

OCTOBER / NOVEMBER 2015 *Shore* news

South Patrick Residents Association WWW.SPRANEWS.COM

NEW SPRA LOGO

SPRA has a new logo, thanks to Laura Walko, our talented community relations & events coordinator. She designed the beach-themed piece while at our local beaches. The logo also appears in color on our website at www.spranews.com.

SANTA'S DECEMBER FIRE ENGINE RIDE

SPRA is fortunate to have Randy Pitts and Bill Davis, two residents who have stepped forward to pull together the December Santa's Fire Engine ride throughout the South Patrick Shores area. They will update the fire engine decorations and may add some new features to the event. How can you help make Santa's ride a success? Residents can donate to the Santa Fund with a few dollars to help pay for candy, decorations and lights. These donations are in addition to the funds SPRA allocates to this traditional event. Please send your donations to SPRA, PO Box 372357, Satellite Beach, FL 32937. We are looking forward to a successful Santa's ride in December.

AREA 3 DIRECTOR NEEDED

SPRA needs an Area 3 Director. This is a rewarding experience where one can be involved in working on behalf of our local community, where we live and play. Please contact Ayn Samuelson at asamuelson@spranews.com or at 321-773-8167 for more information. We'll be there to help you get started and to answer any questions.

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SPRA TREASURER RETIRING

Our dedicated and long-serving SPRA Treasurer is retiring soon from her position. Mary Lou will be happy to train a new volunteer in the details of this critical position. No accounting degree is necessary, although some bookkeeping experience would prove helpful. Please contact Ayn Samuelson at asamuelson@spranews.com or at 321-773-8167 for more information.

President's Message

RESORT DWELLING REGULATIONS

Recently, a few individuals who live within the unincorporated area on Merritt Island have stepped forward to challenge our hard-fought, resort dwelling ordinance. This issue again came to light at the December 9, 2014 Board of County Commission meeting where, "The Board acknowledged the citizen request regarding changes to the Resort Dwelling Ordinance, but took no formal action."

History: Prior to 2004, resort dwellings were not regulated by the County. The issue came forward from South Patrick Shores and SPRA because some people purchased property within North Waterway Estates with the expressed intent of renting houses as resort dwellings on a weekly basis, which is considered a commercial enterprise far beyond annually leased rental units. Serious impacts from excessive noise, mobs of people in a single dwelling and partying throughout the night-time hours occurred at these resort dwellings. Because of our community's impressive involvement, new zoning regulations (currently in place) were enacted by the Board of County Commissioners following extensive public input during 2004 and 2005. Testimony was heard from speakers representing perspectives in favor of and against allowing commercial, resort dwellings in residential areas. Legitimate compatibility issues of such dwellings being located in single family residential subdivisions were raised. The Board directed staff to craft

Continued on Page 2

**Monday, October 12, 2015 • Next SPRA Community Meeting
7:15 p.m. • David Schechter Center**

By Ayn Samuelson

Continued from Page 1

an ordinance that allowed resort dwellings in multifamily and single family attached zoning classifications subject to conditions such as: performance standards, parking, overcrowding, noise, and local management oversight. They unanimously voted to prohibit rentals with leases of less than 90 days in single family residential neighborhoods such as ours.

Definitions: A resort dwelling is defined as "...any single family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 90 days or three calendar months, whichever is less. For the purposes of this chapter, a resort dwelling is a commercial use. For the purposes of this definition,

subleases for less than 90 days are to be considered separate rental periods. This definition does not include month-to-month hold-over leases from a previous lease longer than 90 days." The 2011 state statute that prevents the County from adopting and changing regulations regarding vacation rentals is Fla. Stat. 509.032(7). This statute "grandfathers in" previously implemented local laws, like the current resort dwelling ordinance in the unincorporated areas.

Code Enforcement of Resort Dwelling Regulations: By Board policy, Code Enforcement is not proactive; officers respond and investigate complaints. A prima facie case creates a rebuttable presumption, and is an evidentiary standard that measures whether the evidence meets the required burden of proof on an issue. Prima facie evidence for a resort dwelling use is set forth in



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Section 62-103 of the Zoning Regulations. The following circumstances provide prima facie evidence that a property is being used as a resort dwelling: (1) On a non-homestead property, different occupants have been observed on at least two separate occasions within any 90-day period; (2) On a non-homesteaded property, different vehicles with different license plate tags have been observed parked on at least two separate occasions in any 90-day period; or (3) The property is advertised or held out to the public as a vacation rental, vacation resort, short-term rental, short-term resort, or resort rental.

Summary: The Board's deliberations over a one year period resulted in enactment of the regulations that are currently in place. The current locational criteria recognize that resort dwellings tend to locate in relative proximity to Brevard's waterfront areas. The ordinance allows for such uses in multifamily, commercial and tourist/transient tourist commercial zoning classifications. Single family

residences that are located on the east side of S.R. A1A or the west side with direct frontage along S.R. A1A, but not abutting any single family detached uses or lots zoned for single family detached uses, may be considered for resort dwelling use through the Conditional Use Permit (CUP) process. The ordinance, however, prohibits conversion of single family homes to resort dwellings in locations that are adjacent to single family homes, due to inherent incompatibilities. Such incompatibilities are evidenced by the number of code enforcement cases for properties within single family residential areas. The code provision requiring the posting of management contact information enables the neighbors and/or Code Enforcement/Sheriff to communicate with the owner's representative in a timely manner, should there be any complaints.

Ayn Samuelson's Email to the Commission: "Dear Commissioners: I found that the resort dwelling issue is on public record from the December 9, 2014 Board



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Minutes, even after the Resort Dwelling Ordinance has been a successful part of our local laws since early 2006, without inflicting harm on the tourist industry. **Local Law:** North Waterway Estates subdivision in South Patrick Shores, where this issue had its roots in 2004, fought for a reasonable Resort Dwelling Ordinance to reflect a well-balanced and fair approach to the issue, while ensuring the safety, security and welfare of residents who reside in our residential communities. The ordinance struck a balance of interests for residents and investors of properties termed "resort dwellings" (aka vacation rental/ short term rentals/commercial enterprises). Extensive public input between August 2004 and September 2005, along with the Board's deliberations, resulted in enactment of the Resort Dwelling Ordinance currently in place. SPRA residents presented extensive proof of real-time, legitimate concerns and grievances. The current ordinance rightly prohibits conversion of single family homes to resort dwellings in locations that are adjacent

to single family homes, due to inherent incompatibilities and the realities of increased traffic, noise, parking, safety and security issues. **State Law:** The Florida statute that prevents the County from adopting further regulations regarding vacation rentals is Fla. Stat. 509.032(7) (b). "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011. Our key concern is that if the county modifies this ordinance, it may lose the conferred "grandfather" status given to our Brevard County Resort Dwelling Ordinance enacted in 2006. Let's not reinvent the wheel. Please leave the well-founded Resort Dwelling Ordinance on the books as it is currently written. The ordinance has served residents well, properly defining residential safeguards and allowing commercial, resort dwellings reasonable locations in which to transact their business."

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President's message

FDOT SR A1A RESURFACING PROJECT

In August 2015, the Florida Department of Transportation (FDOT) held their Phase II (60%) roadway plans for SR A1A at Canova Beach Park. In attendance were representatives from three beachside cities, the county, FDOT, the Space Coast Transportation Planning Organization (SCTPO) and myself as a representative of SPRA. The issues discussed dealt with several important issues regarding the project overview and the project schedule. Part of the response from FDOT on this project is as follows: "The Department has recently completed responding to all the comments provided by the stakeholders on the Phase II (60%) roadway plans for the FDOT resurfacing project #428753-1 (SR A1A from US 192 to SR 404). It was noted that many of these comments are beyond the scope of a pavement rehabilitation project, as a result it is very challenging to incorporate such requests into the project while maintaining the schedule and staying close to budget.

... The Department understands the concerns of the stakeholders, and by looking over all the improvements requested in the comments, or during the previously held meetings, it is clear to us that the SR A1A corridor within our project limits is in need of a more comprehensive type of analysis that looks at the overall pedestrian, bicycle, and transit needs. We believe that this would be a better approach to optimize all the pedestrian, bicycle, and transit facilities along SR A1A instead of trying to add bits and pieces of improvements to the resurfacing project and missing the bigger picture. As a result, the Department held an internal meeting this week to discuss initiating a more comprehensive mobility needs analysis for the SR A1A corridor, which will be developed through our Modal Development Office ... expected to be starting sometime around the beginning of October. The analysis we are suggesting will look at overall mobility needs of the users in the corridor. The intent is that it will identify the needs and behaviors of people walking,

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biking, and using transit, and make recommendations on how to meet those needs. For example, from the pedestrian perspective, an analysis of the surrounding land uses that generate and attract people walking, the 'desire lines' to see where people walking are most likely needing to cross the road, and a night time review for lighting needs in the areas where crossings need to be made, especially where transit stops are located. This comprehensive analysis will use all the input gathered from the current resurfacing project, but the intent is to have the resurfacing project independent from this comprehensive study such that each of the two projects will effectively meet their objectives."

SPRA's Response to FDOT: "Thank you for the update on the mobility needs analysis for the SR A1A resurfacing project. Residents in the unincorporated area generally look to a wider, more comprehensive view for the mobility of users throughout the SR A1A corridor that affects overall pedestrian, bicycle and transit needs. Concentrating pieces of improvements into any single jurisdiction within the corridor would be shortsighted and will likely not meet the mobility needs that were intended for the entire corridor."

AREA DIRECTOR REPORTS: OCTOBER/NOVEMBER 2015

AREA 1 ►

KREATHA HASTON • 536-5137 • khaston@spranews.com

• There are no issues to report.

AREA 2 ►

BEN HAYNER • bhayner@spranews.com

• The north entrance wall along the South Patrick Community Park that was vandalized with spray paint has been repainted. The Sheriff's office has a specific program for the inmates to paint over graffiti. Please report any graffiti to your SPRA area director.

AREA 3 ►

• Area 3 needs a director. There are no other issues to report.

AREA 4 ►

MARILYNN COLLINS • 773-8490 • mcollins@spranews.com

KREATHA HASTON • 536-5137 • khaston@spranews.com

• Coral Reef's east side needs edging. The County will be contacted.

• The entranceway at South Patrick Park has been refurbished at a cost of \$675 along with volunteer work. New lettering for the walls is being priced, along with assessing the current sign's condition are in the works. Ideas about how the current sign can be lowered and repainted so that it shows up are being explored. The

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current sign was crafted by a resident.

- Some neighbors have been approached to cut extremely, tall, lawn grass that impacts the overall condition of the area. The County will be contacted to trim back a tree that is impinging on some street-lighting for safety reasons.

- If you have any suggestions or ideas for further beautification, please call Marilyn or Kreatha, your Area 4 co-directors.

AREA 5 ►

BOB CAHALL • 779-9282 • bcahall@spranews.com

- The two broken light globes at the entranceway have been replaced.

- Lawn of the month nominations are welcome, and be sure to provide me with both the names and address of you nominee.

AREA 6 ►

CLYDE BERRY • 779-3129 • cberry@spranews.com

- Thanks to all for yard of the month recommendations.

FLORIDA TODAY OP-ED - SCHOOL DISTRICT NEEDS LEADERSHIP by Ayn Marie Samuelson

As a member of the Florida Today editorial advisory board, I participated in a lively interview with newly hired School Superintendent Desmond Blackburn. Questions posed to him focused on funding, debt, testing, Crosspointe software, sales tax oversight,


closing schools, academic achievement, morale, and leadership.

The reason I asked a question about leadership was because it directly impacts day-to-day operations, as well as morale. Effective leadership sets the tone of an organization and provides a cornerstone for sound management and decision-making.

The drumbeat of concerns heard from parents, teachers and taxpayers in our school district proclaims a loss of trust, brought about partly by the lack of transparency and accountability. But with a new superintendent, there is a genuine opportunity to modify the status quo through leadership that positively influences school and community-wide morale.


Large institutions, like school systems, are often impersonal and exercise firm control from the top. On the other hand, a more desirable and effective leadership style, actively listens to and engages people. Game-changing leadership that will enhance trust throughout the community, both within and outside of the schools, is desperately needed.

Our new superintendent turned the tables when he asked about our district-related concerns. As president of South Patrick Residents Association (SPRA), I understand that knowledgeable people in our community are willing to become engaged in activities that add value to the district. But too many of them



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have found a shortage of meaningful interaction and dialogue, as district leadership has underachieved in listening and learning beyond their office doors. After a while, residents learn that even their legitimate issues and solutions will be unconvincing to those in power.

Whenever I've written or spoken about community issues pertinent to the jurisdiction of the County Commission, information about each topic is presented, and the response has generally been positive, as the intent is to give input that will add value to their decision-making process. In contrast, concerns about school district debt and software expenditures fell on deaf ears, as did input on closing several schools. Most informational or outreach meetings proved to be more of a required process for the district rather than driven by a sincere desire to add real substance gathered from the community. This gave the impression that decisions by staff were made beforehand, as the final plan lacked adequate responsiveness to the concerns, ideas and solutions from community members.

An attitude change that encourages input and workable solutions from residents, on behalf of our schools, would be a far more desirable approach. Parents, teachers and community members have a legitimate right to be involved in the decision-making process, which ultimately will serve the best interests of our entire school district.

Welcome to Brevard, Dr. Blackburn. Our community looks forward to becoming actively engaged in adding value in a new partnership with you and your staff. We look forward to your leadership for Brevard schools which will invite input and enhance trust through transparency and accountability.

BREVARD COUNTY HIGHLIGHTS:

Brevard County Budget: Commissioners voted at two public hearings on the tax rates for the county's general funds, as well as for 24 other taxing districts related to such funding categories as fire control, law enforcement, roads, libraries and recreation.

Brevard County's proposed proposed budget for fiscal

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year 2015/16 is \$1.04 billion.

The aggregate tax rate is about \$6.78 per \$1,000 of taxable value, down from the \$6.94 per \$1,000, although the county will take in more taxpayer dollars than last year.

The proposed budget does not reduce county services or set forth any staff layoffs.

The budget includes 3% to 4% raises for some 2,300 employees of county departments.

All Brevard County taxpayers pay taxes to the general fund, the library district, the mosquito control district and the Environmentally Endangered Lands program. The other taxing districts on the November tax bills are paid according to whether the property is located within a city or within unincorporated Brevard. The budget includes pay raises for all employees of county departments, with employees who make less than \$30,000 a year receiving 4 percent raises, and employees who make more than \$30,000 receiving 3 percent raises, as per the proposed budget.

A five-member volunteer Brevard Citizen Budget Review Committee was re-instituted this fiscal year and has been meeting since April 2015. While the committee did not have enough time to get into the details of each agency or program, the overall plan is to make presentations before the County Commission for consideration in future budget years. County Commissioner Trudie Infantini promoted some ways in which the budget could

be cut, such as: do not fill some county jobs that are currently vacant (attrition); disband some community redevelopment agencies (CRAs); sell the Space Coast Stadium; place a limit on accrued leave time that employees accumulate over the years; and stop offering some incentives to companies for relocating or expanding in Brevard County.

FLORIDA STATE HIGHLIGHTS:

1) The Florida Regular Legislative Session will convene on Tuesday, January 12, 2016. The current Florida Legislature committee meeting schedule in preparation for the Session is as follows: October 5 through October 9; October 19 through October 23; November 2 through November 6; November 16 through November 20; and November 30 through December 4.

2) Florida Education Survey: State Representative Debbie Mayfield's office conducted a survey regarding Florida's education system. Since 2011, the State of Florida has implemented three different sets of state assessments to measure student performance. The adoption of the new Florida Standard Assessments (FSA), which is largely based on the Common Core State Standards, represents an additional change in educational assessment. Below are the survey results:

1) Do you believe the Florida State Standards are the best education standards for our students? Yes @ 6%; No @ 94%



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2) Do you believe Florida students are subjected to over-testing? Yes @ 98%; No @ 2%

3) Do you believe the Florida Standard Assessment is an appropriate assessment program? Yes @ 8%; No @ 92%

4) Do you support the Seminole Solution or using national norm-referenced assessments in Florida? Yes @ 65%; No @ 35%

SPRA AGENDA - August & September

• New SPRA signs were discussed, and costs were found to be excessive for some signs, like the signcade folding signs with removable letters. These signs might also be more conducive to theft, as well as be more difficult to transport and store. Consensus was that SPRA needs signs that can give more information when events or speakers will be a planned part of the meeting and signs that are readily visible and easy to handle. SPRA is looking into signage where different events

can be attached and displayed easily.

• Santa Ride – Randy Pitts and Bill Davis volunteered to work on the Santa ride with Fire Station 62. Donations are needed in the form of dollars for lights and candy. It is important to put on a great event but also to keep costs down and ensure simplicity. \$500 was allocated from SPRA.

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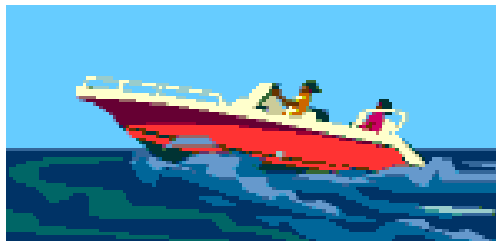
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~ AREA 1 ~

Kara Fleming & Ryan Corbett, 219 NE Second Street

~ AREA 2 ~

Robert & Virginia Dorn, 192 SE Second Street

~ AREA 3 ~

No YOM

~ AREA 4 ~

Adam & Lindsay Copeland, 117 Coral Reef Drive

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