

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 11, 2011**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Board members present were: Henry Minneboo, Chair; Aneta Ott, Vice-Chair; Laurilee Thompson; Bill Cannon; Linda Wise; Laura Ward; Clyde Thodey; Jerry Jagrowski; Robert Ludwiczak; Ron McLellan; Robert LaMarr; and Loretta Goggin.

Staff members present were: Cindy Fox, Planning, Zoning & Enforcement Manager; Morris Richardson, Asst. County Attorney; George Ritchie, Planner II; Steve Kirschman, Code Enforcement Office; Mark Herold, Code Enforcement Office; and Candy Hanselman, Zoning Support Manager.

The Chair, Henry Minneboo, called the meeting to order at 3:00 p.m.

Henry Minneboo – This is the Planning & Zoning Board, which is an advisory board to the Board of County Commissioners. And any recommendations that we make, they will have the final decision. And anything we do today will be heard by the Board of County Commissioners on August 4th, at 5:00 p.m., and it'll be back in this meeting room. That's August the 4th, 5:00 p.m. Each applicant today will be given 15 minutes to present their request. Each person speaking in opposition will be given five. What we generally try to do here – this board here is pretty knowledgeable. If you can avoid being redundant, we'd certainly appreciate it. This board picks up pretty quick on anything that may be derogatory. Robert, do you have something?

Robert Ludwiczak – Yes, sir. It's with a deep regret that I have to advise the Chairman of the Board that this will be my last meeting. I, unfortunately, don't leave with any intent other than the fact that I have a daughter up in Pennsylvania who developed a brain tumor. And she had it removed surgically, but she's going to go through chemo and radiation. And she has a five-year-old, a seven-year-old and nine-year-old. So my wife and I are going to go up there, spend six months, nine months, a year, whatever it takes, to be up there. And I enjoyed my stay with this board. I enjoyed the work of this committee. I would ask the members of this board, and those in the audience who, if they would care to say a prayer for Amy Taylor, to do so. And I thank you for all the graciousness you all provided me while I've been on the board.

Henry Minneboo – I'm going to miss you. I don't know about the rest, but I've enjoyed having you. And I certainly hope you get that cleared up and come back with us, because you've certainly been a lot of fun with us. And you actually brought some brain power here, so we enjoy that, as well. There's one other thing I think we had. We all got notices about filing our tax thing. Did everybody remember to do that? Clyde, you're the only one that didn't get a notice. Your financial disclosures. I just want to remind everybody, because that was due on the 1st of July. You can get in trouble if you don't fill that out.

There were nine regular members, and three alternates present. Eight regular members, and the alternate from District V, voted throughout the meeting. Robert Ludwiczak left the meeting at 5:30 p.m. and did not vote on Item #5.

DISTRICT 4

V.B.1. (Z1107401) – BAY TREE PROPERTY HOLDINGS, LLC – (Yeannie Andrade & Beni Mary Scheuerman) - requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption, in conjunction with a nail salon, in a BU-1 zoning classification, on property described in **Section 11, Township 26, Range 36**. (0.46 acre) Located on the north side of Wickham Rd., approx. 0.2 mile east of Interlachen Rd. (7630 Wickham Rd., Melbourne)

P&Z Recommendation: Ludwiczak/McLellan – Approved as accessory to the nail salon only, and with a two-drink limit. Vote was unanimous.

Pheadra Bryant - Good afternoon, members of the board. My name is Pheadra Bryant, with Lane Design, Inc.

Beni Scheuerman – My name is Beni Scheuerman.

Henry Minneboo – Give us your address, as well, for the record, please.

Pheadra Bryant – 520 76th St., Miami Beach, Florida, Suite 7.

Beni Scheuerman – Beni Scheuerman, 7630 North Wickham Road.

Pheadra Bryant – We're here before the board today requesting a 2COP beer and wine license for the nail salon, Nails In The City, to be able to supply – to give complementary wine and champagne to of-age clients, limit of two glasses, while they're there getting services, facials or pedicures, nails done.

Henry Minneboo – You're going to mix nails and wine?

Pheadra Bryant – It's a great combination, getting your feet done.

Henry Minneboo – Anybody on the board like – have any questions?

Robert Ludwiczak – I have a question, Mr. Chairman. In terms of the nail salon, I guess I'm not sure why we're asking for a CUP here. You're going to provide this to your clientele as a complementary drink for being there?

Pheadra Bryant – Well, no, not exactly. For like when you have bridal parties, or a group of bachelorette parties, what have you, when they come in as a group, and would like to be there to get all the services together as a group. We'd like to be able to supply the wine, and glasses of champagne, along with the service.

Robert Ludwiczak – As I was reading this, it was looking like you were going to provide not only wine, but you're also going to provide beer?

Pheadra Bryant – Well, we would like to do the beer for – you know, if men come in to get their feet done, or their hands, they may not want to have a glass of wine. They may want to have a beer, you know.

Robert Ludwiczak – Will you need a liquor license to do this?

Pheadra Bryant – It's a 2COP, yes.

Robert Ludwiczak – O.K. And then the question now goes back to the staff. If we provide this to this applicant, does that, in effect, say that that establishment, from this point forward, will be able to carry that liquor license over to anyone who may, or may not, buy that establishment in the future?

Cindy Fox – Not the license, but the CUP. And the CUP is specifically for the on-premise consumption. It really – it doesn't distinguish between a nail salon or a bar. So it would – if somebody wanted to come in and open a bar there, if their salon closed, technically they could do that. They would just have to renew their liquor license.

Robert Ludwiczak – Do they need us to do this for them, to provide this, on premise?

Morris Richardson – They do, for the consumption on premises, sir.

Robert Ludwiczak – O.K. Thank you.

Henry Minneboo – Any other questions? Yes, ma'am.

Loretta Goggin – I just want to know if, in you serving these beverages, are you using single-use glass containers, or disposable?

Pheadra Bryant – Disposable.

Loretta Goggin – Because if you weren't, then you'd have the issue of the sanitation.

Beni Scheuerman – Everything's disposable.

Henry Minneboo – Any other questions?

Laurilee Thompson – In our summary, it says that this property was rezoned to BU-1, with a binding development plan, which had the restriction that imposed limitations on the uses of the property, precluding establishment of bars serving only alcoholic beverages. So I guess since they have the nail salon, they would be – that would eliminate them from being a bar serving only alcoholic beverages. But when you – like if you have a bar, or a restaurant, and you're serving alcohol to the public, you have to have courses for your employees. I'm trying to think of what it's called. But there's requirements that your employees have to go through courses so that you can ID and, you know, figure out when people have false ID's, and how they can change driver's licenses, and things like that. Are ya'll subject to that, too?

Pheadra Bryant – I actually hadn't heard of that, but I'm sure if that's a requirement by the board, it's not a problem for us to look into it, and to obtain it, those courses for the employees. Because our intent is to card and to only allow a two-drink minimum "sic".

Laurilee Thompson – O.K. And are you going to be selling the alcohol, or is it complementary?

Pheadra Bryant – It could be included in the service, like when they have a large party group.

Laurilee Thompson – I see. O.K. Thank you.

Morris Richardson – There was a concern raised by the board previously about the use of this attendant to the nail salon, whether the CUP would run with the land if the business changed hands. And one of the staff recommendations was that a condition be imposed that it be limited to accessory to the nail salon use so that if another different type of business went in, the CUP wouldn't necessarily run with it, and also that the two-drink maximum that was stipulated to by the owner be included as a limitation to it. As far as the training, and classes, and things, those go hand in hand with the State regulation and liquor licenses you have to serve. They're not a requisite, or component, of the CUP from the County.

Robert Ludwiczak – Mr. Chairman, if my memory set me correct, did we not, back in June or May, also have someone come in, ask for a somewhat similar request down on the beach, and we denied them?

Henry Minneboo – I'm going to be honest with you. I don't recall that. We've been liberal, very liberal, here on alcohol.

Robert Ludwiczak – They had built a huge deck out there, and the neighbors were concerned about the fact that...

Henry Minneboo – That was a mess, Robert. Yes, that was in Cape Canaveral, in what we call “no man’s land”.

Robert Ludwiczak – Now, do these applicants also have to make notice to the surrounding neighbors, if they’re going to do this? And you have any bad reports coming back?

Henry Minneboo – We’re going to find out here in a minute, see if anybody’s for or against this.

Pheadra Bryant – Actually, we did the posting. And we went through the total procedure to have everybody within, I think it was 350-foot radius, to be served. It was published in an ad. And everyone around was informed, as well as posting the notification at the salon itself.

Robert Ludwiczak – And how do you know when your clientele come in for your services that the one that you’re serving the beer or the wine doesn’t have an alcohol problem, and all you’re doing is contributing to that problem?

Pheadra Bryant – Actually, I don’t. I just follow the regulations from the State, which I also wanted to point out is that a 2COP is not transferrable. If someone else was to come in and get that property, they would have to go through the procedure themselves. But I have no way of knowing if they have an alcohol problem.

Robert Ludwiczak – I would like to reserve the right, Mr. Chairman, and if the time is proper here, to do what our attorney suggests, is that this only goes to this client, and no future individual.

Henry Minneboo – We could do that, if it’s passed here today.

Laura Ward – I have a question. This is in a strip center? I’m not really familiar with exactly where you are. Aren’t you in a strip center of some sort?

Beni Scheuerman – We are right next to Carrabba’s.

Laura Ward – So you’ve got buffering behind you, this maps shows, between you and any residential properties. Right?

Beni Scheuerman – There’s no residential, only in front. It’s the Suntree Developments, but it’s across the street.

Clyde Thodey – I can’t hear you. You need to speak up.

Beni Scheuerman – We are right next to Carrabba’s. And there’s a strip mall right behind us.

Laura Ward – I mean, there’s nothing around you on that side of the street that’s remotely residential. Thank you.

Loretta Goggin – I just had another comment, just for the rest of the board members. This type of services is not necessarily a new – it may be new to this board. You can go to some salons in some areas and have a glass of wine, if you like. As a matter of fact, there is a jewelry store not too far down the street that, while you’re doing your shopping, you can have a glass of wine or champagne. So it’s not a new issue.

Morris Richardson – Just to clarify something I said earlier, my legal advice, if the board wanted to go in that direction, as far as limiting it to accessory to the nail salon use, it would not be to limit it to these particular owners, but just to the use itself, rather than the owners, so we don't get into the transferability or (unintelligible) of their property, rather the service as attendant to the use as a nail salon.

Henry Minneboo – I'm going to go out to the audience. Is there anybody in the audience would like to speak for, or against, this particular item? (no response) Seeing none, I bring it back to the board.

Robert Ludwiczak – Mr. Chairman, I'd like to offer an amendment to this applicant's proposal that it be limited only to the nail salon.

Henry Minneboo – O.K. Is there a second?

Laura Ward – Wait a second. Would you also want to include the other suggestion that the attorney made, which was the two-drink maximum being adhered to, that was included in the previous CUP?

Robert Ludwiczak – Yes, ma'am.

Laura Ward – O.K., so it's the same restrictions as the previous, a two-drink maximum, which you agree to.

Pheadra Bryant – Yes. Absolutely.

Laura Ward – And that the service be accessory – the CUP is accessory to a nail salon operation. It doesn't become the primary.

Robert Ludwiczak – Yes, ma'am.

Laura Ward – Then, I second.

Henry Minneboo – We got a motion, and second, on the floor.

Cindy Fox – Hold on. Ms. Ward is an alternate, so she can't second that motion.

Ron McLellan – I'll second it.

Henry Minneboo – Motion by Jerry, and second by Ronnie, that we allow for a nail salon, and a two-drink maximum.

Robert Ludwiczak – Mr. Chairman, it was a motion by Robert, and second by...

Henry Minneboo – Robert.

Aneta Ott – I've just got to make a comment. This is a bridal show. This is a nail salon. They're not having a brawl there. They're just going to have a bridal show. You're acting like that's what they're going to – "Oh, we're all going to go in and sit down, and let's have five or six drinks." To limit them to two drinks when they're having a bridal show...

Henry Minneboo called the question on the motion, and the board recommended approval of the request, as stated above. The vote was unanimous.

Robert Ludwiczak – Mr. Chair, Mr. Chair, Mr. Chair, we only voted on the amendment. Do we have to vote on the proposal, as well?

Henry Minneboo – I think we combined them both.

Cindy Fox – We're good, if you are.

DISTRICT 1

V.B.2. (Z1107101) – LEROY H. HAYGOOD – (Dustin & Suzanne Comer) – requests a change of classification from AU to AGR on property described in **Section 16, Township 21, Range 34**. (10.54 acres) Located on the south side of S.R. 46, approx. 365 ft. east of Sweetwater Court. (6505 Highway 46, Mims)

P&Z Recommendation: Thodey/McLellan – Approved. Vote was unanimous.

Dustin Comer – My name is Dustin Comer. I live at 625 Southwest Empire Street, in Port St. Lucie, Florida, 34983.

Henry Minneboo – You want to tell us what you have, please.

Dustin Comer – I actually just purchased the property from Mr. Haygood, but we have all the paperwork in as me speaking on behalf of it, anyways. My wife and I, and our family, we purchased the 10 ½ acres and intend to put a mobile home out there closer, not necessarily to the back of the property, but behind our future home that we intend to build ourselves, up toward the front of the home. The current zoning would then require me to remove that mobile home. And, to me, that kind of just seems like a waste of money. I can turn that into my guest house. My wife is an occupational therapist. She can use it as her office. She does home health, that sort of stuff. So I'm just requesting that we change it.

Henry Minneboo – Thank you. Any questions? (no response) Seeing none, I go out to the audience. Is there anybody in the audience would like to speak for, or against, this item? (no response) Seeing none, I bring it back to the board.

Clyde Thodey – I'll make a motion to approve.

Henry Minneboo – Motion by Clyde, and seconded by Ronnie (Mr. McLellan's second was made without a microphone; therefore, it is not audible on the record), to approve.

Henry Minneboo called the question, and the board recommended approval of the request. The vote was unanimous.

V.B.3. (Z1107102) – KNIGHT ENTERPRISES, LLC – (Kimberly Bonder Rezanka/Dean Mead) – requests a change of classification from IU & IU-1, with a CUP for Explosives Manufacturing & Storage, to all IU-1, retaining the existing CUP, and adding a CUP for Arsenals & Explosives on the entire property, and adding a CUP for Commercial Entertainment & Amusement Enterprises on the entire property. The property is described in Section 34, Township 22, Range 35 and Sections 2 & 3, Township 23, Range 35. (410.83 acres) Located 300 ft. south of Columbia Blvd. (S.R. 405), approx. 230 ft. east of Grissom Pkwy.; and also having frontage on the east side of Grissom Pkwy., approx. 0.36 mile south of Columbia Blvd. (S.R. 405) (701 Columbia Blvd., Titusville)

P&Z Recommendation: Thodey/McLellan – Approved, as submitted, with Mr. Knight to meet with residents prior to the 8/4/11 BCC mtg., as stipulated by the applicant. Vote was unanimous.

Kim Rezanka handed out materials to the board members, and staff, and placed an exhibit on an easel.

Cindy Fox – I should also tell the board that we have received three letters in favor, one letter of concern, and four letters of objection for this item.

Kim Rezanka – Good afternoon, Chairman Minneboo, and members of the Planning & Zoning Board. My name is Kim Rezanka. I'm an attorney with the law firm of Dean Mead, 8240 Devereux Drive, here in Viera, Florida. I represent Knight's Enterprise, LLC, also known as Knight's Armament Co. I'm going to just set the stage for you. I've given you a packet to help, because I know it's hard to see this, especially way over there (referring to an exhibit she had placed on an easel). So there's a picture in the packet that will be discussed, and there's a full size of the survey, 11 by 17, that you can read. The package that was given to you, it wasn't very legible when I printed it, so I went ahead and gave you a copy of the survey that we provided to Planning & Zoning. The first page of your packet is the aerial with the overlay that was provided by Planning & Zoning. And on that, you see two citations, number 1 and number 2. This will be explained further by Commander Mike Werner, who works with Knight's Armament. And he'll explain to you what those designations are. But that's the picture. It's an overlay of this picture. Well, it's actually the same picture as this, but I know it's difficult for everyone over there to see it. The second page, the survey, as you'll see, there's two tracts. There's a Tract A and a Tract B. This actually shows all of the property owned by Knight Enterprise, LLC, 454 acres that were purchased from Boeing, formerly known as McDonnell Douglas, back on April 30th of 2002. Knight's Enterprise is seeking development orders on only 408.83 acres. They will be leaving a 300-foot buffer along State Road 405. That buffer's been in place since the conditional uses and rezoning on portions of this property in 1982. That's nothing new, the buffering. The western portion of the property was first designated IU, with special use permit for explosives, back in 1966. This was zoning Z-1960. Unfortunately, when McDonnell Douglas shut down, that special use permit went away. The eastern portion of the property had been zoned in 1982 and 1983, as heavy industrial, with a CUP for arsenals, explosives and storage. So Tract B currently has the zoning and conditional use for arsenals and explosives. So on Tract B, all we are seeking is a conditional use permit for large scale commercial entertainment and amusement enterprises. That's to allow outdoor activities on that portion, such as reenactment and reunions. Jim McLain, who is the curator with Knight's Armament is also here to speak to you about that. Tract A is currently zoned light industrial. There's no middle medium industrial. It's just light industrial or heavy industrial. So we have light industrial on Tract A. We're asking for a rezoning to heavy industrial, which will allow us the arsenals and explosives CUP. Basically, Knight's Armament, they manufacture weapons. They store them, and they do testing. Essentially, we need to unify the zonings to all heavy industrial with the CUP's to allow for the outdoor enactments and for what they call large-scale entertainments, which really is just because we'll have more than 100 people outside with these reenactments, and perhaps reunions. Commander Mike Werner is going to discuss with you the factual data regarding Knight's Armament's current facilities and operations. And, as I said, Jim McLain will talk to you about the current museum and research activities that go on at Knight's Armament, and what they plan for the future. I will then speak with you about the legal issues surrounding the development order applications. And based upon whatever testimony you hear today, I may have rebuttal witnesses, and have a rebuttal. Mike Werner will come speak with you.

Mike Werner – Good afternoon. My name is Commander Mike Werner. I work for Knight's Armament Company, 701 Columbia Boulevard, in Titusville. A little history of Knight's for everybody that doesn't know, we moved up here in 2002, and commenced work at the plant, actually producing weapons in 2004. We produce mostly weapons for the United States Military. We've got the premier semi-automatic sniper system, and the night vision equipment that goes with it. We have various other government organizations that we provide weapons to, including the Secret Service, the CIA, FBI, AKF and various other ones. Currently, like

Kim was saying, we're on 454 acres. The main building is 480,000 square feet, where the manufacturing process takes place. We have 11 ammunition storage bunkers. Currently, we have two that have fixed ammunition, which is our ammunition, in them, and two that we loan out to the Brevard County Sheriff's Office for their explosive ordnance team. So they've got two in there that they do store explosives in, and we charge nothing to the County for that. I have received the staff's report to board, and we have read it. It is accurate as to the hours of operation, and buffering and parking. We currently have 275 employees at the plant. And some of the complaints have been when we were firing 50-caliber machine gun fire. In the past six months, we've actually only fired the 50-cal four times, and the last time we fired it was on May 13th. A majority of our firing is with 308's or 762-caliber, and some 556, 223. Fifty-cal, like I said, is very sparse, very little used. We have two ranges, and they're marked on your charts as "Range Number 1" and "Range Number 2". Range number 1 is facing east towards the airport, on the far east portion of the property. That's basically in a wooded area. We fire into a conic's box filled with hard rubber. That's where almost 100 percent of the 50-caliber machine gun fire is. And our nearest neighbor to the east of that is the airport runway, the north/south runway. Range number 2 is where we do all of our accuracy shooting. Now, with our contracts with the military, we're required to shoot the guns, both suppressed and unsuppressed, with a certain amount of accuracy. For example, at 100 yards, we have to shoot at an accuracy of one inch, which means you have to put five rounds of ammunition through a one-inch circle. That has to be done, both suppressed and unsuppressed, so they can tell by each weapon how much of a shift there's going to be. And that is fired on range number 2 there. For the last six months, we fire almost daily, Monday through Friday, on the range 1 for the accuracy testing and some function testing. Range 2, which is – we do most of our shooting there for DRS, which is down here in Melbourne. We test all of their night vision equipment that has to be shot. They don't have the facilities to do it, so we shoot all their night vision. So that's what's shot up in the one that's up in the woods, and at short range. Like I said, last time we shot there was May 13th, and we've shot there 48 days of this year for DRS. And then we do some of our own function testing in there with 308's. Any questions?

Jerry Jagrowski – Yes, sir. What type of explosive you're using, like C-4, or what?

Mike Werner – No explosives, at all. The only explosives that are used there is when the Sheriff's Department uses them.

Jerry Jagrowski – How can you fire something without some explosives in it?

Mike Werner – It's fixed ammunition, 308, 556 and 50-caliber. It's not classified as an explosive, live C-4, or anything like that. It's just regular gun powder in a fixed ammunition.

Jerry Jagrowski – And your ranges, how are they aligned? East/west, north/south, stuff like that.

Mike Werner – Range 1 is fired from the west to the east at about 25 meters. Range 2 is fired from the north to the south at 100 meters.

Jerry Jagrowski – What do they have to absorb the shells?

Mike Werner – We have a big berm.

Henry Minneboo – Rubberized, wasn't it?

Mike Werner – Range number 1 is a rubberized, into a conic's box. Range 2 is about a 35-foot high dirt berm that we fire into.

Jerry Jagrowski – Thank you.

Robert Ludwiczak – I have a question, Mr. Chairman. Do you have a shoulder-mounted rocket launcher that you fire there, as well?

Mike Werner – No, sir. We have them in our museum, but they're all inert.

Robert Ludwiczak – So the only thing you are firing is small arms?

Mike Werner – Yes, sir, up to 50-cal.

Robert Ludwiczak – I don't understand, in this packet we were given, also, the large scale commercial entertainment and amusement enterprise. What's that all about?

Mike Werner – Mr. McLain is going to address that here in a moment. We're building a new museum. Mr. Knight has collected probably one of the world's largest tank museums, and he already has probably the largest in the world gun museum.

Robert Ludwiczak – So, in regards to my first question, since it's small armaments, it wouldn't be a concern, as it was a concern up in Orlando, where the Navy came in, dropped bombs, and they didn't...

Mike Werner – No, sir.

Robert Ludwiczak – And you'd have people coming through their property endangering themselves.

Mike Werner – No, sir. Ours is all fixed ammunition, small arms, 223, 308.

Robert Ludwiczak – Thank you.

Ron McLellan – So your main thing is testing. You're not – you don't have competition...

Mike Werner – Oh, no, sir.

Ron McLellan – It's just testing with your product. How many people do you employ there?

Mike Werner – Two hundred and seventy five, sir.

Ron McLellan – What's your hours of operation? How late do you fire in the afternoon?

Mike Werner – Well, we're allowed to fire, by ordinance, until 10:00 o'clock at night, and from 7:00 in the morning. But we actually restrict our firing from 8:00 in the morning to 3:00 in the afternoon, Monday through Friday.

Ron McLellan – Thank you, sir.

Laura Ward – What ordinance allows you to fire 'til 10:00 o'clock at night?

Mike Werner – The ordinance that I received from the County says the firing of 75 db at the boundary of our property from 7:00 o'clock in the morning 'til 10:00 o'clock in the evening. I don't have a copy of that with me, but I was provided it by the County.

Laura Ward – That's related to the noise nuisance ordinance?

Mike Werner – Yes, ma'am.

Laura Ward – Can you show me on there, where is the berm you're talking about that you're firing into?

Mike Werner – Our berm is right here. We've got a tree line along it. We fire from this position here to here. The berm is right there.

Clyde Thodey – You might want to go to the other side so we can see over there.

Mike Werner – O.K. The berm is right here at the end of this tree line. And we fire from this facility right here – it's a tented facility – 100 meters down to that way.

Ron McLellan – So there's no houses in...

Mike Werner – No, sir.

Ron McLellan – So that is to the south, then, right?

Mike Werner – Yes, sir, we're shooting to the south, at that point.

Ron McLellan – And there's nothing, there's no homes or anything?

Mike Werner – No, sir.

Ron McLellan – What's that, the vacant, the grass area down there? Is that the airport?

Mike Werner – Down here?

Ron McLellan – Yes, sir.

Mike Werner – Yes, sir, that's the airport.

Ron McLellan – O.K., so you're firing toward the...

Mike Werner – I've got the airport on my south side and my east side.

Ron McLellan – O.K.

Laura Ward – So you're firing to the west.

Mike Werner – I'm firing to the west on this...

Henry Minneboo – No, that ain't what you said.

Mike Werner – I'm sorry, to the east. Excuse me.

Laura Ward – Wait a second. You have a berm over here.

Mike Werner – O.K., which range are we talking about?

Laura Ward – Well, both of them. Let's cover both of them.

Mike Werner – The berm one here, we're shooting to the south. That's the one where I shoot all my accuracy testing. The one that I shoot to the east is right here.

Laura Ward – I guess what's...

Mike Werner – And that's only at 25 meters, maximum.

Laura Ward – What I'm trying to figure out – I mean, we know that there's noise issues, 'cause it's in here. And it's evidently associated with housing on the west side, and I guess on the north side. So where are you firing towards those houses?

Mike Werner – We're not.

Laura Ward – There's a berm down here.

Mike Werner – There's a berm down here, and we're firing...

Laura Ward – Where are you guys...

Mike Werner - ...towards the airport.

Laura Ward – Where are your guys standing when they're shooting into that berm?

Mike Werner – Right here.

Laura Ward – So you're not firing to the west?

Mike Werner – No, ma'am. We're firing straight to the south.

Laura Ward – O.K. I'm sorry, I understand a berm to be a long thing, and you fire into it.

Mike Werner – No, our berm is...

Henry Minneboo – He's shooting into the berm.

Mike Werner – This is the berm. I'm shooting into the berm.

Laura Ward – Is it tall?

Mike Werner – About 35 feet.

Laura Ward – O.K., so you – O.K., I get it.

Mike Werner – See, this whole line of trees here, that's my western border of that. And then we shoot...

Laura Ward – Oh, the berm is this way. I get it.

Mike Werner – The trees are north/south. The berm is east/west. I shoot into the berm from the north to the south.

Laura Ward – I get it. So it makes more sense now. What about the entertainment thing? You talked about – well, I guess we'll wait 'til this gentleman...

Henry Minneboo – Laura, if we can, let – I want this guy to finish his presentation. Let's hold our questions. Go ahead. I want you to finish.

Mike Werner – I think I am, unless...

Henry Minneboo – That's what I was hoping. Is there somebody else...

Robert Ludwiczak – I have a question.

Henry Minneboo - ...in your group?

Mike Werner – Yes, sir, Joe McLain, who's our curator.

Henry Minneboo – While you're still here, let – Robert, do you have one?

Robert Ludwiczak – Yes. What's the height of your berm, and what's the elevation you shoot at?

Mike Werner – We shoot at elevation off of a table, straight across. The berm is about 35-40 feet high.

Robert Ludwiczak – So there's no possibility of a stray shot.

Mike Werner – I will never say no, sir, but we have not had any. The helicopters are still flying.

Henry Minneboo – Anybody else for this gentleman? (no response) Next.

Joe McLain – Good afternoon. My name is Joe McLain. I'm the curator for the museum. I've had a museum up in Indiana since the early '80's. We've become a 501 (c) (3). We were the third largest tank museum, military equipment museum, in the United States. Got with Mr. Knight, and because of your tourism, because of Orlando, because of Cape Canaveral, because of all the items that you have in your corridor, I look at this as an exciting opportunity to build a museum. Plus, you have the largest collection of retirees, military retirees, that would frequent our facility. We're in the process – and one of the things we want for the museum is to have zoning for this area for the museum so we can build somewhere around a 150, plus, square-foot building just for the museum, just to attract people in, just to be part of the energy that you have in this area. So I've been down here for over two years trying to get this moving along, and we have moved along. And so I'm excited to be in front of you. We're looking at job retention, or job increase, specifically for that. We're a DOD facility. I can't have people coming into a DOD facility, so I have to have an outside area. So we want an independent building. And we're looking at this area right in here as a – separate from the building. We have parking along here. We also, if we need be, we have access from this road, and also access from the front. This facility would – according to – we had a survey done – or not a survey, but a study - and it was done by the Tourism Board. So it was independent. And they're the ones that had interviewed people that would come to this place. They interviewed them, their priorities. We ranked high in the priority that they would come and visit our facility. We also have had contact with the ship lines, when they have late cruises, when they have problems, that we would be a stop. We would work with the rest of them. And I have contacted some of the

rest of the museums to be able to be part of that layover so that we can get the people, the customers, to stop and stay at least one night in our County. So this is exciting, because Orlando was named the number one tourist final destination in the country, and we're excited. That's our plans. We, right now, have enough facility where we're real close to being – with the combining of Mr. Knight's equipment and my equipment, we were able to be second largest in the United States now. They've closed down Aberdeen, they've closed down Fort Knox, as far as those museums. So we're a natural for people coming from the north to come down and visit. That's why we need the zoning. That's what we want. We want to be a part of your community and give back to it.

Henry Minneboo – Thank you. Kim, you got about two minutes.

Kim Rezanka – There were a lot of questions asked during that time. Those usually don't count.

Henry Minneboo – They do today.

Kim Rezanka – O.K. All right. Well, then, quickly going through the package, there's some information in the beginning of the package regarding, as you saw, the diagram with the two different test sites, the survey. The first few sheets are dealing with the old 1982 rezonings to IU-1 with the CUP's, and the acreage. The next issue in the package deals with the noise complaints. Again, this is industrial. It's surrounded by the airport. It's surrounded by the Gateway Industrial Park. One of those questions, if not here, where? They came up here in 2002, started working in 2004. The noise complaints started in 2006. There's information in that package also regarding the noise complaints in 2006. In this package, there is an email dated June 14th, from Steve Kirschman, a Code Enforcement Officer, that shows the testing that he did, I believe with Mark Herold, at Grissom Parkway and Armstrong Drive on June 3rd and June 6th. There's no violation of the 75 decibel rating that's allowed there. There was a 75.2, but it was a passing airplane. And that's what we find mostly. It's something other than the gun fire. Back in 2006, there was a citizen's action request, action file 06-0274, where Mark Herold, Code Enforcement Officer, found the complaint was unsubstantiated. There's also some of the firing data back from 2006. Also, in 2006, there's firing data from Knight's Armament regarding decibel ratings. And then there is an actual file recap from the second noise complaint in 2006, which is 06-4065. This also talks about the Griffin Group that also does testing at the airport to the south – not testing. They do reenactments, fire arms reenactments. The case was closed May 18, 2007. The first new complaint came about in 2011, February of 2011. Again, Code Enforcement was involved with that. They went out. They did decibel testing in February of 2011. There was no violation of the noise ordinance. In the packet I've provided to you, there's also the – there are ordinances, the noise ordinance. First, there's the conditional use of 62-1907 for arsenals and explosives, and 62-1921 for commercial entertainment CUP's. But the next document in here is 62-2271, which is the noise ordinance. And on the second page after – the next page, it talks about the measurement of sound and the maximum permissible time average. Go to the next page. In industrial, the maximum rating from 7:00 a.m. to 10:00 p.m. is 75 decibels. Knight's Armament has never exceeded that since it's operated in 2004. So we meet the performance standards. We meet the zoning code. We meet the comp plan. Again, what they do on the eastern portion, they've already got everything they need for it. On the western portion of the property, the reason we need the conditional use permit for arsenals and explosives is because the Sheriff stores their explosives there. It's not because of anything that Knight's Armament currently does. The CUP for commercial entertainment, which we need over all of the property, is to do outdoor activities seating more than 100 people. So if they want to do a reunion of World War II vets, which probably wouldn't actually be over 100, but if they want to do some sort of reunions for military, then they would have to have that CUP for large scale commercial entertainment enterprises. As regarding the noise issue, we do not believe that you have authority to regulate the noise of their firearm testing. There is a State Statute that preempts counties, cities, municipalities from regulating the noise due to fire – regulating firearms. And that information is available through Morris Richardson, if you have any questions. But we would ask that you approve the rezoning on the eastern section to heavy industrial, approve the CUP for arsenals and

explosives on that western side. And I apologize, I got that backwards. And on the eastern side, we just need it for the commercial entertainment. And we would ask that you not add any conditions regarding firearms, except for hours of operation, as we've already stated, currently 8:00 to 3:00, or 8:00 to 5:00, if you do deem it necessary to be in a condition.

Henry Minneboo – Do we have any questions for Kim, before I go to the audience? Robert.

Robert Ludwiczak – I have one question for her on the commercial enterprise portion of this. In proximity to the firing range, how are you going to secure those coming in for the entertainment portion of that so that they are secure and not wandering into a firing range?

Kim Rezanka – Joe's probably going to need to answer that. I have an idea, but Joe would be better suited to answer that.

Joe McLain – The firing range is clear over here in this area right here. This is actually – because of the DOD, we have to separate this. So this road that's currently being used for employees will be in this area. This will be cut off. The employee entrance will go to this secondary area. You will not be allowed to go back, even within that area.

Robert Ludwiczak – Will there be signage, or fencing, or things of that nature?

Joe McLain – There will be fencing, along with signage, along with – we'll be isolating this whole area off, which is what we want to do, anyway.

Robert Ludwiczak – Thank you.

Jerry Jagrowski – You're talking about putting a museum there. Correct?

Joe McLain – Yes, sir.

Jerry Jagrowski – Exactly what vehicles, or what items, are you going to have in the museum?

Joe McLain – Primarily tanks, heavy equipment, cannons, guns, most of our history, our U.S. history, as far as from World War I, up, in the mechanized end of it. And from guns, clear up from Revolutionary War, forward.

Jerry Jagrowski – Are your tanks going to be similar to those in the museum by Chicago?

Joe McLain – Yes, sir. Yes. In fact, we have more than they do. So we will have dioramas, and we will also have static displays.

Jerry Jagrowski – Are you going to be using the items in a vehicle manner? I mean, are they going to be moving, or are they just going to be sitting there?

Joe McLain – Sitting there.

Jerry Jagrowski – Thank you.

Loretta Goggin – I've got a question. And this concerns, in the packet that we received, a complaint from a Carl Daday, 2006 complaint number 438. It makes reference there to the individual complaining, and the Brevard County Sheriff came out. And his concern was the noise, and also the close proximity to the

Sculptor Charter School. And, unfortunately, I'm not real familiar with this particular area. So can you show me where that charter school is?

Kim Rezanka – I think it's the Sculptor Charter School, and I'm not...

Loretta Goggin – Correct.

Kim Rezanka - ...familiar.

Loretta Goggin – Have you received any further complaints from that school?

Joe McLain – We have not received any complaints, that I'm aware of, from the school itself.

Loretta Goggin – All right. Because the letter in the packet is from 2006, and I know that there are a lot of advances in technology in noise suppression, and that kind of thing, that can occur in an eight-year period.

Joe McLain – I also believe that the school came after we came, also. So we were already in existence and shooting there when the school opened up.

Laura Ward – Question.

Henry Minneboo – Kim, I got – Laura.

Laura Ward – Are we going to get to ask the applicant questions again?

Henry Minneboo – You can.

Laura Ward – I mean, I'd rather just wait and hear from the public, because I don't quite understand yet what you're going to do outside with this museum. We were not given a site plan of what you plan to do. I mean, what are you going to do outside? Are you going to have tanks demonstrating their stuff outside? I don't understand what you're doing outside.

Joe McLain – Once, when I was up – my past history in Indiana – once a year, we have a – once or twice a year, we have what they call a state reunion. And it's everybody that is interested in trucks and army equipment, they come together. Right now, it's being done up in the northern part of Florida. And they come together and meet. There's not enough room for them to stay inside, but they – sometimes they have their vehicles outside, and they're displaying it for the public. And then we also have a – maybe a vendor or too that would just supply that small niche.

Laura Ward – So you're – this reenactment, what is that?

Joe McLain – Well, it – reenactment, we always did – like people would dress up and be walking around the camp site as a reenactment for their particular vehicle. If they have one from Korea, they would be dressed up like a Korean.

Laura Ward – It's not like a war reenactment?

Joe McLain – Yes, only that we wouldn't be necessarily shooting or depicting a conflict.

Laura Ward – O.K., thank you. I'll just wait, then, and ask the rest of my stuff.

Henry Minneboo – I got a couple questions. Isn't this the site where they used to develop the Tomahawk missile?

Joe McLain – Yes, sir.

Henry Minneboo – No matter what we do today, Kim, wouldn't – I mean, we're not going to change - they can continue to fire tomorrow. So our impact on what is transpiring here today would not change, at all, I mean, if we approved, or disapproved, or whatever we did.

Kim Rezanka – Correct.

Henry Minneboo – The firing sequence.

Kim Rezanka – The only thing that may occur is that the Sheriff may have to move their explosives.

Henry Minneboo – You know, it appears to me, throughout this entire presentation, nobody said anything about any jobs. Is there any jobs involved with this?

Kim Rezanka – Well, they currently have 275 employees, and they anticipate 60 employees with the museum.

Henry Minneboo – Sixty.

Kim Rezanka – And 300 visitors a day, hopefully.

Henry Minneboo – O.K., good. That's all I had.

Morris Richardson – Mr. Chair, while Kim is still at the stand, I just wanted to point out one thing. I believe we might have a difference of opinion with regard to characterization. When Kim said that we cannot regulate firearms with regard to noise, I think we would agree that the firearms are subject to the County's existing noise performance standards, which no one is disputing, I believe, and which Knight's currently meets. What you can't do is place additional conditions on these CUP's specifically related to the use, manufacture, discharge of firearms. The State, in its wisdom, has preempted all regulation of the firearms field to the State and Federal Governments, and there's no room for local interference with that.

Kim Rezanka – I agree. I misspoke when I said noise. Thank you.

Henry Minneboo – Let's go out to the audience. Is there anybody in the audience like to speak for, or against? Yes, sir, please come up. Please, state your name and address for the record, please.

Paul Furbush - My name is Paul Furbush. I live at 1561 Pentax Avenue, in Titusville. I'm a local veteran employment representative with Brevard Workforce. We work in conjunction with Knight's Armament with the jobs that you're talking about. We see applications every day. Based on the current economy, we not only support this endeavor for them - as a veteran, a Navy veteran, I know that there's almost 100 veterans per day migrating into Florida alone. These reenactments would not only provide extra employment for these people, it would also stimulate the economy, based on the tourism that it would bring. And, as we all know, currently, that's what we need in this community.

Henry Minneboo – Thank you, sir.

Robert Ludwiczak – I have a quick question for this gentleman. In terms of the employment you're talking about, is the hiring based on being sustained by a fee to visit the museum, or is another source of income coming in for that employment?

Paul Furbush – Well, like I said, the employment that we currently see is for the Knight's Armament as they exist, currently. They had mentioned about 60 to 75 new jobs. And with the extra tourism that would come in, it could potentially lead to employment in small restaurant, and smaller businesses, to stimulate the tourism and jobs in that manner, as well, like a secondary.

Robert Ludwiczak – But my question was, is how are you going to compensate those new employees, with revenue coming in for a fee basis to visit the museum, or is there another source that you have to go and receive revenue from?

Paul Furbush – Well, that would be up to Knight's. I represent Brevard Workforce, so I see the employees, so to speak, the job seekers.

Henry Minneboo – Anybody else? (no response) Anybody else out in the audience like to speak for, or against?

Connie Pontius – Good afternoon. Connie Pontius, 5435 Riveredge Drive. While I support Knight's, the troops, jobs in Titusville and the proposed museum, something has to be done about the excessive noise produced by the gun testing. And I'd like to play a recording that I made from my back yard.

Clyde Thodey – Before you play that, tell us how far away your back yard is to the site in which it is being recorded from.

Connie Pontius – Over two miles. (She gave the board a map, showing her location, and then played the tape.) I live over two miles, as the crow flies. The gun noise travels over four lanes of traffic, Highway 405, through the Enchanted Forest, which is 471 acres, and over another four lanes of traffic, U.S. 1. I am greatly concerned that this unbearably noisy gunfire reduces our property values, and it has definitely affected our quality of life. I'm equally concerned that this loud gunfire will deter future business and development from this whole area in Titusville. New people and companies looking to move here will think twice when they hear the extremely loud noise from the large weaponry that goes on for hours at a time. The maximum decibel level allowed is 75. The decibel testing that the County has done cannot be accurate. Common sense tells you that if the guns can be easily heard two miles away that the guns are not under 75 decibels. And I know some of that testing was done – it's supposed to be done at Knight's property line, but it was done a mile, mile and a half, away. Since at least 2006, people have made the County aware of the excessive noise. Just recently, the County realized that Knight's do not have the correct zoning for what they are doing. And that is the reason for this zoning change request. Please vote no on this zoning change request. There needs to be an effective noise abatement solution in place. Again, please vote no. And I just had a couple comments I jotted down. The last time I heard the guns was Friday, when the shuttle was getting ready to launch, and I had a houseful of people from out of town, and they were wondering what in the world that noise was. And I also have something from Code Enforcement that says they were cited, specifically outdoor firing and testing of firearms. They were cited for that. In the IU zoning classification, all business activity must be conducted within an enclosed building. And to comply, they need to apply for, and obtain, a zoning change and a conditional use permit that will allow for outdoor firing and testing of firearms. And one other thing I'm concerned about is I would like to know if the public is going to be allowed to shoot at their fire ranges, because there's a lot of people that have 50-caliber guns in the country that have no place to shoot them. And I know when they have the shots convention that people come to Knight's Armament and shoot. But the museum would be great. I'm all for the museum. They just need to do something about the guns.

Robert Ludwiczak – Mr. Chair, I have a question for this individual. In terms of what you just played for us, what was the frequency in which you have that gunfire taking place? And what is the length of time, over the course of a day, that we would hear that gunfire?

Connie Pontius – It varies. It's been pretty good since they were cited by Code Enforcement. But back in February and March, it could be hours on end, off and on like that, all day long. They would take a break at lunch and then start in, usually again, 1:00 o'clock.

Robert Ludwiczak – But it sounded to me that in terms of the gunfire we heard, we heard about 15 or 20 seconds worth of gunfire. You're saying it's longer than that?

Connie Pontius – It's off and on. I couldn't tell you, you know, how long it goes, 'cause I usually go inside and shut the windows. But I've got another recording, too. It's annoying enough that I'm taking the time to come down here today.

Clyde Thodey – Mr. Chair.

Henry Minneboo – Yes. Clyde.

Clyde Thodey – You stated that up until the other day that you heard these shots. They testified that their last round of fire was May the 13th. Are you saying that that's not a true statement?

Connie Pontius – They said that the 50-caliber was May 13th. I don't know what they were shooting on Friday, but I could hear it at my house, two miles away.

Clyde Thodey – So this past Friday, they also fired.

Connie Pontius – They were shooting something. I don't know what.

Henry Minneboo – Any other questions? (no response) Anybody else like to speak for, or against?

Kim Rezanka spoke from the audience, asking if she was allowed to cross examine Ms. Pontius.

Henry Minneboo – No. I'm going to let you – If I let you talk between each – thank you.

Robert White – Good afternoon. I'm Robert White. I live in Windover Farms.

Henry Minneboo – Your address, sir.

Robert White – 5438 Windover Way, Titusville, Windover Farms. I've lived there since 1980, long before Knight's appeared on the horizon. I lived there through the McDonnell Douglas (unintelligible) missile. I never had any noise problems. But recently – I don't know how many of you watched the shuttle launch the other day. This is an example. Sometimes they're very loud, and sometimes they're not so loud. It's all depending on the weather and the clouds. And everybody says, "Why is it louder?" That's why. The same with their firing. When I asked Mr. Knight at a meeting a week or so ago, "How are your guns in place?" He said, "In the open, on a table." There is no sandbags. There's no roof. Even the Sheriff's Ranch has a roof over it. There's no attempt for noise abatement, just some trees. In the seven years, they haven't made any good effort to make noise abatement. We actually wanted to sit down with Knight, without all these hearings, and just talk as a neighbor, "What is it we can do to help?" And Ms. Clinger is going to cover that, pretty well. But

the noise is louder than 75. I walk my dogs every day on Turkey Point Drive. We're about two miles from there. Some days, it's not a bother. The recording, the rap, rap, rap, pause, rap, rap, rap, pause, goes on and off up to four or five hours a day, according to Mr. Knight himself. Not every day. Some days longer. Some days – right now, he's at the end of contracts. He's not firing very much. When he gets a new contract, he fires quite a bit more. And I think he told us that, also. And that's understandable. I am not against Knight's. I'm all for them. I think the museum's a great idea. I like the idea they're bringing jobs to Titusville. And the only concern I have is some attempt at some noise abatement. We're not asking to do away with the noise. We're saying reduce it. And I think that should be a condition of a permit. I don't think he – what if he goes to a larger caliber ammunition? There's no limit to what he can do. So we just want noise abatement. That's all.

Henry Minneboo – Thank you.

Morris Richardson – Mr. Chair, if I may, and for Ms. Rezanka, while the witness is still there. In a quasi-judicial zoning hearing, any applicant, any party to it, must be permitted to present evidence and the opportunity to cross examine witnesses, if they so desire. I understand our time concerns, but I don't want to run into a due process violation, if we don't. And the law's pretty clear on that, sir.

Henry Minneboo – Well, I'd like to do that at the end, though.

Morris Richardson – They have to have the opportunity, a meaningful opportunity, to cross examine a witness. That means ask questions of the witness who has testified. So if they want to, at any point, ask questions of a witness, typically the appropriate time to do that is immediately after the witness testifies. I don't mean to rebut or present a different opinion, but I mean to ask questions of the witness. Now, you can certainly reign them in and prevent them from, you know, badgering a witness. But they are allowed to ask the questions. I'm sorry, but that's the law in the State of Florida, sir.

Clyde Thodey – And, Henry, that person could actually get up after they're done testifying and leave. So that attorney wouldn't have any rebuttal, at all.

Henry Minneboo – Kim, would you like to cross examine?

Kim Rezanka responded from the audience, indicating that she would waive the opportunity at that time and just talk about her issues in rebuttal.

Henry Minneboo – Thank you very much. Yes, ma'am.

Sandra Clinger – Good afternoon. My name's Sandra Clinger. I live at 2680 Bobcat Trail, in Windover Farms. I have a tape recorder in my purse I could play, as well, from my yard. I have all different types of fire. They do the pop, pop, pop, da da dut, da da dut, da da dut. I mean, I've got them all on tape from my back yard, as well. I was one of the 2006 Code Enforcement – I called Code Enforcement in 2006, because it had gotten to a point it was untenable. I hear it in my home. I have hurricane-impact glass windows. I close the door, have the air-conditioning on. I can tell you when they're firing, from inside my home, 1.5 miles from their facility. It is loud. Why it's so loud? I back up to 80 acres of Water Management District property. You would think if trees solve the noise abatement problem, I wouldn't be hearing it. I hear it. It's extremely loud. I'm glad to see some more information. When I came and prepared my comments, I had no idea where anything was going. There was nothing in the staff package that showed where the firing lines were, or anything. So I was glad to get some more information here today. Like other speakers, I think the museum is great. If you've ever seen the collection, it's unbelievable. And so, that side of it, I think is fine. I am interested to hear more information about the reenactments outdoors, because my big issues is, and the other speakers who will be speaking against this, as far as I know, will be the noise. That's our issue. It's the noise. And I would say, also, that if

you're going to examine this CUP and do it responsibly, as I believe all of you do every time you look at these issues, you need more information. You need to know how big are the guns, how many guns are being fired at one time, because that all changes the noise signature. You need to know what caliber of guns are going to be fired, where exactly are they going to be, how long are they fired. As people said, yes, up to four hours a day, it can go on. As a property owner, I object to the issuance of a new CUP, or the use of an existing CUP, for arsenals and explosives to operate in an outdoor live fire test range for large caliber weapons without effective noise abatement. If they are willing to come and work with us, and try to come up with some effective noise abatement, I think we can all come together and agree. The open air frequent firing of heavy caliber weapons, up to 50-caliber semi-automatic weapons, for an extended period of time, was never contemplated by the County when the existing CUP was issued for McDonnell Douglas to occasionally detonate ordnance inside underground bunkers. These are two wholly different noise impacts on the surrounding community. If you look at my map - you had asked where Sculptor Charter School is - my kids go to Sculptor Charter School. It happens to be right across the street from the firing area, which they have firing line number 2, which is the one that shoots between the trees into the big berm. No side berms. It is 720 meters from that firing line. The guns they're shooting go 800 for the KACM110SASS. And it goes up to 1,600 for the 50-cal, well beyond the boundaries of where the schools are. Current personnel operate 50-caliber weapons with absolutely no noise abatement, in the open. There's none. This is highly unusual for a manufacturer of this type. I contacted two other large weapon manufacturers that work for the military. One is called U.S. Ordnance. They manufacture 50-caliber guns. The other is Barrett, another large manufacturer. They both operate indoor test facilities to fire their 50-caliber. They're very nice. They told me all about them, how they handle the air quality. Very nice. Very helpful. Very informative. They were kind of surprised that in such proximity to homes and neighborhoods that others would not have some noise abatement. This noise generated by this gunfire is excessively loud. It's a nuisance. And it absolutely impacts the enjoyment of my home and my property. My family has been dealing with the nuisance of excess noise generated by the outdoor firing range for over five years. No, we didn't keep calling Code Enforcement, because we were told, "There's nothing we're going to do. Live with the noise." Why would you keep calling? When my neighbors asked me about the noise, I told them, "You can call, but they're not going to do anything." So that's why you don't get the repeated calls. Not that the noise went away. Not that the nuisance went away. It's that we got tired of beating our head against a wall. In response to Section 62-901, the applicant claims there will be no increase in (unintelligible), noise, (unintelligible) emissions or traffic. But that ignores the fact that the existing levels of noise already resulting in the substantial and adverse impact are a nuisance for nearby properties. In response to Section 62-901 (c) (2) (b), the noise from requested conditional uses without question is substantially interfering with the use and enjoyment of nearby properties. The applicant's claim that vegetation on the property are providing sufficient noise abatement is not supported by the attached expert opinion. See letter from Lisa Schott, Acoustical Engineer, Quietly Making Waves, LLC. According to Ms. Schott, there are scientific data that document the ineffectiveness of natural vegetation as a substantial form of noise abatement. This gunfire is the obnoxious uninvited guest that shows up at my home at family barbeques, at my daughter's birthday parties. With noise continuing up to four hours a day and returning multiple days a week, you never know when it will stop, how long it will last, how loud it will get, and how many weapons will be fired. It keeps you on edge at all times. The loud startling nature of the noise severely restricts the use of my property, keeping my family from enjoying our outdoor spaces. We bought nine acres, backed up to 70 acres of State-owned land, so we could enjoy being outdoors on our property, growing gardens, swimming in the pool, spending time with our horses. The noise generated by Knight's is so loud it makes it impossible for us to enjoy our property. I am afraid to let my daughters get on their horses and ride them in the yard, for fear that the gunfire will start, the horses will spook, and they'll end up hurt. As I stated earlier, there's not even any reprieve inside. While it's not as loud, it's still just audible enough to be a nuisance, making it difficult to concentrate on any work-related task and difficult for my kids to concentrate on their homework. The Florida Association of Realtors has now told us we must disclose this as a noise nuisance, if we try to sell our homes. This did not happen - we didn't have this, until Knight's came in without noise abatement. The larger type caliber of gunfire is exceptionally annoying, not just to those of us, the few that have called Code Enforcement, to many more homeowners in our community who

were discouraged from calling Code Enforcement after our experiences. In your packet, you have an attached petition from over 100 homeowners that, on one afternoon, came and signed. And all we're asking for is an independent noise study, because a noise study has not been done at this property. What Code Enforcement has been doing is not a noise study. The homeowners – to show you our good faith, and just how big of a problem this is for us, we put our money out there. We're offering to pay for an acoustical engineer to come do the study, in full open cooperation with Knight's. Up until today at 11:00 o'clock, we hadn't even gotten a return phone call. We've put out \$3,500 on the table. We'll pay for it. It's a problem for us. None of us have money trees in our yard. It's hard-earned money. But we cannot live with this, and we can't live with the idea of it becoming much worse, because it certainly can.

Henry Minneboo – You got about a minute.

Sandra Clinger – O.K. The impulse noise generated by this large caliber gunfire is particularly difficult to accurately measure. As indicated in a published scientific journal article, "Limitations of Using Dosimeters in Impulse Noise Environments," – that's also in your packet – from the Journal of Occupational Hygiene, 2004. Many noise meters do not accurately measure high decibel readings, such as generated by the 50-caliber gun, up to 180 decibels, and artificially clip or reduce the peak sound levels. This results in artificially low readings. Most concerning – and I will end with this – is that the County staff has not been willing to provide their data to the citizens, me, who requested it on June 30th. Ms. Rezanka has it. We don't. The data was not – not even the first piece of data, back from 2006, have they brought forward. This data, if it can't be made available for the public to review and scrutinize prior to the public hearing, then I submit to you it should not be being considered by you as a reliable indication of noise level. If it can't stand up to public scrutiny, what good is it? With all that said, I do want to be clear in my intent. I do not want Knight's shut down. They're good for north Brevard. I don't want to unduly interfere in their business. But I also don't want them unduly interfering in mine. I didn't invite them into my home, and yet they're there anyway. I hope that we will be able to work with Knight's in the future to get the noise study done and come up with some low-cost reasonable noise abatement, because that's all we want before this CUP goes forward, and that should be a condition of it.

Henry Minneboo – Thank you.

Morris Richardson – Mr. Chairman, I'm sorry, just for the record, you cited an expert opinion regarding noise abatement. Do you have a copy of that for the clerk so we can add that to the record? And, also, I believe there was a statement from the Florida Realtor's Association, if you have a copy of that for the record. And I just want to ask, from whom did you make the records request for the...

Sandra Clinger – Cindy Fox.

Morris Richardson – Cindy Fox. For Code Enforcement information?

Cindy Fox – Everything that you've gotten has – everything you've asked for has been provided.

Sandra Clinger – It has not, ma'am. I asked for the actual data, and you said you would try to get it to me by the end of the week, and you gave me nothing.

Cindy Fox – The noise data?

Sandra Clinger – Correct.

Cindy Fox – And I referred you to Code Enforcement for that.

Sandra Clinger – No, you did not. You said, “I will get back to you by the end of the week.” I have your email.

Cindy Fox – I’m Cindy Fox. There’s another Cindy in Code Enforcement.

Sandra Clinger – It was Cindy Fox.

Cindy Fox – I did not make that statement. I did not say that I would provide it by the end of the week. So, I’m sorry, there’s another Cindy, and I think that’s the problem.

Sandra Clinger – I did my request through you.

Clyde Thodey – Mr. Chairman.

Henry Minneboo – Clyde.

Clyde Thodey - I would like to ask how far do you live, exactly, from what you’re talking about, where you’re hearing these 50-calibers?

Sandra Clinger – I’m on the map. You want me to show you on the map?

Clyde Thodey – I see it on the map. But how far – what’s the distance?

Sandra Clinger – I am – it’s 1.5 miles, as the crow flies.

Clyde Thodey – 1.5 miles?

Sandra Clinger – 1.5 miles.

Clyde Thodey – And you have nine acres.

Sandra Clinger – I have nine acres.

Clyde Thodey – And you hear this constantly.

Sandra Clinger – I wouldn’t say – I would not say constantly. I hear it a lot. Because the wind and the weather can change it by 30 to 40 decibels, based on (unintelligible) studies. So it is – there is a lot of climatic variation to it, but when it’s on, it’s on.

Clyde Thodey – You did a nice presentation. I like that. Thank you.

Laura Ward – Mr. Chairman, could I ask her something?

Henry Minneboo – Go ahead, Laura.

Laura Ward – Ms. Clinger, you said until 11:00 o’clock – you offered to pay for a noise study?

Sandra Clinger – Yes.

Laura Ward – What is that?

Sandra Clinger – It would be doing – having an acoustical engineer come in and do a complete noise study of the operation, when they're firing...

Clyde Thodey – We can't hear you.

Sandra Clinger – Sorry. It would be doing a complete and thorough (unintelligible), that could be scrutinized, noise study with an acoustic expert who would look at how the noise patterns move when they fire the guns, how it moves around the buildings. And then, also...

Laura Ward – When did you offer that to them?

Sandra Clinger – We've offered it – there were three phone calls made, and one email, and in each of those it was brought forward.

Laura Ward – You said until 11:00 o'clock today. What happened at 11:00 o'clock?

Sandra Clinger – I'm sorry, I'm not going to get his name right. Mr. Werner called my husband.

Laura Ward – Did ya'll have a chance to get together with Knight's to try to figure out what you could do? Because, obviously...

Sandra Clinger – No. That's what we've been asking for. And so, maybe now there's a chance. That's what we're hoping for.

Henry Minneboo – Any other questions?

Loretta Goggin – I just have a comment. If the board remembers – I don't know if it was in the last year or so – we had an issue, I think it was a borrow pit, and the noise. And we had a veterinarian in here that spoke about the noise and startling the horses. I appreciate your concern for your children's safety, because when the – you have – you're living out there for a reason. And if your children can't enjoy riding their horses because of fear of being thrown off because of the noise, that is a genuine concern.

Sandra Clinger – And, believe me, we wouldn't be offering money if we weren't really worried.

Henry Minneboo – Thank you. Any...

Kim Rezanka spoke from the audience.

Henry Minneboo – I think we're – unless there's somebody else. I think there's one gentleman left here that – no, I'm sorry, there's 92 more people.

Morris Richardson – I'm sorry, she's asking to cross examine, and I'm going to advise you that if you, as the Chair, wish to proceed without allowing for cross examination...

Henry Minneboo – I don't think that...

Kim Rezanka again spoke from the audience.

Henry Minneboo – Yes. I'm sorry.

Morris Richardson – I just have to advise you. You can do it...

Henry Minneboo – I understand.

Morris Richardson - ...if you want, but I've got to warn you of the consequences.

Henry Minneboo – I'm pretty good at always doing what I want, but we're going to cross examine.

Kim Rezanka – I'll be brief. I promise. Well, I'll try to be brief. I promise. Ms. Clinger, who were – where were the companies that you contacted regarding weapons manufacturing located?

Sandra Clinger – U.S. Ordnance is located in McCarran, Nevada, and Barrett is in Murfreesboro, Tennessee.

Kim Rezanka – Are you a realtor?

Sandra Clinger – No, ma'am.

Kim Rezanka – Are you a sound engineer?

Sandra Clinger – No, ma'am.

Kim Rezanka – Have you had anyone conduct any tests from your property level regarding the decibel ratings of the gunfire?

Sandra Clinger – Code Enforcement was the only one who's come to my property, to date.

Kim Rezanka – Have you spoken to Mark Herold or Steve Kirschman?

Sandra Clinger – Ever? Yes.

Kim Rezanka – And have they ever advised you that Knight's Armament have ever exceeded the decibel range of the ordinances?

Sandra Clinger – Oh, no, they say they don't.

Kim Rezanka – They don't exceed?

Sandra Clinger – I don't believe them.

Kim Rezanka – But you've not had anyone do any testing on your behalf?

Sandra Clinger – Not yet.

Kim Rezanka – And isn't it true, at the public meeting on June the 29th, that I asked you for information regarding your expert, and you refused to give it to me?

Sandra Clinger – I said I would have to talk to my attorney first, which I did.

Kim Rezanka – And you did not provide it to me.

Sandra Clinger – That is correct.

Kim Rezanka – But you've now provided it to the board.

Sandra Clinger – That is correct.

Kim Rezanka – And why is it – why can't you have this expert do a noise study from the outside of the property line?

Sandra Clinger – Because she needs to leave her equipment over a protracted period of time, and it's very expensive equipment. And she would have to get permission from adjacent property owners. And it would be very unlikely that all of that would take place. It's much more...

Clyde Thodey – I can't hear. I can't hear.

Sandra Clinger – I'm sorry. It's much more conducive to doing a good study if, number one, she can trust her equipment - if she'll be working cooperatively with Knight's and could put her equipment on the property. And then it could measure it, over time. That was the goal, when we first approached the acoustic engineer.

Kim Rezanka – I have nothing further. I would like to see the package, if there has been one presented.

Henry Minneboo – Morris, once we – let me ask Morris. Morris, once we've put these in our hands, aren't they public record?

Morris Richardson – Yes, sir. They become part of the record, and they have to go to the clerk to be part of the...

Henry Minneboo – Can we give them to...

Morris Richardson – Ms. Rezanka? Yes, she can review it here. But we need to get it back for the clerk prior to...

Henry Minneboo – She's got one.

Morris Richardson – O.K.

Henry Minneboo – Morris, I got another question.

Morris Richardson – Yes, sir.

Henry Minneboo – Since you've worked on me tonight.

Morris Richardson – Sorry.

Henry Minneboo – Under no circumstances can we – we have no control, whatsoever – this board has no control, whatsoever, over noises. Am I correct in saying that?

Morris Richardson – No, that's not true. When you're issuing a conditional use permit, you can discuss noise, and proper controls of noise, with regard to the activities under that permit. My concern about some of the conversation we're hearing today is that you're hearing testimony about the existing firearms operations and,

frankly, you know, they don't need additional conditional use permits for those operations. So what they want you to get at, the existing 50-caliber firearms, things like that, first of all, we can't get at through these conditional use permits that are up for consideration. Now, if somebody wants to say, "We think these reenactments are going to be really loud. We think this is why we'd like you to look at putting reasonable conditions on it to restrict that," that's something within this board's purview. But we have two problems. One, you can't reach the existing stuff with these CUP's, and two, the field of firearms regulation is largely preempted – frankly, it's entirely preempted to the State. While I do think, and I hope I'm correct, we can support our existing noise performance standards with regards to firearms, just as we can any other business activity. We cannot impose additional restrictions specifically aimed at firearms, be it the firearm noise or any other effect. The State has said no, we can't do that. In fact, until recently, we kept firearms out of Little League games. We can't even do that. The State won't let us do that. So if we can't keep guns out of Little League games, it's going to be hard for us to regulate the noise from manufacturing and testing of firearms on an industrial complex. It's just the law of the State of Florida, sir.

Henry Minneboo – Didn't we, at one time, probably in the last three or four years, didn't we address an explosives where they were doing dynamite for borrow pits and rock quarries? And weren't they fairly emphatic. They told us – didn't we deal with that?

Morris Richardson – Well, there's a relationship to mining. With regard...

Henry Minneboo – Am I off track again?

Morris Richardson – It's analogous, but it's not the same thing. With regard to the explosives, you know, I think one of the CUP's here before has to do with the storage and use of the explosives that they do in association with the County Sheriff's Office. So we could say, "Sheriff, we think your explosives are too loud." You haven't heard testimony to that effect yet, I don't believe. And we could say you got to take some reasonable measures there in looking at issuing the CUP. But with regard to the existing firearms, I don't think anybody's disputing the noise is causing concerns. But this is not the board – this is not a code enforcement board or a board of nuisances.

Henry Minneboo – Thank you, Morris. Yes, sir.

Napoleon Salvail – We're Napoleon and Joanne Salvail. And I'd like to begin by saying I...

Henry Minneboo – Your address, sir.

Napoleon Salvail – 6610 South Fork. We're in Windover Farms, in Titusville. I would like to begin by indicating that we've lived in Titusville, Windover Farms, since 1984. Our home is at 6610 South Fork. It is over a mile from the western boundary of the Knight's property. It's just a little over a mile. I have no substantial objection to the zoning request as it relates to the entertainment complex, the museum. We have no problems with that. Since Knight's Armament acquired the properties, I have noted a range of explosive noises, obviously from the firing of various weapons. The noises produced by these firings ranges from ones relatively unobtrusive to levels which are startling, annoying and intrusive. In the process of talking with neighbors, I found that the noises startle and agitate some dogs and other animals. Typically, the scheduling and character of these firing noises is irregular and can sometimes continue intermittently throughout the day. When I first noticed the irritability of these noises from my normally peaceful back yard, I made a call to Code Enforcement to discuss the problem. At the time, I was told that as long as the noise did not exceed 60 decibels at my property, I had no reason for a complaint. The irregular and erratic nature of the firing made measurement of them difficult. I guess the bottom line to all this is that the noise level experienced at my home with this gunfire really violates what is a normally fairly peaceful environment. And it varies generally, but it's a degree which we consider

objectionable and a nuisance. This noise obviously has a potential to lower our property values. We also, just recently, on the 29th of June, had a meeting at the Knight's facility. This was a very good opportunity. We had an opportunity to learn the following: Knight's described the two firing ranges, the closest one being a mile and a quarter from my house. We also learned that Knight's had essentially taken no additional measures, other than using existing trees and vegetation, to suppress and attenuate the sound. The largest weapons fired are 50-caliber. When asked what noise testing had been done, the answer was that the County had taken measurements, and there was no problem. From that comment, I must infer that the firing produce no noises higher than 75 decibels at the boundary to Knight's property, as specified for industrial operations. To give you a little more information about myself, my background as an engineer, I spent ten years working in the Materials Testing and Failure Analysis Laboratory at the Kennedy Space Center. I'm not an acoustics engineer, but I have a good working knowledge of the range of disciplines. Based on my objective and subjective analysis of the noise, I find it virtually impossible to believe that the sound level from some, or all, of the firings did not exceed 75 decibels at the boundary of their property - and that's kind of the crux of our problem - which is a mile, or greater, from my property. At times, I am able to hear the firing within my normally quiet home, through double glazed windows and air-conditioning. I would hope that the acoustical measurements made by the County considered the gunfire as impulsive sounds and added the appropriate corrections for their equipment. But I don't know this. At the June 29th meeting, Knight's indicated that the current firing positions are located in the open air, pointed toward downrange targets. You've heard about that. Nothing has been done to build any system of enclosures, berms, shields, curtains, et cetera, that would provide a system to attenuate or mitigate the sounds generated. Consideration apparently had been given to an indoor firing range, which would require large fans to ensure sufficient air exchange for safe operations. Obviously, this would require a sizeable investment, and was apparently discarded as not being cost effective, particularly when the County said they did not have a problem with their existing outdoor ranges. That's the problem. I would respectfully suggest that Knight's lack of response regarding mitigation of the noise related to the operation of these firing ranges is really not acceptable. Obviously, they have not seriously considered the variety of methods available for mitigating firing range noises, after moving into the neighborhood and hearing the numerous noise complaints from the neighbors. I recommend that this board reject the current request as it relates to the CUP's for arsenals and explosives until such time as Knight's Armament produces a detailed plan for noise mitigation and the exact location of all firing ranges. And they have located the firing ranges. I believe that my recommendation is reasonable, when considering the nature of Knight's Armament business. The test firing of weapons is an integral part of their business, and construction of a firing range with adequate noise attenuation is mandatory and must be part of their overall business plan. They have a large tract of land, but the area is surrounded by residential communities. It is reasonable for these communities to expect that Knight will take action to mitigate the noise from their activities. I believe all of you see the point that I'm trying to make as a neighbor and resident. I would request that Knight's Armament take action to support independent acoustic measurement of the noise generated by the various types of weapons fired. You heard what Sandra said. I would also recommend that County personnel participate in this noise measurement effort. All sizes and types of weapons and ammunition would need to be test fired in a similar manner to that normally used during acceptance testing firing. These sound levels would be measured at various points on the property, in different compass directions, to ascertain the levels of noise projection into the surrounding communities. The data collected would form the basis for a baseline definition of the existing sound levels. It would be my hope that Knight's Armament would then take this data to a qualified acoustic facility design engineer for recommendations regarding cost effective methods available to attenuate the sound levels and minimize the impacts of these firings on the surrounding communities. It should be recognized by everyone here that this is a problem that is not unique to Brevard County. An internet search of issues regarding noise and firing ranges will produce a plethora of documentation and reports on various methods of sound attenuation and the problems in the operation of existing commercial and military firing ranges. In conclusion, I feel strongly that any rezoning should be conditional on completion of this noise testing and the actions dictated by this testing. As neighbors, we ask that you agree that this explosive noise is an open issue and

requires more investigation by qualified experts before any conclusions are drawn. The issue of nuisance noise is central to any rezoning. Thank you.

Henry Minneboo – Anybody else?

Aneta Ott – Sir, you all met with the Knight's on when?

Napoleon Salvail – This was on June 29th. They had a meeting at their facility. It was originally intended to be – it was – we asked for a meeting with them, with Robin Fisher. We asked him to set up a meeting with Knight's so we could discuss the issues and just find out more. It ended up that Knight's set up the meeting on June 29th. It was a much larger meeting. But we did ask questions, and we did learn a lot of information. And I was particularly interested in that.

Aneta Ott – But you didn't discuss the noise?

Napoleon Salvail – No, because we used – I used the meeting to find out – because, at the time, I didn't know how many firing ranges they had. I didn't know what kind of ammunition they fired. I didn't know anything. And I wanted to find out more information. And that's what we were able to do.

Aneta Ott – Thank you.

Henry Minneboo – Anybody else?

Joanne Salvail – I would just like to add that this berm that they're talking about runs east and west, and they shoot into it. So everything south of that berm, where there are no homes, that's great. But everything to the east, to the west and to the north is subjected to the sound. And I know there would be more people here, but they work during the day, and a lot of them don't hear the sounds, because they work further away. But the majority of the signatures that we received, the – I think there were two or three that did not sign. They were younger. But for someone who is retired, we are here in support of – this is an issue. I want you to believe you would not want to live in my house. When I retired, my favorite thing - what I wanted to do was take my cup of coffee and my book, go out and read and enjoy the sounds of nature. I no longer can do it. Would you like to buy my house?

Henry Minneboo – There's a couple of us on this board live about a half a mile from the Space Center. That gunfire is nothing.

Joanne Salvail – That's not often. And it's non-existent now.

Henry Minneboo – The only difference is, we...

Joanne Salvail – But we loved it.

Henry Minneboo – The only difference, where we live, we replace things. That's the only difference. Does anybody else – O.K.

Aneta Ott – I have a question.

Henry Minneboo – We got some more people coming, but go ahead and ask.

Aneta Ott – I am very familiar with what these people are talking about, although it's not a company. Not far from me, at any given time, they have a shooting range. I have a poodle that just is scared to deaf. My point of this is, after hearing, is there some way that we can table this until the Knight Company – I'm sure we're all in favor of having them there, and the museum, and what they want – but to meet with these people and see if they can't solve this sound problem before we hear the rest of this?

Morris Richardson – Obviously, this board can always table a matter any time it wishes to. I am aware that there was a meeting of the Knight's Company, and the District I Office, and various County staff, and residents, recently. I think it's been referred to in the evidence. I don't know if there are any plans or intentions to have another such meeting, or what good it would do. But legally, obviously the board, upon proper motion and a vote, can always table any matter it so desires.

Robert Ludwiczak – Mr. Chair.

Laura Ward – Mr. Chair.

Henry Minneboo – Yes.

Robert Ludwiczak – In regards to this question just posed here, would it be of any value – since we're hearing exactly the same thing from each speaker that the biggest problem with them is the noise – it's not with the company – it's not what's going on out there at the company, nor with the museum they're planning – can we ask the applicant, are they open to some type of acoustical sound suppression that would solve all these problems for them to be able to get this thing passed today, if necessary? Because I don't want to speculate what people are going to do as far as speaking, but the last three have said the same thing. "I don't have a problem with the company. I have a problem with the noise."

Henry Minneboo – You know, my only thought, and the applicant's got to answer this, but the problem is if we table this issue tonight, then it's going to be 90 to 120 days. I don't know if they're on time constraints, or what have you, but this may, just from them hearing the issues tonight...

Robert Ludwiczak – I'm not asking to table. I'm asking to get a response from the applicant.

Henry Minneboo – Kim, can you maybe shed some light on this?

Kim Rezanka – There is a meeting scheduled this upcoming Friday with the Clingers to discuss their proposal. Mr. Knight has been out of town. Mr. Werner talked with Mr. Clinger today. The issue is, there's no evidence we're violating any performance standards. You've heard people speak, but you have no evidence before you, other than decibel ratings. And you have people who will testify here today that they live nearby, and they don't have a problem. So you're going to have conflicting evidence before you regarding the noise.

Robert Ludwiczak – I think, Kim, though, if you've been on this committee long enough, you'll find the biggest detriment to any applicant is noise. And the board is not apt to want to support something when they're hearing a lot about noise suppression, or other things. And all I'm looking for is some way that you can resolve this with these residents, even if you meet the standards, because I'd like to support you, but I can't, in good conscience, do that when you hear residents saying, "I don't have quality of life."

Kim Rezanka – Well, we will meet with them, and we do intend to meet with them. And Mr. Knight, who couldn't be here today, can tell you about his investigation into those noise issues. But we would ask that you vote today, even if you do vote to turn us down. But we would like a vote today. We do not want a tabling.

And we do have further testimony to provide. But we will meet with them. And Mr. Knight has told them he would meet with them to discuss it.

Laura Ward – Mr. Chairman, I have a question for Kim. Kim, I don't understand why your client has not offered some form of noise suppression. I kind of don't understand that. Can you explain to us why they wouldn't come to the table with some noise suppression? Is it costly? You've got a reason.

Kim Rezanka – It is extremely costly, because it has to be – there has to be air cooling, air circulation...

Laura Ward – That's if you have an inside facility, and they test inside.

Kim Rezanka – Mr. Knight has looked into it. But, frankly, you've had 2006, 2007, complaints, and then February, 2011, complaints. There has not been complaints. So this has...

Laura Ward – Kim...

Kim Rezanka - ...been recently. There have been the same six people who have been complaining back with...

Laura Ward – Kim, I live three miles from that facility. I hear them in my home. I don't know what the noise ordinance – and the complaints have been a result. But the fact that a Code Enforcement Officer goes to a property on a certain day for a particular reason of investigating a complaint is subject to a lot of reasons why it might not be in violation at that time, when it's so obvious that what you're doing creates noise. I'm three miles away. I can hear it. My concern is what's to come in the future. Your client has not limited what they're going to do, in any way. They've not offered any noise suppression. Everybody's very happy that they're here, that they're part of the community. They're a wonderful employer. They're a great thing. But you've got this – I don't understand why they wouldn't come, as good neighbors. I haven't figured that out yet.

Kim Rezanka – Well – and I believe you've made a lot of assumptions in your statements, Ms. Ward, because you're almost testifying in opposition. And...

Laura Ward – I'm telling you I can...

Kim Rezanka – I understand you can hear it. There are performance standards. Mr. Knight has said he would meet with them. And, yes, he has investigated the indoor testing, as the Nevada and Tennessee facilities do, and it is very expensive. And there are acoustical issues regarding wind, and weather, and cloud, and all kinds of reasons why sometimes it's louder, and sometimes it's not. But we don't violate any ordinances, currently. I'm not saying we won't meet with them. But, currently, they can do what they do, without being cited by Code, without being shut down by the County. I'm not saying they won't meet with them. But this should not hold up the museum issues.

Laura Ward – Well, I don't think that – we asked if you would consider noise abatement.

Kim Rezanka – I don't have the authority to do that. But Mr. Knight has told the people on June 29th that he will, and they've set a meeting for Friday, this upcoming Friday. According to Mr. Clinger...

Clyde Thodey – Mr. Chairman, I think we need to move on. I mean...

Henry Minneboo – We're trying. How many more people do we have that need to speak? We have three more here.

Kathleen Crannell – I'll be quick. My name is Kathleen Crannell, and I live at 7698 Windover Way. The subdivision is Windover Farms. It's the exact subdivision that these folks live in. And I've lived there seven years. I do hear, from time to time, the testing of those rifles; however, I also hear I-95. I also hear when the Space Shuttle launched. I could hear the noise from the Space Shuttle. My point is, is that, to me, it's environmental noise, and it's background noise. It has never affected me or my family's quality of life. It does not affect our property values. In fact, our property values have all decreased as a result of the global bad economy. We know that. It has nothing to do with the operations at Knight's Armament. I guarantee you that. My concern is, is that I've heard a couple neighbors voice concerns about his so called noise and how egregious it is to them. There's almost 800 families in Windover Farms Subdivision, 800, almost 800. I never saw a petition. I didn't see anything of that. But I took an interest in this, because I don't perceive it as a noise. I hear it, but it's not a noise, and it doesn't bother me or my family. So I wanted to at least present to you a balanced response. And I don't hear anybody else from the neighborhood saying anything to me about it being a noise. In fact, I also see – although my family and I don't have horses, we see plenty of people riding their horses, because Windover Farms is a horse community, and it's zoned for horses. So I've never heard of anybody complain about it. I've never heard of anybody complain that they can't go ride their horses. This is the first ever I've heard of that. And, to me, I don't think it's fair that you heard only part of the story, from not any of the other residents. In fact, I used to – up until October, I used to work not even a quarter of a mile from Knight's at the United Space Alliance building that is directly next to the Titusville Police Department. And, again, I could hear it, as well as all the other hundreds of people who worked in the building, and nobody ever complained about it. I think the Titusville Police Department also does testing, because I've heard them, as well, and since I worked right next to them. Since October of last year, I work from my home. And it has never been a bother. We have a pool. We enjoy the pool. I'm outside quite a bit, now that I maintain a home office, and it has never bothered me. So I'm not one of those that I go away until 6:00 p.m. at night and come home. I'm there almost all the time, working. And it has never been a problem. In fact, I just think for a sense of balance we need to understand that not everybody is affected in the ways that the few people that have spoken today are affected by this issue. And I think it would be unfair for the board to recommend expensive remedial measures, if Knight's Armament is complying with the ordinance, as it is now. I mean, we can't ask, as good neighbors, that they spend money unnecessarily, besides this whole process here and the outlay of money. It doesn't seem fair to me. As long as they're complying, like my neighbors are complying with the zoning requirements in Windover, then they're within their rights. And that's the way I see it. And I did not hear the balance of, you know, the weighing interest. So I wanted to make that clear. Otherwise, I wasn't even going to mention anything today. I just wanted to hear what went on. So, unless you have questions, I'll sit down.

Henry Minneboo – Any questions for this lady? (no response) Seeing none, thank you, ma'am.

Kathleen Crannell – Thank you.

Justin Cleveland – My name is Justin Cleveland. I live at 1964 Sun Valley Road, in Titusville, about a mile and a quarter from Knight's. I also help run Precision Shapes, Incorporated. We are Knight's direct neighbors. When you are on our property, you can hear the guns. It is not disruptive. When you are in our offices, you can't hear the weapons go off. So I do want to follow up on what Kathy is saying. There is a balance to these things. Yes, there has been six people, and I understand their concerns. But that would be – I mean, are you angry at thunder and lightning? You know, these are environmental noises that you hear. And then you're asking them to do an expensive acoustical study and spend money on an indoor range. Well, how would a private company do that, without having it cost jobs? You know, a good neighbor, to me, is a company that provides 275 jobs for our community, has the potential for 60 more. That's my neighbor right there. The gun noise is not obtrusive. It does not disrupt my day. I'm next to there. It does not obstruct my night. A car passes by, a lawn mower goes off, someone's cutting their lawns, these aren't obtrusive noises. They are

things that happen. You live with it, because it's part of your community. I just again wanted to provide that balance. You're welcome to drive up and down Grissom. It's not going to be any louder than what they've shown. And there's got to be a little bit of sense to it that – you know, if they don't want to believe what the County has shown, and proven, that's just an opinion. You can't force – make a decision on this based on opinions alone. So I do want to provide a little bit of balance that you can't just hear that. You heard three or four in a row. Well, there are plenty of people here that see it the other way, that it's just environmental noise. It's part of living in the community. They can meet with it, but at what cost? Do we lay off 25 people to build an underground firing range, when they're in compliance anyways?

Henry Minneboo – Anything? (no response) Thank you. Yes, ma'am.

Nancy Jackson – Nancy Jackson, 5809 Cheshire Drive, Titusville, Florida. I live about a mile and a third from Knight's. The problem started for me when I retired, which I thought was going to be a happy thing. And now that I'm at home, I realize what I've been missing. I've been missing all the noise that my neighbors have been concerned about, now that I'm out there talking to people, I'm at home. This has been an evolving type of problem. Two years ago, I had the misfortune to be at home. I was sick. And I thought that it was just somebody building a house, putting a roof on, and it had to be a nail gun, you know. So we all talked about it in the neighborhood, and we kind of thought, "Well, when is that going to be over?" It didn't get over. Then we realized – I took a drive one day – feeling better, took a drive, trying to find where this roof was going on and how much longer it was going to take. I ended up over on 405 and realized that now the McDonnell Douglas sign was gone, and Knight's Armament was there. I don't get out that much. I usually would head towards work the other way, down Sisson. We actually built our home six years ago. It was a big hardship for us to do that, but we took the risk. We took the big jump, thinking that we were building this house on a preserve that goes up to Sisson. We worked really hard, through this bad economy, to keep this house and to maintain it the right way. We have no more peace. Actually, the townhouse that I used to live in is now quiet. The house I live in now, I don't enjoy my yard. I don't enjoy, like this lady said, going out and reading a book. It just doesn't seem right, when we've stuck it out all these years in Titusville, for 28 years, through thick and thin. We support Titusville. We shop Titusville. We do everything in our power to be a good Titusville citizen. And yet this is what it's come to, me being in front of here talking to you, once again. I don't understand it. And all we really want is - we want jobs for Titusville. We want Knight's here. We just want to have the same peace and quiet that you may all have when you go home, or if you are retired and stay home, and the same peace and quiet that Mr. Reed Knight has when he goes home to his house in Vero Beach. It just doesn't seem right. And I guess that's why just ordinary people like me, who've never done anything like this in my life, are here, because that's how we feel in our heart, that it is that important. We have two houses across the street from us that are up for sale. The realtor came to show the two houses. Knight's starting firing, and the people looked up in the sky to see what was going on. And that was the end of that deal. This is the effect that that is having. I think that Mr. Knight, with all his businesses, has enough money to be a good neighbor, just like you would expect a good neighbor in your neighborhood. We did have one more question, and it was, did we understand the County Attorney to say there will be no more firing under the new CUP at firing lane number 2? Because this is where the original violation occurred. And I'm more speaking from my heart, but we do have this question. And we do have the noise levels handout that we want to hand out, as well. So I'm just speaking from my heart, as a citizen, just an everyday person. So that's all I have to say.

Henry Minneboo – Thank you. Any questions of this lady?

Robert Ludwiczak – Mr. Chair, can I ask a question of the attorney, or maybe of you, Mr. Chair? We have this CUP, which has kind of combined both the arsenal and the outdoor entertainment. Can these be separated? We could pass the outdoor entertainment today and wait until – and table the other portion of this until the meeting takes place with Mr. Knight and individuals.

Cindy Fox – There actually is three parts to this request. They need a rezoning to IU-1 on that portion that's currently zoned IU. They need a conditional use permit for the arsenals and explosives and a conditional use permit for the outdoor entertainment and amusement enterprises to encompass the museum. So the CUP's, there are two. There are not – there is not just one. There are two separate CUP's. You could pass them all in one motion. If you wanted to make a motion on the different ones, you could, but not on the rezoning. The rezoning, you would need to give them the IU-1. I'd also like to let the board know that we do have two officers who have actually done the noise testing here, if you would like to ask them questions.

Henry Minneboo – What's the board's pleasure?

Clyde Thodey – Henry, I think we ought to finish with the people out here, and then let us go on.

Henry Minneboo – O.K. All right. Well, we're still moving on, but they're here if we need them. Yes, sir.

Matt Chestnut – Good afternoon, evening now. Matt Chestnut, 2241 Canal Ridge Drive, Titusville, in Windover Way. I also previously resided in the Meadow Ridge Subdivision just to the north, on River Oaks Drive, for about three years. So I've lived in Titusville for almost six years. Each – every residence I've had has been within two miles of the Knight Armament. As Mrs. Crannell stated, it's ambient noise, at best. I mean, you hear it. You can hear the pop, pop, pop. I'm not disputing that. I will not say I couldn't hear it. But it's not a detriment to what we do in my lifestyle. Now, somebody – I can't speak for everybody else, but for my lifestyle, it is not. It doesn't bother my kids. I have a seven- and three-year-old. They hardly notice it, never said anything about it. Parents live in the area, same thing. The noise we hear more often than not is airplane, air traffic, helicopters, vehicles, motorcycles particularly, up and down Windover Way. It's a curvy road. Motorcycles like to ride it, particularly at 11:00 o'clock at night on Fridays. So if you want to see motorcycle races, come on out, 11:00 o'clock, Friday night, Windover Way. Those are loud. There's also an owl that's kind of annoying, too, at night. But that being said, in the area, it is not – you know, generally, from my standpoint, at both residences I lived in - the one in Meadow Ridge is actually closer – it did not affect our daily life, at any point. And I can't speak for other – but, actually, the first time I've heard about it was just in the last few months. So, you know, I would ask that you support these issues. And to, you know, make Mr. Knight and his group do – I think it's unnecessary to have to do noise abatement, because they're already meeting the standards. If you talk to the Code Enforcement Officers, they'll probably tell you that they're not violating any ordinances, at this time, for noise, for the noise. So I just ask that you support these issues, and thank you very much.

Henry Minneboo – Thank you. Any questions? (no response)

Rodney Honeycutt – Rodney Honeycutt, 5195 South Washington Avenue. I wasn't going to come up, but since I heard some of this testimony, I felt like I need to. My office is 5195 South Washington Avenue, on U.S. 1. It's actually closer – there are woods between them and two of the people that have talked about the noise. And I never heard the noise, until this came up. I never noticed it. And so now that this came up, I can listen for it and hear it. But, for instance, if a car comes by the office, you can't hear it. The car is louder. A normal car is much louder than this. And so that recording – I mean, I've never heard it like that. You have to remember we're inside a control room where you want noise to be loud. You have to remember there's a volume control on that thing, too. And so I'm just telling you the noise is not bad. I mean, there's a train that comes across just a couple of hundred feet on the other side of me, ten times louder. It's nothing. Just normal vehicles every day are much louder.

Henry Minneboo – Mr. Honeycutt, how long you been there?

Rodney Honeycutt - Approximately ten years.

Ron McLellan – Where are you in reference to Knight's?

Henry Minneboo – He's on U.S. 1.

Rodney Honeycutt – You know, I'm not sure. I'm on U.S. 1. I'm not sure how far I am, but I am closer than the lady that was in the yellow sweater, because I'm on U.S. 1, and Riveredge is behind me. There are woods that separate us. Probably 200 feet, or so.

Ron McLellan – O.K., thank you.

Henry Minneboo – Any other questions of this gentleman?

Laura Ward – I have one more. Rodney – 'cause I live...

Rodney Honeycutt – Right behind me.

Laura Ward - ...behind you. Would it bother you more if they were testing more frequently?

Rodney Honeycutt – You know...

Laura Ward – Would you hear it more?

Rodney Honeycutt – When you say bother me more, it has never bothered me. I have to actually listen for it to hear it, because I can't – it's not even noticeable.

Laura Ward – O.K.

Henry Minneboo – Is there anybody else?

William Shivers - Williams Shivers, 6285 Vectorspace Boulevard. I'm like Rodney. I wasn't going to speak, either, but I realized that I have the distinction of probably having a business that is the closest to Knight's than anyone here. I work a fraction of a mile – I'm due east on U.S. 1. And, actually, my office is probably due east of firing range number 1, which I thought today maybe I should be concerned about sitting in my office. But, anyway, I did not have a recorder. I don't have a recorder. I'm like Rodney. I barely noticed the noise, until it became known that there was some complaints. And you almost have to listen to it. Again, I am – I think I did a Map Quest. I think I'm 0.2 miles due east of their range. I do not work on edge, while I'm at work. I typically put in ten hours a day, Monday through Friday. It does not have an effect on my quality of life at work. I consider Knight's a very good neighbor. And especially with the shuttle coming to an end, anybody that has 275 jobs, and the potential of adding more, I think that's a very, very good neighbor. The things that do bother me is, two weeks a year, during bike week, it's really difficult to work at our office, being right on U.S. 1, with the Harley Davidsons going up and down for five or six, seven days. The air show at TICO, they do low flyovers and almost lift the roof off of our building to the point that we can barely work. And, as Rodney mentioned, we have a rail siting due east of us. I have never, ever found any noise coming from Knight's that I would consider to be extremely loud. I don't know how sound increases as it travels west, when they're typically firing east or south. But, again, keep it in mind that our office is directly located to the east on one of their firing ranges. I find it inconceivable that there's extremely loud noises being experienced all the way to the west. In regard to property values and quality of life, I would maintain that, as a resident of Titusville, I'm more concerned about my quality of life and my property values if a company like Knight's were to choose to move away because they can't be supported in our community. And then last, but not least, the concerns

raised over the charter school, I'd just like to reemphasize the point that Knight's was there. The charter school located where they are on their own volition. I don't believe there should be an issue there. Thank you for your time.

Henry Minneboo – Thank you. Any ques...

Robert Ludwiczak – One question, sir. Can you just tell us the nature of your business?

William Shivers – Yes. We're a general contractor.

Robert Ludwiczak – For what?

William Shivers – Commercial – excuse me, government.

Robert Ludwiczak – You have any relationship with Knight?

William Shivers – We have no relationship with Knight. I've not spoken with Mr. Knight about his project, at all. We've never done any work there. I do know Mr. Werner through joint association on the SCDC Board.

Robert Ludwiczak – Thank you.

Henry Minneboo – Any other?

Silvia Roth – My name is Silvia Roth. I work for Knight's Armament. I am also a member of the Association of Realtors. I have been, since 1990. And in reference to property values, as she was mentioning about the property disclosures, which is a form that's been added to the association to be filled out by the property owners, once their properties go for sale – I have pulled out records since 2009, which is basically – that form has been in effect for at least four years. I pulled records from 2009, to the present. Properties listed in the MLS, which is the multiple listing for the Association of Realtors, there's been 68. Sold properties, there's been a total of 27. (Unintelligible) Property Place, which is the Company I work for, has at least been involved with 35 percent of everything that has been sold in that area, or listed. There has never been a property disclosure in any of those properties saying anything about any noise problems, or any problems with any company, or any reason why the properties have the values decreased. And those are facts. I'd gladly give you the information. So, obviously, it's not such a large concern, or people are not doing what they're supposed to, by law. And I just want to make sure that you know this information.

Henry Minneboo – Thank you. Yes, sir.

Walt Johnson – Good evening, Mr. Chairman, members of the board. My name is Walt Johnson. I'm also Vice-Mayor of Titusville. I'm not here representing Titusville. I want to make that clear. This issue has not, will not, come before our board, in that it's in the County. I had a lot of things I was going to talk tonight, but you've pretty much covered everything. So I won't be redundant. The one thing that I would like to bring up, that hasn't been brought up, is the purpose for this testing. The basic purpose of the testing is to ensure the safety of our troops that are out there. I'm a veteran of 1965 to 1969, U.S. Air Force. That's called Vietnam era. We did not get a very good reception when we came home from our service. I have seen it recently, fortunately, that people seem to have changed their minds on that issue. If somebody's serving, they're not in the politics of why they're fighting. They're serving because they're serving their country. And I've seen in airports where people will get up and applaud when people in uniform come in. Our men and women in uniform today are sacrificing their time, their safety, and in some cases their lives, to protect us. I think it's a poor statement if the people of Titusville, or the people of Brevard County, are not willing to sacrifice a little to – for the people that

are protecting our freedoms. It appears to me, there's people that hear it, there's people that don't hear it. It's a matter of sensitivity. Certainly, there can be further testing, but I certainly hope – I'm on the TDC also, Tourist Development Council – that you don't stop the progress of either the museum, or the other things, because there are some people who seem to be more sensitive to sound than others, and not willing to sacrifice a little bit of discomfort. So, thank you very much.

Henry Minneboo – Thank you.

Robert Ludwiczak – Quick question for the Vice-Mayor. I take, with a great deal of pride, what you said about our service people. But the fact remains, they're fighting for the freedoms of everybody here, regardless which side of the issue you're on here, for the ability of these folks to come here and speak their opposition, and for the people here to come and support that. That aside...

Walt Johnson – I would not, and did not, dispute that, sir.

Robert Ludwiczak – That aside, I used to be a director of purchasing for nuclear test bombs, (unintelligible), rocket launches, and so forth. And I would not want us firing those things in a neighborhood and making noises of that nature. I don't think anybody here – well, I won't speak for anybody. I'll speak for myself. I'm not in opposition to what Knight is doing. In fact, I applaud them for what they are doing, for the reasons you cite. And I applaud the gentleman, from the standpoint of the museum, for what he's doing from the standpoint of employment. I'm just trying to find, is there some medium ground for all of us to be able to say, "Let's be good neighbors." And, you know, let's talk about if there is a possibility for noise abatement, and if there's not, and it cannot be resolved, then if they meet the legality, then that's about the end of it. But I don't think we need to say, "Let's just pass this without any debate on the issue."

Walt Johnson – I'm not sure what your question was, sir.

Robert Ludwiczak – My question was, as you alluded to the fact that these folks are doing this for our service personnel, and I'm saying yes, and I applaud that. But our service personnel are fighting for the freedoms of everybody. And you stated, "I don't know what these people are doing in terms of they're not willing to sacrifice a little bit of noise abatement." I served in the military, as well. And, you know, I would take umbrage with someone saying to me, or saying to you, "You only have a right to say what I want to hear." And I don't...

Walt Johnson – As you just pointed out, I have a right to say what I wanted to say.

Robert Ludwiczak – Yes, you do.

Walt Johnson – I understand what you're saying, sir. I certainly don't separate anybody. I said that the men and women in the services are fighting for all of us. What I did say, and my point of the whole thing is, there are people who seem to be more sensitive to this than others. And I would very much dislike seeing this project in any way impeded because some people are more sensitive than others. I...

Robert Ludwiczak – Would you...

Walt Johnson - ...have no problem with further testing.

Robert Ludwiczak – Would you, as the Vice-Mayor, be open to the idea of dialogue, at least, between those who are in opposition and Mr. Knight?

Walt Johnson – Of course.

Robert Ludwiczak – O.K. And would you be in opposition to us only passing the CUP for the conditional use of the museum and the IU-1, and holding off until that discussion takes place on Friday?

Walt Johnson – I wouldn't be opposed to anything that doesn't in some way impede the progress of the Knight's Enterprises Museum and their new zoning.

Robert Ludwiczak – Nor would I. I think we're in total agreement, then.

Walt Johnson – I think we agree, sir.

Robert Ludwiczak – Thank you, sir.

Walt Johnson – Thank you.

Henry Minneboo – Is there anybody else?

Loretta Goggin – I have a comment for the gentleman.

Henry Minneboo – Oh, I'm sorry.

Loretta Goggin – Mr. Johnson, thank you for your service. I, too, served. And my daughter is also in Afghanistan, as we speak. I'm very grateful for the company for their testing and making sure that our service members have the equipment that they need to maintain their freedom, our freedom, et cetera. Anyway, my position on this board is to ensure the health and safety of the school children. And I heard two sides. I heard one side say that their children are affected by the noise. They cannot go and enjoy their freedom of riding a horse. And then I hear someone else say the noise is not an issue. They get used to it. I am with Robert, when I say that I think there's a couple issues here. Some people are very sensitive to the noise, and some aren't. And somehow or another, we need to be able to come to an agreement on how to handle this situation. Another life, in my military, I lived near March Air Force Base, and the B-52's used to go over my home. When I first moved there, I couldn't stand it. But I couldn't move. There wasn't anything I could do. But I got used to it. And I think for some of those that the noise of the rifles, or the shooting range, or whatever you call it, you get used to it. In some cases, you don't. So I really have – I think we've got to figure out some way to bring the two sides together and address the noise, but also give Knight the opportunity to move forward with the project. And I think that museum is an excellent opportunity for our young children to learn what took place in the past to give them the freedoms that they have now.

Walt Johnson – And I agree with you, entirely. On the issue of horses, I had horses for 20 years. And you're quite right that, like people, they get used to things, as well. But you're – when you sit on a board like you're sitting, I certainly do – you act as a judge and jury in situations like this. And, ultimately, the thing that we always want to see is the two sides resolve their problems. So we're in complete agreement on that, as well.

Henry Minneboo – Thank you, Mr. Johnson.

Walt Johnson – Thank you.

Henry Minneboo – Kim, you want to bring us to some kind of closure here? Kim, there's only one question on my list here that we didn't really – I think we sort of brushed over. And maybe – I don't think it's very significant, but it is a question. I think somebody had the question, will the public be able to shoot at the range?

Kim Rezanka – The answer is no.

Henry Minneboo – O.K. That was a question. It's the one I had here.

Kim Rezanka – I'm not, not to be a pun, deaf to the problems you all have heard. This issue, as I've come to know it, has been complaints about noise. The only evidence that I have been able to obtain is that there are no noise violations. As Morris Richardson has explained verbally, and in emails, this board, nor the County Commission, can actually regulate the testing of firearms. You can regulate the noise, but not the testing of firearms. You could place the conditions on the conditional use for the arsenals and explosives that we can't exceed the decibel rating, which we can't anyhow, by County Ordinance. But this board is not here to regulate the firearm testing, or to regulate the noise, or to find noise violations. That would be a Code matter. All we're seeking is a conditional use to unify the zoning and the CUP's that we already have. Even if you table or delay the CUP for arsenals and explosives, we can continue to do what we do. There is no pending violation because of the weapons testing. There is a pending violation that's inaccurate, and I'm going to ask for its withdrawal, probably tomorrow, so it's not thrown back up in our face. But there is no violation for the weapons testing, as we sit here. The tape recording you heard is not competent evidence. We don't know when it was taken, where it was taken, how it was taken, what the recording device was, or if she turned up the volume. Someone next to me said, "Look, she turned up the volume." I don't know if she did or not. But also, too, there's no – there's nothing to test it to. A bird chirping could have been louder. Or a car driving by could have been louder. Again, it's not even clear that that was Knight's Armament. Titusville Police Department does do testing. The Griffin Group does do firearm shooting. So we don't know where that noise came from, or when. There was many references to sensitivity, and it bothers us, and it might bother the horses. There are many studies that say yes, more people are sensitive to noise. It's an impulse noise. It's like dropping your keys in the middle of the night on your terrazzo floor. It's not going to be a loud decibel rating, but it's going to jar you. It's something that you're not necessarily expecting. You've had evidence here that people have gotten used to it, that now they've come to expect it. This has been going on since 2004. You've heard hearsay evidence regarding what might be, what could be, but you have no competent substantial evidence before you to deny the rezoning or the conditional use. We meet the standards. Again, I'd like to repeat that where it's located is in an industrial area, next to the Gateway Industrial Park which, by the way, the Sculptor School was not allowed to move there by the deed restrictions. They have since changed the restrictions to allow the Sculptor School to stay there, or they're in the process. So it was not a proper place for a school when it was put there. And it's next to the airport. It's purely an industrial area. If not here, where? But, again, all we're trying to do is unify the zoning, unify the conditional use, and allow the building of the museum. As Mr. Minneboo said, nothing is going to change if you deny this. So we would ask that you approve the – and I'd like to repeat the conditional use applications and the rezoning applications. If you look back on that survey, page three of the packet, Tract B, the 166 acres already has heavy industrial and the CUP for arsenals and explosives. Tract A has light industrial. We're asking for heavy industrial, with the CUP for arsenals and explosives, because that's where the Sheriff keeps their explosives. The entire Tract A and Tract B, we've asked for the conditional use permit for the outside entertainment so we can do what now has been more defined as the reenactments, which are really people dressed in uniforms showing their military collections. Again, we would ask that you approve all three of these, the rezoning, the conditional use, and the conditional use over the entire property for the large scale. We do intend to meet with them. We will seek out the noise abatements. Mr. Knight has told us, and the people at the meeting on June 29th, that he has looked at that. He cannot build a building to do indoor, and you can't just put a little shed over where they test, because it actually amplifies it. I'm not qualified to testify as a sound expert. There's been no testimony from a competent sound expert here before you. And so we would ask that you approve them all. We would ask you not table them. And we will commit to meeting with them to discuss it. And then the County Commission would ultimately make the decision.

Henry Minneboo – Kim, I’m going to – because I’m going to ask the board a question here in a minute – but you all have not had any dialogue with the owner, being Mr. Knight, in the respect of, “Hey, we’ve got a problem here. Can we sit down and discuss it?” And maybe they can do X, Y and Z that’s going to make it just a little bit better. That is the purpose of the meeting on Friday?

Kim Rezanka – That’s my understanding.

Henry Minneboo – He’s not going to go in there and say, “Hey, I’m not going to spend this kind of money. That’s my discussion, and have a nice day.”

Kim Rezanka – No, but these questions were asked on June 29th. And he says, “I have looked at this. I can’t put a 300…”

Henry Minneboo – So he’s on a mission now, and maybe will bring some new light to this subject matter.

Kim Rezanka – Right. And if Ms. Clinger had given me the information on June 29th, I would have investigated it further, and we would have investigated it. But it was not available to us at that time.

Henry Minneboo – Thank you.

Robert Ludwiczak – Mr. Chair…

Laura Ward – Wait.

Robert Ludwiczak – Kim’s brought this to us from an evidentiary standpoint, purely legal. And I don’t disagree with you, from a legal standpoint. But you did raise a couple of important things here that I think if we were to take it to the very nth degree of evidentiary evidence, is that you said there is no expert who testified before us today on noise levels. You did say to us that Mr. Knight was going to meet with these individuals this Friday. We don’t have a report on the outcome of that meeting yet, because it hasn’t taken place. So if we were to go strictly on evidentiary evidence that you’re proposing, we have to postpone this, because we don’t have all the information.

Kim Rezanka – You have the evidence in the packet that’s been presented to you, that’s it’s in the County records that said there are no violations of decibel rating. So you do have competent evidence, but you don’t have expert testimony, verbally. So you have competence in the record. And we don’t have – Mr. Knight doesn’t have to meet with them. That’s not something that should be an evidence issue before you, ever, because there is no noise violation. There are no performance standards that we’re not meeting.

Robert Ludwiczak – But I think – if I’m misspeaking here, staff can correct me - a lot of what we do on a CUP is we look at things such as are there noise levels, are there lighting problems, are there other things of that nature, when we make a decision as to how we’re going to vote on an issue. Is that not correct?

Cindy Fox – You’re right. You have to be mindful, however, of the restrictions that are placed upon us regarding regulating firearms.

Robert Ludwiczak – Well, from my standpoint, Mr. Chair, I’m in 100-percent support of Knight and what they’re doing with the museum. But having said that, I’d still like to propose that we have an amendment where we pass the CUP for the museum, and we table the one for the arsenal, until after this meeting takes place on Friday, if for no other reason than it gives everybody an opportunity to come and hear what Mr. Knight has to say on Friday. And there ought to be notice of that particular meeting for those residents. And then bring it

back to this board again and, at that time, make a valid decision based on more information that I don't think we have today.

Morris Richardson – Mr. Chair, if I may, I just want to make it expressly clear, because I think there's been some confusion, the CUP request with relation to the arsenal has absolutely nothing to do with the existing firearms, or any expansion of the firearms operation. It is solely and exclusively with regard to the Sheriff's operations regarding their bomb squad and the explosives testing, is how it's been described to me. Those are activities that – the storage and the operations have been ongoing, but we discovered, as a result of some of the issues, that they are not properly zoned and classified. So holding that up would only relate to those Sheriff activities. It would have absolutely nothing to do with the discharge of any firearms.

Robert Ludwiczak – So if I'm understanding you, Morris, correctly, while this thing came to us as an applicant being Knight Enterprises, it really doesn't have anything to do with Knight.

Morris Richardson – It's Knight's property, and they allow the Sheriff to use that. And, certainly, the museum and the reenactments is part of Knight's commercial operations there on the site. But with regard to the need, the requirement for the other CUP, the reason they need that is because of the Sheriff's activities, as well as the – well, the IU-1 is required for both things, for the reenactment and the museum, as well as the bomb squad activities related to explosives. But they need one CUP solely because of the Sheriff's activities there. And that's the one that you're trying to kind of call out. When we say arsenal, that – and I know the word "arsenal" has connotations. But in this context, it relates exclusively to the Sheriff's bomb squad, explosive type operations, nothing to do with the existing firearms testing.

Robert Ludwiczak – O.K. So then, if I'm correct – and correct me if I'm not – but if we're talking about explosives, we're no longer talking about small arms fires, which is what we've been talking about for the last hour and a half. We're talking about explosives.

Morris Richardson – That's what I stated from the beginning. This really has – and I understand the citizens' concerns – but this meeting, frankly, has absolutely nothing to do with 50-caliber discharge, or any small arms firearms. There's been an airing of grievances, but none of the zoning or CUP actions before this board have the first thing to do with any of that. It has to do with the museum, the reenactments and the bomb explosive activities.

Robert Ludwiczak – O.K., then I'm going to withdraw my potential amendment to this whole thing.

Henry Minneboo – Your potential amendment's been withdrawn. Laura, do you want to say something, before I try to do something?

Laura Ward – No, I want to ask a question. We've heard from the attorney that you cannot regulate firearms. But we're charged, in considering the CUP, the issuance of a CUP for a certain activity, to consider noise, among other things. So while we cannot regulate firearms, we deal with regulating the potential nuisance factor of a use that's going to be associated with a conditional use permit. So I want to point that out. Throughout the staff report, where the applicant has answered the sections regarding noise, glare, particulates, they're referring to this vegetative buffer as being the thing that takes care of it all. Well, there's nothing to say that you won't remove the vegetative buffer next week. So we're back to the same thing. Is the potential use, under the conditional use, and I'm talking about their outdoor activities, or whatever, such that you would want to try to reduce noise on the property? And I think that's all anybody has asked, whether it was Robert, or whether it was the residents that testified that noise has been an issue on the property for a very, very long time. I just point that out to the board, when you're making up your motion.

Henry Minneboo – Is there anybody else? (no response) Here's what I'd like to try to accomplish here today, understanding this little bit of sensitivity. But there's three elements here of this request. And I think, only from what I've heard from everybody - when I thought that Morris and I finally agreed on something today is what he said at the end is probably what I thought I heard at the beginning, that we, in essence, try to – I think this Mr. Knight is somewhat going beyond the call of duty in trying to meet with some of the people here himself, who's the owner, and try to hopefully – and, apparently, he's on a tour now – and try to bring hopefully some conclusion to that. But the bottom line, the Board of County Commissioners is going to get this, as well. So I would like to try to approve all three, with the understanding that it's mandatory that they meet with the Knight himself, and his representatives and, hopefully, between now and August the 4th, that they can work out the logistics of the noise, which has impacted the neighborhood now. So, saying that, if somebody will make a...

Clyde Thodey – Mr. Chairman, I'll go ahead and make a motion to approve all three, as submitted to us. And I like the idea that you just came up with, with Mr. Knight meeting with the residents, as well.

Henry Minneboo – Is there a second on Clyde's motion?

Linda Wise – Second.

Henry Minneboo – Seconded by Ronnie (Mr. McLellan's second was made without a microphone; therefore, it is not audible on the record).

Morris Richardson – Mr. Chair, prior to the vote – I'm sorry, I'm butting in again. But...

Henry Minneboo – You wanted to do them individually, I bet.

Morris Richardson – No, no, no. Technically, since we can't require that the applicant meet, what I would like to get on the record is a stipulation that the applicant is willing to do that meeting prior to the Board meeting. I think they've indicated they have that intent.

Kim Rezanka – Yes, we stipulate to that. And I mentioned it three times. And I don't usually come back on what I say we're going to do.

Morris Richardson – I just want the record to be clear. Thanks.

Kim Rezanka – Yes. We plan to do it next Friday. But, if not, certainly before August 4th.

Henry Minneboo – Before the 4th of – when you go in front of the Board.

Henry Minneboo called the question, and the board recommended approval of the request, as stated above. The vote was unanimous.

V.B.4. – PSJ Item.

DISTRICT 2

V.B.5. (Z1107201) – STEPHEN PROCTOR MANGUM; JULIAN SIDNEY MANGUM, JR.; AND SANDRA E. BAKER – (Duane Watson) – request a Small Scale Plan Amendment (11S.04) to change the FLU Designation from NC & CC to IND; and a change of classification from GU & BU-2 to IU-1, with a CUP for a Metal Salvage Yard and Junkyard. The property is described in Section 31, Township 24, Range 36. (4.97 acres) Located on the north side of W. King St., approx. 0.2 mile west of Clearlake Rd. (1740 King St., Cocoa)

LPA Recommendation: Wise/Thompson – Approved. Vote was unanimous.

P&Z Recommendation: Wise/Thompson – Approved with a Binding Development Plan to limit the industrial use to a salvage yard only. Vote was unanimous.

Henry Minneboo – Mr. Watson, you don't have explosives on this property, or you don't want beer and wine?

Duane Watson – No, sir. (Mr. Watson passed out materials to the board) While that's being passed around, I'm Duane Watson, Watson Commercial Real Estate, Merritt Island – 335 South Plumosa Street, Merritt Island – representing the applicant. What's being passed around – or, actually, we're trying to rezone the property from BU-2 and GU to IU-1, with a CUP for a salvage yard. In the document that's just been passed around, the Mangums have been operating this since the late '60's. And the salvage yard, all that time, 45 years. On the first document, if you'll look in the upper left-hand corner, you will see a business license that was issued to the Mangums on October 1, 1982. Right to the right of that you'll see "Junk Dealer". Look at your second page. Very top, October 1, 2010, to September the 30th of this year. Highlighted right below it, "Junk Dealer". The last page, you'll see the definition of a junkyard highlighted in yellow. "The term includes the activity commonly known as an auto salvage yard – wrecking yard." So this property has been used for this for over 45 years. We are requesting that the current use, the business license that you have, and the zoning match. In this rezoning, we would also voluntarily put in there, in the binding development plan, that this will be the only use that will be allowed in that zoning. I'm also including six of the adjoining land owners that approved it. Also, I'd like to submit a site plan that was done for Brevard County, signed by Russ Alward, a long-time friend, back in 1985, four years prior to the first business use license.

Henry Minneboo – This is the original document. Does anybody else want to see this one? O.K. I'm trying to keep these originals separated.

Duane Mangum – I have the Mangum family – all three of the owners are here. I'd be happy to answer any questions you may have.

Henry Minneboo – Is there any questions for Mr. Watson? (no response) Seeing none, let me go out to the audience. Is there anybody in the audience like to speak for, or against? Yes, ma'am, please come up.

Diana Cashe – So I guess that's the entire presentation from him?

Henry Minneboo - Yes, ma'am, that's it.

Diana Cashe - O.K.

Henry Minneboo – I think. I don't think they've got an attorney here.

Diana Cashe – Like I said, I've been – O.K., my name is Diana Cashe, and I live on Sue Drive, which is the street that's directly behind Mangum's. I think we're within maybe 200 feet, approximately. With the family – you know, I have no issues, at all, with the family. I've been there since '81. But from what I have gained in understanding since I received notice is that they've been illegally operating all this time. I also understand that they are unfortunately in some kind of court-ordered sale of the property. And, to me, it's to sell, or cash out, and basically move on, leaving basically the neighborhood with heavy industrial that – you know, I understand now that it's neighborhood commercial and community commercial. I absolutely do not want to see it go heavy industrial behind a neighborhood, especially my neighborhood. I live at 1637 Sue Drive, and I also own 1641, which I keep natural and actually do organic gardening, too. So I'm a little concerned about the junkyard. And all this time, there has been noise from that junkyard over all these years, not knowing that I

could do anything about it over all this time, not knowing it wasn't legal or legitimate. So that brings a great concern to me. I do have a great concern, once they sell, and they're gone, whoever buys it can - with the new zoning, they can buy more land. They could expand. God knows what will happen after that. We don't know how much more the noise will increase. I have great concerns over affecting my property value. I built a home there. I tore down what was there and improved the neighborhood. And, like I said, any possible expanse of this junkyard for future buyers, I'm sure I will have to disclose this. I'm concerned about the sound. I understand there are things that can be done, but I know it will not stop the noise. It may soften the noise. But I'm also concerned - I have a wetland directly behind me, between my property and them. And with the junkyard, I hate to say I think your greatest fear, if you live there, is what would seep or go into the ground, and into the wetland that's there. Case in point, in June of 2000, a neighborhood property, an adjacent property, at 225 Clearlake, basically got caught by the County. They were hauling junk. It's an RV business. They were hauling junk back into the wetland. They were knocking down all the woods, and they were chipping it, blowing wood chip dust everywhere. It was very, very bad. And there were barrels back there with no markings on them. So what happened was that the Natural Resources Management, the St. Johns and EPA all came in. They told them, "Get the stuff out of there," made them remove the junk, make them remove the barrels, made them stop knocking down the wetland, and made them replant. So that's the property that's between me and Mangum's. So if the zoning changed, from what I understand could happen, it's a possibility, once - if they got it, how do I know this person, this basically - what should I call it - basically, polluter, offender, that they came and corrected, how do I know it's not going to create a domino effect that once this zoning is changed, he can apply for the same thing and try to do what he did in 2000, all over again? The worst part of that is it runs directly behind all the houses on the south side of Sue Drive. So I understand them wanting to sell their property, and I feel for them going through the courts on that. Getting the best bang for their buck, getting a zoning change, but leaving - from what I understand, they're not staying. They're getting a zoning change, and when it sells, it sells. So, logically, I say no to any zoning change. Leave the current neighborhood community commercial and zoning as it stands. I understand they were denied it years ago, when things weren't as populated, twice. And I'm asking now more, with our full neighborhood, that please do not let this happen, for the sake of the wetland and our neighbors. And I thank you for your time.

Henry Minneboo - I've got a question. I don't know if anybody else - you say, when you moved there in '81, this facility was there. Isn't that correct?

Diana Cashe - Yes. There was a - as big as it is now...

Henry Minneboo - I mean, it was - some sort of operation was there in '81?

Diana Cashe - They had the auto thing there. What it is now to then, I can't say.

Henry Minneboo - And I guess - you used the term "illegal". But I think what has been bestowed here to us today is just showing documents that since 1960, it has been some kind of a junkyard. And it fell within that realm, or scope, or definition. Am I basically pretty much true? Junkyard, or whatever?

Cindy Fox - If you're going to allow me the opportunity to tell you the history on the property...

Henry Minneboo - You guys have attacked me today, so I'm going to let you finish.

Cindy Fox - Zoning, as you are aware, was introduced in Brevard County in 1958. At that time, a junkyard, or a salvage yard, was part of industrial zoning. When this property was brought forward in the early '60's - it's in the report - I believe it's '63 and '64 - two years consecutively, they asked for a salvage yard, and they were denied. So that is the history of the property. In the '80's, the mid '80's, they came through with that site plan, and that site plan called them a used auto parts store. So I can tell you that they have been there for that long,

and they've definitely been dealing in used auto parts. But they were never blessed by the County with a salvage yard, or a junkyard, designation. The Tax Office business receipts that you see, they don't know what to call things. So when they say a junk dealer, a junk dealer can be a flea market. It can be a lot of different things, so – and I'm just speaking in just general terms. I mean, often we see things that appear on business tax receipts that have no relationship to actually what's been approved under a rezoning request for the property. So I'm just giving you the facts there. I, you know...

Morris Richardson – We get it all the time. We'll have an unlicensed contractor, who doesn't hold a State license, or a County license, for contracting, building a house, and they get caught, and then they come in and say, "Well, I got a business tax receipt that says builder." What it says on that business tax receipt doesn't bestow any rights, other than with regard to say that you've paid your occupational tax, essentially. It doesn't bestow any zoning rights, or any licenses or accreditations, I think is...

Henry Minneboo – Do you all see this piece of paper that was handed to me, as the Chairman?

Cindy Fox – I believe I have a copy of that approval of the site plan. But, you know – and all things aside, I don't believe that they have any active Code Enforcement cases. I don't believe that there's been any violations on the property.

Henry Minneboo – So they're some kind of yard, anyway. Is that – we've agreed to that. There's some kind of a yard, a miscellaneous...

Cindy Fox – I can agree that they've been using the property this way, but they've never...

Henry Minneboo – We know they've been using it since the '60's.

Cindy Fox – In some form, yes.

Henry Minneboo – In some form. O.K., that's good.

Clyde Thodey – Cindy, let me ask a question. Did you say that there are no Code Enforcement actions, or any violations on...

Cindy Fox – There's nothing currently on the property. And when I went back to look through the record, there's been very minimal Code Enforcement activity on this property.

Clyde Thodey – No other violations, at all?

Cindy Fox – Not in the current record. That's correct.

Diana Cashe – Might I add one thing, please?

Henry Minneboo – No. No, you – we've given you...

Diana Cashe – Oh, my...

Henry Minneboo – Unless it's something that's massively conducive here to the...

Diana Cashe began speaking, while Mr. Minneboo was speaking; therefore, her remarks are not audible on the record.

Henry Minneboo – O.K., go ahead. I'll let you finish this up.

Diana Cashe – When I was saying the EPA, and all those departments that came out, correcting the property in between with the wetlands from him, and that was the concern that on weekends after that – I don't know if it upset the family, or they knew with the EPA out there that – I have it on video, in actuality, because of the obstruction of the woods, showing them digging up massive amounts of tires. If it's not them - I don't think it fell on this guy's property. But there were massive amounts of tires being moved during that time that these departments came out. And whether they were out, and no one got wind of it, I don't know. But that actually was an issue, what's in the ground there, and what kind of contaminants are in the ground there, from them running without the proper blessing of the County all these years. You don't know, you know, for sure. And...

Henry Minneboo – But that was in 2000?

Diana Cashe – That was in June of 2000, correct. And I – you know, I'm just saying once they get that zoning change, it's only, from what I understand, to sell and go, not caring about the impact to all the neighbors, you know.

Henry Minneboo – O.K., thank you. Is there anybody else like to speak for, or against? (no response) O.K., Mr. Watson. Oh, I'm sorry. Laurilee. You want the lady, or Mr. Watson?

Laurilee Thompson – No, actually Cindy, I think. At some point in time, I guess it was us, or maybe it's been there forever, but at some point in time, there was an industrial land use that was put on a portion of the property. What's the history of that?

Cindy Fox – No. It's community commercial and neighborhood commercial. Part of their request is asking for the industrial future land use to be placed on their property.

Laurilee Thompson – We don't...

Cindy Fox – There is no industrial in this area.

Laurilee Thompson – I'm looking at the future land use map, and it shows a portion of their property as industrial. And then I'm looking at a proposed future land use map that shows all of their property as industrial. Does part of their property have a future land use designation of industrial, or not?

Cindy Fox – No, ma'am, it does not.

Laurilee Thompson – So what is this thing that's in our packet?

Cindy Fox – I don't know what you're looking at. I'm looking right now to look in the package to see what you're saying.

Laurilee Thompson – (to other board members) – Do you have something that looks like that? That's the proposed future land use map. We have, in our packet...

Cindy Fox – No, I believe you. I'm just trying to look and see what I've got here.

Henry Minneboo – I was going to assure you Laurilee...

Laurilee Thompson – The zoning map shows it as GU.

Henry Minneboo – I was going to assure you Laurilee didn't make that up.

Laurilee Thompson – What?

Henry Minneboo – I was going to assure her that Laurilee didn't make that up.

Cindy Fox – No, I truly believe you. I think we're looking at a mapping error, however, if that's the case. That's incorrect. It should be NC. It should not be industrial. Because that pink – if you'll look at my map – you're not looking at a color map - it's...

Laurilee Thompson – We haven't had color maps in two years.

Cindy Fox – It's pink. It would be a different color if it was...

Henry Minneboo – So Laurilee did a good job.

Laurilee Thompson – It has the letters "IND" here.

Cindy Fox – You are correct. That is a mistake.

Laurilee Thompson – That's a mistake. O.K.

Laura Ward – So they don't have any industrial future land use, but it takes industrial future land use and zoning to make them legal. Is that correct?

Cindy Fox – That's correct.

Henry Minneboo – Cindy, you know – and I'm – you know what's hard for me, this thing's been here since the '60's.

Cindy Fox – I know. And we...

Henry Minneboo – And here...

Cindy Fox – And we...

Henry Minneboo – And here, this poor board...

Cindy Fox – No, and I under...

Henry Minneboo – Do you feel, a little bit, for us?

Cindy Fox – Absolutely. And we tried every other avenue before...

Henry Minneboo – If this would have been an airport, and then they made it a hotel site...

Cindy Fox – Well, and all I can tell you is that we certainly went back through all the history, all the way back to 1958...

Henry Minneboo – You guys did a good job. It's the sad thing is, 5,000 people have been in the County have passed since – well, this – you know, you guys grabbed it, too. Here this poor board, in 2011, is dealing with it. So I'd say let's get him cleaned up and get him out of here, and they'll be right from now on.

Laura Ward – Well, to clean them up, you've got to put industrial zoning in the middle of...

Laurilee Thompson – In the middle of...

Laura Ward - ...everything that's sitting here.

Laurilee Thompson – Right. There's no industrial zoning anywhere...

Henry Minneboo – Laura, it's been here since the '60's. It's been here before...

Laura Ward – So they sell it tomorrow, and you've got industrial future land use and zoning sitting there for anybody that wants to pick it up later.

Henry Minneboo – But just make it – leave it as a junkyard.

Laura Ward – You can't make them leave it as a junkyard, once you...

Henry Minneboo – Make it – if you put it on a site plan, you do.

Laura Ward – No, you can't.

Duane Watson spoke from the audience.

Laura Ward – Didn't you all apply for a – under a different use, at one time? Didn't she just tell us that...

Duane Watson again spoke from the audience.

Cindy Fox – I'm sorry, if you need to testify, you need to speak into the mic, please.

Henry Minneboo – Mr. Watson, let's bring this to closure.

Duane Watson – It was in the early '60's, I think, '62, '63, or somewhere along in there, '64.

Cindy Fox – The two rezoning were in 1963 and 1964.

Duane Watson – That's almost 45 years – 50 years ago.

Henry Minneboo – I'm going to...

Duane Watson – And, also, on her comment about expanding, we'll make it – stipulate that the current acreage will be it, not to expand any more than that. Also, if you don't mind, Stephen Mangum would like to address the tire issue. Would that be a – two minutes.

Henry Minneboo – O.K., if you all feel it's helpful to us. Please identify yourself.

Stephen Mangum – My name is Stephen Mangum. I live at 2708 Cherbourg Drive, in Cocoa. In 1957, we moved here to Brevard County. Mangum Auto Parts has been operating since then. In 1958, the property where they were operating was down by the Old Dixie Concrete Plant. But, later on, the State condemned the property and turned it into a Federal Housing Program. They moved (unintelligible) out to where we're at right now in 1962. He operated, at that point, with the same license that he had renewed, and he kept going. And, as far as this young lady here, the property she's talking about was another piece of property. She doesn't butt up to our property. So I didn't have her name on our list of all the people that surround us, which I got most of everybody – I've got three left. And they have already said that they would sign it. So that's where I'd like to leave it right there with ya'll. It was Carl Loggins' property that they came in on, next to what used to be Cross Enterprises. And they was coming back out – he bought the wetlands behind it, also, which all that property butts up to her house is wetlands, one acre per ten acres to develop.

Henry Minneboo – And that's not even your property?

Stephen Mangum – That's going to be pretty expensive for somebody to expand, you know. You got to give ten acres to the State to develop one acre. That's what I know about it.

Diana Cashe spoke from the audience.

Henry Minneboo – All right. I'm going to – Mr. Watson, you have any closure here? (Mr. Watson responded that he had nothing further) O.K., I'm going to bring it to the board. What's the pleasure?

Laura Ward – I'd like to ask the staff one more question, please. Can they – how can they stipulate that they will not – a future owner will not have any other – I don't understand what they're saying they would stipulate to. If you change the land use and zoning on this property, it's changed. So what was this about they'll stipulate to something?

Henry Minneboo – It's going to be a binding development plan.

Morris Richardson – Binding development plan. You can stipulate to a limited use, and it applies to successors, heirs, assigns, purchasers, in the future. Now, they could always come in and ask you to relieve that. And you have changed the zoning, that's correct. But, yes, they can enter into a binding development plan saying this is going to be the use. And that is binding on purchasers and assigns.

Laura Ward – O.K. As it is right now, they're operating illegally, I guess. But there's no complaints. So with no complaints, they just continue to operate. Isn't that the case?

Morris Richardson – With regard to the code violation, without a complaint, Code's not going to investigate. Now, if there are any other violations of law, then...

Cindy Fox – I think that this came about – and the applicant came to us. The County did not seek out the applicant to shut down this business. They want to sell the property. And, generally, when you go to sell a property, the people who are financing it are – you know, they want some sort of letter that says that the use on the property is consistent with the zoning. And we could not provide that type of information, because the use is not consistent with the zoning.

Henry Minneboo – Is there a motion?

Laurilee Thompson - No, I have another question. Is the potential buyer of the property, do they intend to operate it as a junkyard, or are they going to put something else? You know, what's...

Henry Minneboo – Laurilee, if we make that a stipulation, then – you know, I’m not sure we ought to get involved in whether they’re going to sell it, or not going to sell it. But if we put a stipulation that what it is, is what it’s going to be, to me, that should be cut and dried. I mean, if they feel like coming back later, and they want to put a hotel, we’ll deal with a hotel later. But we need a motion to get out of here tonight, so...

Linda Wise – I move that we proceed with the proposal with a stipulation in the binding development plan, as outlined before.

Henry Minneboo – Cindy, is the word “junkyard”, is that – I mean, is that the word?

Cindy Fox – Well, their request is for IU-1 zoning, with a conditional use permit for a metal salvage yard and junkyard. So I would say that your request would be IU-1, with a limitation of no other heavy industrial uses, other than the salvage yard.

Linda Wise – So moved.

Henry Minneboo – Is that suitable to the applicant here?

Duane Watson indicated, from the audience, that it was suitable.

Laurilee Thompson – I’ll second it.

Henry Minneboo called the question, and the board recommended approval of the request, as stated above. The vote was unanimous.

Cindy Fox – Can we go ahead and get a second motion for the industrial future land use amendment, as well?

Henry Minneboo – Yes.

Linda Wise – So moved.

Henry Minneboo – Motion, again, by Linda.

Laurilee Thompson – Second.

Henry Minneboo called the question, and the board recommended approval of the future land use change. The vote was unanimous.

The meeting was adjourned at 5:56 p.m.