

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, July 14, 2021, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Randy Rodriguez, Chair Pro-Tem; Wendy Porter-Hyde; Maureen Rupe; Greg Messer; and Kevin Shropshire.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator.

The meeting was called to order at 6:00 p.m.

Chair Pro Tem Nomination

Motion by Maureen Rupe, seconded by Greg Messer, to nominate Randy Rodriguez as Chair Pro Tem in the absence of the Chair and Vice Chair.

Seeing no other nominations, Randy Rodriguez called for a vote on the motion as stated, and it passed unanimously.

An ordinance amending Brevard County Code of Ordinances, Chapter 98, Article IV, Port St. John Dependent (PSJ) Special District, to address review procedures.

Maureen Rupe noted that the PSJ board doesn't have alternates like the County Planning and Zoning (P&Z) Board, and having a couple of alternates could solve the problem of quorums. She stated she was at the Commission meeting on March 23rd, and she heard Commissioner Tobia say he would get rid of all the boards. She said she addressed the Board and explained that the residents of Port St. John asked for the dependent special district board because the P&Z Board at the County in the 1990's was not listening to them. She said the residents of PSJ asked to have their own board because they knew the issues of Port St. John and could give better verdicts than the P&Z Board, which at that time consisted of developers. She asked staff what items the Building and Construction Advisory Committee (BCAC) hears.

Jeffrey Ball replied the BCAC is an advisory committee that makes recommendations on ordinances and text amendments.

Ms. Rupe stated she had no notification that the BCAC heard the proposed ordinance on April 14th and unanimously approved it. She said the PSJ board wasn't advised of it, so they could not attend to give any input. She asked if Bruce Moia is on the BCAC. Mr. Ball replied yes, he is.

Ms. Rupe stated that is two boards applicants have to go through as well as the PSJ board, because at the time, they said PSJ didn't have to go through the P&Z Board if PSJ had its own board.

Ms. Rupe asked why the PSJ board was not notified after the March 23rd meeting that the BCAC would hear it on April 14th.

Jennifer Jones clarified the BCAC hears ordinances before the LPA (Local Planning Agency) hears them; the BCAC does not hear rezoning items.

Ms. Rupe stated she still believes alternates would solve the problem of quorums. She said she knows two people who would be willing to stand in if there is not a quorum. She said if there are not alternates, the County will abolish the board.

Mr. Ball advised the legislative intent from the Board of County Commissioners was not to dissolve the board. The direction was that if in any case there was no quorum, that the items would move forward, regardless of a recommendation, to the LPA.

Randy Rodriguez stated they would move to LPA rather than be delayed a month.

Wendy Porter-Hyde stated she agrees with Maureen, and it also stood out to her that suddenly there is this BCAC that unanimously recommended approval; and she agrees the PSJ board should have had notice of the BCAC meeting. She said on Page 2, Paragraph (2) is going to be crossed out, and the language they are striking is, "Review and provide the Planning and Zoning Board with an advisory recommendation upon rezoning applications made for property located within the district, when such application, if approved, would increase residential density on the property that is subject of the application". She stated the PSJ board is very concerned with density, and she objects to that being taken out because it seems that the PSJ board's original purpose is being watered down. She pointed out that Section 7 states that the sections of the ordinance may be re-numbered or re-lettered and that the word 'ordinance' may be changed to 'section', 'article' or such other appropriate word or phrase in order to accomplish such intentions."

Kevin Shropshire stated Paragraph (2) is struck through, but staff re-worded Paragraph (1), and it actually encompasses more than what (2) states. He said (2) - the one stricken through - only involves increasing residential density, but when they re-worded (1) by adding the underlined and struck through, it broadens the board's ability to give recommendation on any rezoning, whereas previously it was the residential density. The only thing that has changed is what has been underlined and struck through. He said he understands the intent of the ordinance, and it appears the County is broadening what the board looks at, but it only directly recommends to the P&Z Board instead of directly to the County Commissioners.

Greg Messer stated if the PSJ board is only advising to the P&Z Board then that somewhat limits them.

Mr. Rodriguez said he is okay with the intent of not wanting to delay things if there is not a quorum; however, he would like to see an amendment that the County not change the PSJ board's status for being present or not present within five days of a meeting, because when referring back to the attendance record and the February 10, 2021, meeting, there was more than just himself on the telephone when the County Attorney said they could not be counted towards a quorum. Whereas, the week before it was okay to be not present because of the pandemic. He asked that nothing change in the quorum requirements within five days of a meeting so that everyone can be notified and there can be a quorum. He said he likes the idea of alternates.

Mr. Ball stated that was an Executive Order from the Governor's, which has expired, allowing the County to conduct public hearings virtually, so that may have conflicted with the board's meeting, and that's why the meetings have to now be in person.

Mr. Rodriguez stated the Governor didn't say it can't be done anymore, it just expired the ability. He said all the Commission had to do was say that for Brevard County it is safer and they can conduct meetings as they had been and that would have worked. He said someone could have called in instead of sending somebody in to disband a meeting, a group that had no warning. He said there were two board members on the phone, so there was a quorum plus one until that happened.

Ms. Jones stated the library doesn't have the capability for a board member to call in to a meeting because he or she would not be able to see an exhibit presented to the board by the applicant or a speaker, and all board members need to be able to see all exhibits presented.

Mr. Rodriguez stated he is on the Parks and Recreation Board and it has been meeting by phone. He referred to the proposed ordinance and said the wording is a little different and it takes away from the PSJ board recommending directly to the County Commission, but it has been recommending to the P&Z Board for some time now, so that's not really a big change. He said he agrees with Kevin that the wording gives the board a little more of a range of things to cover, because they took 'would increase density' out of (1), so the board could and should be seeing issues that come up that do not change the density but would affect the community. He stated the addition of the new paragraph (5) sets out the route of it, so he doesn't see too much changing from the way the board is doing business now.

Greg Messer stated he has been present for more than two meetings, and noted there were three meetings on the trailer park issue.

Mr. Ball stated staff always tries to ensure there is a quorum. Mr. Rodriguez stated he understands that, he would just like it noted that somebody has to try and not do that last minute shocker that changes all of that.

Mr. Shropshire stated he believes ordinances are State mandated to be advertised in the newspaper, and that is all staff has to do, they don't have to notify anyone by letter. Ms. Rupe stated they should have to notify people by letter. Mr. Shropshire stated the County is only required to advertise ordinances in a local newspaper with the largest circulation.

Motion by Maureen Rupe to deny the proposed ordinance until the board can bring alternates before the Commission.

Randy Rodriguez called for a vote on Ms. Rupe's motion, and it died for lack of second.

Motion by Kevin Shropshire, seconded by Wendy Porter-Hyde, to approve the proposed ordinance with the addition of paragraph (6), to include two alternate members. The motion passed unanimously.

Upon consensus, the meeting was adjourned at 6:30 p.m.