Randy Rodriguez – But the County hasn't heard it.

Carmella Chinaris – No, last year as well.

Several speakers at once were inaudible.

Carmella Chinaris – It came up last calendar year, 2012.

Carmine Ferraro – We haven't been back before you.

Cindy Fox – In 2008 it was rezoned from IN(L) to BU-1-A, and that is the time that the binding development plan was put in place (inaudible) to the access to ingress only.

Randy Rodriguez – The second time here, but the County hasn't seen it yet.

Carmine Ferraro – No, we've never been back before this board with this property other than November of this past year.

Carmella Chinaris - Okay, so it was 2008 and.....

Cindy Fox – 2008 and then just in November.

Carmella Chinaris -Not 2012; 2013.

Carmine Ferraro – The County Commission hasn't even heard it.

Greg Messer – We had a lot of community support here that was against it and our full board is not here for this.

Carmella Chinaris – This what I'd like to ask this board. Do we want to give our questions to Mr. Ferraro now, or do we want to table this and ask him to return? Do we want to hear from the public who are here first? How should be proceed here?

Randy Rodriguez – It's not really a tabling, but I'd like to hear from the public first.

Greg Messer – With Carmine's interest, and his time and all that, (inaudible).

Carmella Chinaris – Let's hear from the public who are here tonight to speak on this issue.

Hector Belloso – I'm looking (inaudible) everybody. My name is Hector Belloso, I live at 6360 Pleasant Avenue. (inaudible) gentleman that push us the Commission Port St. John to put the dollar store right here. I would like to ask you, what is Port St. John exactly? Is it a city, town, or community?

Randy Rodriguez – Community.

Hector Belloso – It's community, thank you very much. This is a community. Why do we want to bring commercial to the community? This letter that come from the Brevard County Commissioner (inaudible) when last property you make commercial, I remember at the last meeting they said 2007/2006. I live in this property from 2000. They never gave this (inaudible) because we live in there and we have the right to know. He owns the property and he makes commercial, but how he makes it commercial I want to know, because the Commissioner signed the paper, like he said, for commercial, because everybody knows it's commercial. How we don't know when we make it commercial? You know when they make it commercial (inaudible). You don't think we have the right to know what is happening?

Randy Rodriguez – The Commission is required to make public meetings that anyone can attend, and they're required to advertise those meetings so that anyone (interrupted)

Hector Belloso – (inaudible)

Randy Rodriguez – The distance you are they should have sent that letter, they have a requirement to send a certain letter (interrupted).

Hector Belloso – That's the law. We have the right to know. We're living here in Port St. John and we have to know what's happening.

Carmella Chinaris – I'm not sure we can adequately answer about lack of notification for anything prior to this issue, but this issue is what we'd like to hear from you about tonight.

Hector Belloso – This is coming from far away (inaudible) push stuff here in Port St. John. We don't have one dollar store (inaudible). We don't have a car, I walk over there if I need something. I don't need that right here. This is going to endanger our life if they put a business in here. It's not only for our children, but for all people (inaudible) My question is, why the County let (inaudible) doctor's office he built right in the front of my house. I called the Commissioner and the secretary said it's against the law to put the gate on commercial property. Why can he put a gate in there? That's what he's talking about, putting a gate and lock it up.

Randy Rodriguez – The difference, Mr. Belloso, he's volunteering to put the gate on the property (interrupted).

Hector Belloso – (inaudible) volunteers. We're talking about the law. The law is the law. (inaudible) He put money underneath the table (inaudible). What are the children doing in the doctor's office parking lot? They are coming all the way to the parking lot to my driveway. I have to scream and people to get off of there. You

know the doctor has private property. Do you know what they tell me? (inaudible) They threaten me and my property because (inaudible). That's the damage, they keep getting inside and (inaudible) it's water.

Randy Rodriguez – It's not his water, that's the County's.

Hector Belloso – It's his property, no?

Randy Rodriguez – That's public property.

Hector Belloso – You talking about the County?

Randy Rodriguez – Yes.

Hector Belloso – What does the County do for us? You know exactly, Mr. Rodriguez, what the County is looking for. The County is interested in money and taxes because probably you, and you, and you, and me, are not going to pay (inaudible) the store he (inaudible). The County would like to collect the money, but tell me, sir, I live close to the store, every single truck, every single car, every night they race in there. Do you think the police care? No.

Carmella Chinaris – Can I clarify what you're saying? Are you mostly concerned about the increased traffic, or the safety of the children for some other reason (interrupted).

Hector Belloso – In Port St. John I don't want no business. It's not Port St. John. You call the Commission (inaudible) business (inaudible) for interests.

Carmella Chinaris – I understand, sir, but this piece of property that is under discussion is already zoned for certain commercial enterprises. That's not even up for discussion.

Hector Belloso – (inaudible) commercial. You (inaudible) looking at interests, Port St. John people interests. Not interests for somebody else. I ask, how many people come to shop in there? He invest a quarter-million dollars and building in there. They are coming from Titusville, they are coming from Cocoa, they are coming from anywhere. You think they are coming to buy? No, they don't come for that. They bring (inaudible) right there in the park, almost 24 hours (inaudible) for people that don't live in Port St. John, because that parking was full with people from Titusville and Cocoa. If you don't live in Port St. John you don't have the right to play here. Go back where you live. Now they want to bring a store in here? (inaudible) He took it to the principal. The principal don't live here. The principal probably lives on Merritt Island in a big mansion (inaudible). (inaudible) broken with a truck that's making a delivery, who goes and fix it? Does he go and fix it? No, we (inaudible) the County to fix it, fix the road.

Greg Messer – On that behalf, they have to pay impact fees for this to happen (interrupted)

Hector Belloso – But who got the property? Do you know how long I waited for the County to fix our road? So many years. What did they say? We don't have money for Port St. John. Why doesn't the County want to spend money in Port St. John? Do you know how much money Port St. John, the County collects from us in taxes? It's a lot of money. How much money does the County spend in Port St. John?

Carmella Chinaris – Sir, we appreciate your comments. You're clearly against any alteration of the binding development (interrupted)

Hector Belloso – How many people are here? Nobody. You know why? Because they are tired of breaking the law. The remainder of Mr. Belloso's comments were inaudible.

Carmella Chinaris – We appreciate your comments.

Hector Belloso – This is (inaudible)

Carmine Ferraro – Point of order, is there a time limit for citizens to speak?

Hector Belloso – Wasting time because he wants (inaudible)

Carmella Chinaris – You are well beyond your time limit. We do appreciate you and we have heard your concerns. Anyone else? Yes, ma'am, if you'll state your name and address.

Esmeralda Belloso – 6360 Pleasant Avenue. There's so many kids that's there, they drive those little carts and they go on bicycle, they walk, and you can see he's going to do dollar store. He's going to make a profit, Mr. Millionaire.

Unidentified Speaker – Character assassination is not appropriate.

Esmeralda Belloso – You know who you are.

Carmella Chinaris – Please try not to insult anyone.

Esmeralda Belloso – If you could (inaudible) the church the way it was before and the way he's going to do it now, it's worse than you think. On the 7th when we came, all the people that came, we had 19 people, and they were all so nervous, and they don't listen to us. (inaudible) They are not going to take us into consideration. (inaudible) It intrusive, it's against the law.

Randy Rodriguez – It's not against the law.

Esmeralda Belloso – It's against the law. He's going to open the gate so the children are going to come and close, and how can they do that into a street? This is going to be recommended from the street, to go into a private property and go out of a property? Tell me.

Randy Rodriguez – No, ma'am, the gate goes across the driveway that is on his private property. It doesn't go into the street. The driveway would access the street, and that gate stops vehicles from coming across the sidewalk, into the street. The County has no right to make him put that gate there, but because it is on his property he is allowed to put that gate there. He has offered to do that to protect the traffic and the children and the families who go by there during the high-traffic times. We are not making him put that gate there. They have offered to do that for the safety of the children and the families that go by there.

Esmeralda Belloso – He said that there was going to be a (inaudible) cars per minute.

Randy Rodriguez – Actually, he said earlier it would probably increase traffic about 400 cars a day.

Esmeralda Belloso – Where is going to be all those car?

Randy Rodriguez – Fay Boulevard, the same place the other 11,000 cars are already every day.

Esmeralda Belloso – Where (inaudible)

Randy Rodriguez – Fay Boulevard.

Carmella Chinaris – Ma'am, your time is up.

Esmeralda Belloso – So, Fay is going to be full of cars? We're going to be full of cars in the street where.....

Carmella Chinaris – Adams Place?

Esmeralda Belloso – The other street that goes on the (inaudible) I don't remember it.

Randy Rodriguez – Adams is at the corner and Waterloo is the next corner over.

Esmeralda Belloso – The kids are going to be involved in having somebody opening a gate to go through (inaudible).

Randy Rodriguez – No, ma'am, the kids don't go through the gate at all. The gate is to stop vehicular traffic from going through where the kids are walking, and that will be opened and closed by the crossing guard who is already there because of the light at Fay Boulevard out in front of the Kangaroo station. So, when they post to let the kids in and out of school, they would shut the gate so no vehicles run through where the kids walk. At the end of that time period they would open the gate again when the kids are gone.

Esmeralda Belloso – (inaudible) the gate will make a mess, we're going to have a lot of mess.

Carmella Chinaris – Is there a motion? Yes, sir, come on up. State your name and address.

Paul Chinaris – My name is Paul Chinaris, and yes, I am related to your Chairperson. I just have a couple of quick questions. I live at 5493 Jamaica Road. I was just listening and a couple of questions came to mind that I didn't hear addressed. Actually, I'm just here to shamelessly promote myself. I'm running for School Board. Taking every public opportunity. My question was, if I heard you right, Mr. Costello, did you say you were going to vote more for what you would do for the church as opposed to this board?

Peter Costello – Yes.

Paul Chinaris – Just sitting on the outside, I would think that you would want to recuse yourself because you just said you going to vote not in the best interest of the board.

Peter Costello – I would agree with you on that, but I would take my literature from the committee.

Paul Chinaris – Absolutely, absolutely. I have another question. On the traffic counts – maybe I was confused on that – you said that it would increase traffic 465 cars on Fay and only 45 on Adams?

Carmine Ferraro – That was the way I understood the report, the zoning report.

Paul Chinaris – Okay, so it is Planning and Zoning that came up with that.

Carmine Ferraro – Yes, it's the staff comments. We haven't done any traffic study.

Paul Chinaris – That's what I was wondering because I was looking at that and thinking basically what the traffic people are thinking is that 10 times the number of people are going to live east of Adams, because they are all going to drive that way as opposed to driving west, whereas when you think about that, the bulk of the traffic would be coming from the west – I would think – because you have similar facilities in front of Port, which would make me question that traffic study right there. The last thing I had to say is about the crossing guards. You mentioned there might be an increase in price for Brevard County.....number 1, I don't see Brevard County ponying up money for anything. The other question is crossing guards. You have to get that approved by the local (inaudible) the crossing guards work with, and I can't see them going into it because Family Dollar would have to have a liability plan for if anything happens when the crossing guards are touching that property,

they have to have a liability insurance plan for that because if a crossing guard cuts his finger, cuts his finger off accidentally, who's responsible at that point? The liability won't be taken by Brevard County. What's going to happen when you bring this up to the Commissioners, that's potential of someone saying you've got a problem right here. I think that should be addressed at that point. Thank you for your time.

Carmella Chinaris – Thank you. First of all, Mr. Costello, are you recusing yourself from any vote today?

Peter Costello – I would feel more comfortable making my comments as a member of the community.

Carmella Chinaris – In that case, we do not have a quorum on this issue. Is there a motion to ask Mr. Ferraro to come back again when we have a fuller attendance on this board?

Greg Messer – I motion that we table this until we have our full attendance, since it has been an ongoing issue of contention.

Carmine Ferraro – Are you going to have discussion on the motion?

Randy Rodriguez – We always have a discussion on a motion, but right now there's no second.

Carmella Chinaris – There's no quorum here tonight.

Cindy Fox – The board needs to close the public hearing and table it to the next meeting so the public is aware this issue will come back in front of this board again.

Carmella Chinaris – Then that is what we need to do. We no longer have a quorum, so we have to table all discussion and bring this back at the next meeting, which is March.....

Carmine Ferraro – Can I ask a question before you do that? What are my options?

Cindy Fox – At this point you have had a denial and you've had a tabling. You could still go in front of the Board of County Commissioners and have them make a final decision.

Carmine Ferraro – We have a time sensitivity now. I don't know if we can go another 30 days.

Cindy Fox – You can go forward without a recommendation.

Carmine Ferraro – We would be going forward without a recommendation.

Cindy Fox – The only recommendation so far has been a denial.

Carmine Ferraro – What are the next meeting dates?

Cindy Fox – The next meeting would be March 6th. I'm sorry, March 12th.

Carmine Ferraro – When is the County?

Cindy Fox – The County would be April 3rd.

Carmine Ferraro – If the board makes this motion tonight and they ask me to do that, can I go back to Family Dollar and discuss with them, or do I have to give an answer here tonight to that?

Cindy Fox – You, from this point forward, can go before the Board of County Commissioners on March 6th.

Carmine Ferraro – Okay, so they make their motion, they ask me to come back, and I can go back to Family Dollar and ask if they can do that, or go forward on March 6th in the current (inaudible – board members speaking amongst themselves).

Cindy Fox – Yes.

Carmella Chinaris – What would be notice to the public be if Mr. Ferraro plans to move forward and go in front of the County Commissioners on March 6th?

Cindy Fox – This is the notice.

Carmella Chinaris – So, does everybody understand that?

Cindy Fox – This is a recommending body.

Carmella Chinaris – This is Mr. Ferraro's decision whether he will bring this back in front of us on March 12th here, or whether he will go forward with the previous denial and tonight's tabling to the County Commissioners on March 6th. Anything else?

Randy Rodriguez – You still need a second for the motion to table.

Pete Costello – Second.

Carmella Chinaris called for a vote on the motion as stated, and it passed unanimously.

Upon consensus of the board, the meeting was adjourned at 7:05 p.m.