

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, February 6, 2020

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:00 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, and Commissioner District 5 Kristine Isnardi

Absent: Commissioner District 4 Curt Smith

B. MOMENT OF SILENCE

Chair Lober called for a moment of silence.

C. PLEDGE OF ALLEGIANCE

Chair Lober led the assembly in the Pledge of Allegiance.

F.1. Approval Re: Preliminary Development Plan (PDP) amendment to the Bella Vita PUD (Tax Account #2410377)

The Board approved the reduction of 11 feet to the 25-foot perimeter buffer requirement to allow for a new pump house to be constructed at 14 feet from the Hall Road right-of-way within the Bella Vita PUD's Preliminary Development Plan (PDP).

Result: Approved

Mover: Rita Pritchett

Seconders: John Tobia

F.2. Approval Re: Adjustment of Future Land Use Map Boundaries.

The Board acknowledged a scrivener's error on the FLUM and an adjustment of the Future Land Use boundaries for a total of .415 acres from Public Conservation (PUB-CONS) and abandoned right-of-way, to Neighborhood Commercial (NC).

Result: Approved

Mover: Rita Pritchett

Seconders: John Tobia

G. PUBLIC COMMENTS

Krishna Tewatia stated he is here to support a human rights LGBTQ Plus ordinance in support of his friends; since the birth of the nation, people have been told time and again that this Country is meant for equality, freedom, and liberty; since its founding people have been promised these ideals; when the citizens go off to war, they do so knowing they are trying to ensure tranquility and liberty for all; every drop of blood shed and every single life lost for this Country has gone towards this purpose; people are supposed to be living in this Country knowing everyone has equal rights; and his generation is supposed to be able to go to sleep knowing that the dream the founding fathers had for them to all be equal, is safe and sound, and yet an injustice against one is an injustice against all. He continued right now in a society

where freedom and equality should be guaranteed, there are members of the LGBTQ Plus community who can be oppressed due to their identity; right now there are no laws stopping employers in Brevard County for firing someone simply because of their sexuality, nor are there laws stopping members of the LGBTQ Plus community from being put into conversion therapy; these are human beings, people exactly like everyone else whose entire livelihood is threatened simply because of the unjust decisions of their fellow Americans; and it is unacceptable that there is nothing stopping someone from firing someone simply because they are part of the LGBTQ Plus community. He added they are all people, all the same; in this land of freedom, this land of liberty someone can be discriminated against and have their rights fringed upon simply because of someone else's unjust decision; the fact that conversion therapy has not already been abolished is also a blemish on their liberty; and conversion therapy unjustly attacks the fundamental part of who these people are for no good reason. He went on to say they are ruthlessly subjected to conversion therapy simply because people refuse to understand them; this understanding is what they need in society; they are people and all people have the right to do whatever anyone else can; there simply must be protections in this Country against discrimination of all kinds; and as long as that discrimination is not extinguished by the law, the promise of equality is constantly at risk. He noted this discrimination can be prevented with the Board's support here today; people must remember that they must not and cannot allow people to become aliens to unalienable rights simply because they may not understand them or feel like they are causes not worth taking up; and people must remember that "We the People" means everyone, and that right now they can help create the change to mend the rift in this society, in people's values, and in this Country; and equality must stand.

Olivia Fortson stated she is in attendance today because she wants one of the Board Members to sponsor a LGBTQ Plus Human Rights Ordinance; in other words banning discrimination based on sexuality or gender identity in the workplace and additionally banning conversion therapy in Brevard County; all Americans grow up learning that all people are created equal, therefore, should be treated equal, as equal rights should apply to everyone and affect everyone; even though people may not understand a person it does not mean they should not be loved and treated equal; and she urged the Board to take a step in the right direction and sponsor this bill.

Arianna Dorney stated due to her experience volunteering with special needs students she has a unique perspective on this issue; her experiences have taught her that people with disabilities are more than capable of living fruitful, productive, and happy lives; as long as small accommodations are made in their education and social development, and it was not long ago that this was not the case; in the recent past people with mental disabilities were considered to be burdens to society to be hidden away in the homes of their parents or stuck in an insane asylum; and now this attitude is rightly viewed as cruel and unjust. She continued by saying in the past horrifying medical treatments were used to cure mental illness: lobotomy, electric shock, and insulin shock therapy; now these treatments are viewed as cruel and inhumane; it is her hope that conversion therapy for the LGBTQ community will be viewed in the same way as people have learned they cannot change how a person's brain functions on a fundamental level in the same way that people born with various mental capabilities; people are born with different sexual preferences; and no amount of torture disguised as therapy can change how someone's brain functions. She noted the basic premise of conversion therapy is wrong; no one can tell a person how to feel or think; no amount of therapy is going to make an autistic child not autistic and likewise, no amount of therapy is going to change a person's sexual orientation or how they choose to identify; in today's society there are many people with disabilities that are working at the restaurants people eat at and the places they shop at; and she asked why members of the LGBTQ Plus community receive any different treatment. She

stated take Alan Turing for example, he was highly influential in the development of theoretical computer science providing a formulation of the concepts of algorithm and computation with the Turing machine which is considered a model of the general purpose computer; sounds like a successful and well respected man, but wrong; Turing took his own life in 1954, two years after being outed as gay; homosexuality was still a crime at the time and Turing was convicted of indecency; he died from eating an apple laced with cyanide; he was only 41 years old; and this is still going on in today's society. She noted it is terrible to think people could be losing some of the brightest minds over something as simple as who they love and how they identify.

Jacob Gelman stated he would like to thank the Board for letting him speak today; liberation is a noun defined as the act of setting someone free from oppression, however more than that, liberation is a verb; liberation is an act when taken by a group or entity with the effect of release; and he is in attendance today not to only ask for this release but to beg for it. He continued by saying he is begging to be liberated in the workplace because of the way he exist, the way he was born, the way he loves, the way he speaks, the way he walks, the way he was created, and the way he is, is grounds for his extermination, he is not released and he is not free; when he has a 17 percent chance of being fired, 28 percent chance of receiving a bad job evaluation, a 41 percent chance of verbal or physical harassment because of who he is, he is far from release and he is far from being free; and when 90 percent of his transgender brothers and sisters have encountered some form of harassment or mistreatment on the job, they are not released, and they are not free. He added the queer people in this County exist as puppets lacking free will, they exist as defenseless prey in a jungle of hatred, they exist naked without the protection of litigation hung just barely out of reach by those who are afraid of acceptance; he commented he is begging for the Board to liberate those in conversion therapy, liberate those in the underground system of hatred perpetually telling them their worth is nonexistent, liberate those whose trauma leads to tragic and deadly consequences, liberate those whose existence as a human crumbles in the torture of a practice denounced by the American Academy of Child and Adolescence Psychiatry, American Academy of Pediatrics, and American Academy of Physicians Assistance to name a few, liberate those whose involvement leads to a risk of being 8.4 times more likely to have attempted suicide and 3.4 times more likely to have used illegal drugs, liberate the voiceless in Brevard County and give them the power to speak for themselves; and he is begging for the Board to liberate him as a renter. He continued Federal Law lends no protection because the Fair Housing Act does not protect people against discrimination based on sexual orientation or gender identity; he has a right to exist but not to live because the fear of eviction looms as an eminent threat for those hiding in the shadows of a hateful landlord, because those families of gay parents face the rejection to buy homes in straight neighborhoods; he is begging to be liberated as a person not as a gay man, not as a student, but as a son, daughter, lawyer, doctor, assistant, or friend; he is begging to be liberated as someone who read somewhere that all men are created equal and that all people are endowed by their creator, with inalienable protections; he is begging to be liberated as someone who hurts somewhere, that it takes no compromising to give people their rights and it takes no money to respect the individual; and he is begging for one of the Board Members to sponsor a human rights ordinance liberating him and all other queer people in Brevard County and granting them the right to exist freely as individuals.

Michele Areb stated stands here today in opposition to a system that preserves and justifies discrimination against the people; she stands here today to ask the Commission to sponsor a bill to end this discrimination; she stands here today because to become complacent in an oppressive system is to reply with that same system; she stands here today because she and others as citizens have the moral and ethical standard as Americans to demand better institutions and laws; she stands there today as an ally of the LGBTQ; and to the Board, as an American, as a God-fearing person, as someone with love, she is asking the Board to sponsor

a human rights ordinance in Brevard and support career liberation.

Commissioner Isnardi stated she has a couple questions for the County Attorney; she asked if the County Attorney could do an analysis to see if the County has anything in the Code of Ordinances or in the Human Resources Policies and Procedures where there could be improvements to make sure that the County is protecting everyone; if there are things in there that include non-discrimination against age, sex, etc. she would like to get an analysis on that to see if the County can do better; and she asked if the County Attorney could do that.

Eden Bentley, County Attorney, stated she can report back to the Board on that.

Commissioner Isnardi made a motion to review the County's Policies and Procedures and Brevard County Code of Ordinances to see if improvements can be made regarding non-discrimination.

The Board discussed and directed the County Attorney to do an analysis of Policies and Procedures and Brevard County Code of Ordinances to see if improvement can be made regarding non-discrimination.

Result: Approved

Mover: Kristine Isnardi

Second: Bryan Lober

H.1. Zamira and Gezim Doci (Andi Doci) request a change of zoning classification from RU-1-7 to RU-2-12. (19PZ00124) (Tax Account 2716189)

Chair Lober called for public hearing on a request by Zamira and Gezim Doci for a change in zoning classification from RU-1-7 to RU-2-12.

Jeffrey Ball, Planning and Zoning Manager, stated the first item is 19PZ00124; this is by Zamira and Gezim Doci requesting a change in zoning classification from RU-1-7 to RU-2-12; it is located in District 5; staff has received 15 letters in opposition; and the subject property is located in a predominantly single-family neighborhood.

George Booras, representative for the applicants, stated basically what is going on is his clients would like to convert their house in to a duplex; originally the house was meant for two families, the parents on one side and the children on the other side; and after some consideration they have decided that they want to do something different than that so that is why they are there today to see if that can be altered. He mentioned his clients have read through all the documentation that has been provided, the letters that were provided to staff and the Commission; looking at staff's analysis of the matter, one of the points made by many of the parties was the traffic; there is a .01 percent increase in traffic, he is talking one or two cars being added to the neighborhood; in addition, he disagrees a little bit with staff's analysis, there are a significant amount of multi-family style homes in the area; and according to an analysis of Brevard County Property Appraisers records there are within 1,500 feet of the home, 31 condo units, three duplexes, four triplexes, two quadriplexes, four multi-family usage homes, and nine townhomes which were not noted in the staff's analysis that was provided to the Board. He went on to say adding another duplex, especially when there are already three duplexes on this block already, and he showed the Board a map of the area from the Brevard County Property Appraisers website, and he explained this is Atlantic Avenue, there is a condominium unit at the end of the street, there are two multi-family uses that makes a print on the street as well, two duplexes next to those, and then another duplex actually on the end of the street; he believes

many of the comments that were provided by neighbors kind of reflects that they do not want their neighborhood to become overrun; this is not that type of action, it basically is altering to give a variance in this situation and would not create the types of issues being complained of; now according to staff and their analysis there were some land-use issues as to the property, he believes there were setback issues because there is a 4.2 foot setback as to the main setback, there was a 25-foot setback that is required and there is also a 5.5-foot and 10-foot setback as to the west side of the property; and the thing is this is an older existing home so by granting a variance the Board is not actually changing anything, and the same with the sewage. He went on to say the sewage will not have any changes; there were a lot of complaints that were filed in these letters saying that things would change, but nothing actually changes; the home exists and the only modification to the home that would potentially happen are interior not exterior; therefore, none of these things such as increased traffic, sewage issues in the neighborhood, that there is some sort of imposing on other people's property, none of that happens here. He continued by saying basically these are all existing things and all they are doing is looking to basically have a variance as to an existing property that is already there and allowing his applicants to cut it in half so part of his family can live on one side and the other part can be rented out to parties as necessary; they are looking at long term renters, not short term parties; they do not want to disrupt the neighborhood; and he believes that is a very key concern here because the letters were basically addressing the fact that they thought the neighborhood would be disrupted in some way, shape, or form. He stated when looking at other duplexes on the Property Appraisers website they are basically the identical situation and all of the buildings are built on double size lots; there are no significant differences between the duplexes that already exists other than perhaps the size of the building; they do not have sewage because there is no public sewage in the area, there is only public water; and he reiterated basically many of the requirements that are being stated have already been waived for other buildings in the area, sometime in the past. He mentioned there is also a concern about rental properties that was brought before the Board and staff by the parties; according to the Brevard County Property Appraisers website there are approximately 18 properties along that one street that are owned by entities, not owned by persons, and trusts, not by family trusts because he eliminated them, just trusts, corporations which seems that those buildings, residences would be rentals not necessarily homes where the owners reside there; and in conclusion the impact for his client is minimal and he believes the Board should grant the variance for the property and allow his client to do the remainder of the construction that is required in order to divide the property appropriately. He added they will have to install some plumbing and some electrical work, but there is no outside work that would be done in relation to that.

Chair Lober stated it was mentioned that there would only be interior modifications and that the area does not have sewer anywhere that is accessible; and he asked if there is just one septic tank there now or two and what the set-up is as far as that is concerned.

Mr. Booras responded he does not know offhand; he knows that it meets the Code requirement; he believes there are four bathrooms in the residence so they meet that.

Chair Lober asked for clarification that would be four bathrooms between the two units.

Mr. Booras replied it is just one unit.

Chair Lober commented so there is not going to be a change insofar as the septic is concerned where it is either going to be added.

Mr. Booras stated not unless it is required; and if it is required then obviously his client will

make the changes that are required.

Chair Lober inquired if there was intent to change it in any way that Mr. Booras is aware of.

Mr. Booras responded no because it has already been approved as is, there is no real reason to try to change it at this point.

Chair Lober asked the County Attorney if the next card is also the applicant; and how she would recommend that he treat this, should he deduct this from the remaining time that the attorney had.

Eden Bentley, County Attorney, responded that applicant has 15 minutes total.

Chair Lober stated he will give the applicant the remaining eight minutes and 45 seconds. Andi Doci stated it will only take 30 seconds; when the house was built it was built for the bathroom capacity which was already calculated, so if anybody is going to live there, there were six people already, so if it gets divided and is rented out he would assume there would be eight people in total, so there is a change of two; all bathrooms are calculated with that septic system, it is anaerobic and the new septic type that has more capacity than the usual ones; however if the Building Department wants an extension he can remove part of the driveway and make it bigger.

Chair Lober advised there is seven minutes and 59 seconds for rebuttal.

Ron Vesper stated his property abuts the property in question, to the west; and he mentioned he wants to read something to the Board very quickly; and he continued by reading, "163 Atlantic Avenue, opposed, 140 Atlantic Avenue, opposed, 160 Atlantic Avenue opposed, 169 Atlantic Avenue opposed, 202 Atlantic Avenue opposed, 155 Atlantic Avenue opposed, 117 Atlantic Avenue opposed, 100 Atlantic Avenue opposed, and were opposed for objective reasons." He went on to say first of all they were told by the County already that multi-family density has to be plugged into sewer and that is not available to this home; there are a few duplexes on the east end of the street that are old as dirt, they are probably 40 years old and they are grandfathered, he is sure, in that they do not require sewer connections; there is a setback issue to the west and to the east; and he noted he will never grant setback waivers for his property and he can promise the neighbor to the east of this property, will never grant any waiver exception to a setback on his property line either. He continued by saying the other thing is this whole matter has not been conducted in a transparent manner by the applicant; this thing was spring loaded for a duplex; it looks like a duplex, it smells like a duplex, and it wiggles like a duplex; that is what they always wanted and now they are trying to do an end run around the County and have this approved along with the fact that they recently purchased another property on this street a few houses down; it is an empty vacant lot and he sees this run coming again; he has big questions about the septic system, there were environmental issues discussed last time, there are environmental issues in the County for septic systems, and if a multi-family use is put on that property the septic system is probably not designed correctly and would have to go through review; and he mentioned he was told last time by the County, and he forgot what P&Z member mentioned it, but sewer is a must for multi-family. He stated that is pretty much his position and the position of the neighbors there; they do not want more duplexes there; it is a single-family home street, there have been new homes that have recently been built, and all the new homes on that street, and there really has not been new home building activity on that street for years up until about four or five years ago, are single-family homes, no multi built homes; and all the neighbors mentioned feel it will have a negative impact on many, many things. He noted he is in strong opposition of this happening.

Nancy Sowerbutts stated they had purchased the home across the street from 159; she currently has it as an annual rental; the home was purchased with long term plans to retire to a small community with a very personal feel, good neighbors, and a secure, safe, and stable environment; when the property opposite was being built she had raised questions as to the intended use when she noticed two virtually identical sides to the house and the home plan indicated a two-family intent; the Zoning was clearly for a single-family home; however, it was explained that it was the same family just parents and a son who would be sharing so the Zoning was correct for the intent. She went on to say now their request for rezoning has come up and it raises many issues for her as a property owner; firstly, was the owners long term intent to build the home in a single-family zone and then try to have it rezoned which is clearly what everyone is seeing now; the possibility of having short term rentals in a single-family neighborhood is concerning; she has asked questions about the RU-2-12 and she was told it changes the ability for rentals meaning they could have short term rentals, Airbnb's, and things of that nature, whereas the zoning they have now annual rental is acceptable but not the short term rental; additional traffic on the narrow street is a concern; and she knows the attorney said there are condominiums and all those things but there are not. She noted there are townhouses at the top of the street on A1A; there are probably eight units but when getting closer to the west, it is kind of a long street, but it is a dead end; there are nothing but single-family and a couple old duplexes, there are no condominiums within so many feet as she thinks he had mentioned, on this street there are none; and there may not be added traffic with this particular duplex but if the Board were to change the Zoning and homes were to become duplexes, and they were to build another duplex it would significantly add to the traffic on this small street. She reiterated changing the Zoning would mean more traffic and become an issue; she commented the duplexes on that street were grandfathered in as far as she knows; and they are very old.

Roger Sowerbutts stated he felt the intent from the start was this; they would not have bought a house to retire to had there been duplexes around them; and that is his position.

Mr. Booras stated basically what the Board has here is a lot of feelings going on here; there are a lot of people who are very opinionated about what they have but it is opinions and the Board has to look at the facts in this matter moreso and whether a variance can be granted based on those facts; as he previously presented those facts exists and there are other consistent uses in that neighborhood; there are a lot of things in here about traffic and having one or two cars make such as additional traffic burden in the area; these are all speculations by other people in the neighborhood; and also when someone comes up and lists that all these people are opposed to it and there have been letters sent to that, but the Board does not know the extent of their opposition and it does not know the factual reasoning behind the opposition because they are not in attendance and the letters do not fully represent that. He mentioned he believes as the recording stated today before the meeting the Board is to listen to the facts and make decisions based on those facts; and that is what he asking the Commission to do today.

Commissioner Tobia stated he is trying to wrap his head around this; he does not know if Mr. Booras misspoke or if he is just unfamiliar with the difference between a variance and rezoning because he mentioned variance a couple times and that is different from what is on the application; and he asked Mr. Booras to clear that up.

Mr. Booras advised it is a rezoning issue.

Commissioner Tobia explained those are polar opposites; and he asked if that is understood.

Mr. Booras noted he understands.

Commissioner Isnardi stated she does not have any questions for Mr. Booras; and she inquired if this is not granted for the rezoning if they cannot exist the way they are now.

Tad Calkins, Planning and Development Director, responded in the affirmative.

Commissioner Isnardi stated it just means they will not be able to rent it later.

Mr. Calkins pointed out they would not be able to split it as a duplex and create two units there.

Commissioner Isnardi stated she means the Board has received, aside from the correspondence in her office, it was pretty much in the package, strong opposition against this in this neighborhood; given the concerns with the sewer, she knows that is not an option for Mr. Booras' client; she definitely has a concern and it is not going to change the way they are living now so the Board is not putting somebody out on the street; and whether the intent was purposeful or not it sure appears that way, that it was the intention right from the beginning. She went on to say she knows this is her District and there are four people deciding, but she does not feel comfortable granting it at this time; therefore, she will not be supporting this.

The Board denied a change of zoning classification from RU-1-7 to RU-2-12 on 0.18 acre located at 159 Atlantic Avenue, Indialantic.

Result: Denied

Mover: Kristine Isnardi

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

Attorney Bentley inquired if the Board would like the County Attorney's Office to make the Findings of Fact on the denial.

Chair Lober advised he would like that to be a separate motion and inquired if someone would like to make that motion.

The Board approved a Findings of Fact for the denial of change of zoning classification request by Zarim and Gezim Doci.

Result: Approved

Mover: Kristine Isnardi

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.2. Timothy D. and Rebecca F. Reaves request a Small Scale Comprehensive Plan Amendment from Residential 1:2.5 to Residential 1. (19PZ00126) (Tax Account 2000310)

Chair Lober called for a public hearing on a request by Timothy and Rebecca Reaves for a small-scale comprehensive plan amendment from residential 1:2.5 to Residential 1.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.2. and H.3. will be read into the

record together since they are companion applications; Item H.2. is 19PZ00126; Timothy D. and Rebecca F. Reaves request a small-scale comprehensive plan amendment from Residential 1 to 2.5 (Res 1:2.5) to Res 1 which is Commissioner Pritchett's District; staff has received four letters in opposition and five letters in support; and he wanted to bring it to the Board's attention that the subject property is located in a platted residential subdivision just west of Highway U.S. 1. He added there is a variation of lot sizes from one acre all the way up to almost seven acres. He continued by stating Item H.3. is 19PZ00127; Timothy D. and Rebecca F. Reaves request a change of zoning classification from AU to RR-1; it is also located in District 1 which is Commissioner Pritchett; the attached Binding Development Plan (BDP) would limit the subject property to one house which would not normally be allowed in the current land use and zoning district.

Rebecca Reaves stated her husband and herself purchased this parcel back in 2017 from Peggy Conner; some history on the parcel, a two acre parcel was originally purchased back in 1985 by Ms. Conner and her late husband; basically it was a deal made between them and a neighbor; the neighbor needed money and approached them saying he or she would buy these two acres and if he or she ever sold that land he or she would provide an additional acre; and with that being said it never happened. She went on to say he sold his land and Ms. Conner and her late husband approached the new owners and asked to buy the remaining part of the parcel but they had no interest in selling Ms. Conner the parcel; and that is how the two-acre parcel came to be. She went on to say her parcel is located on the south side of Richy Road and down from the very west end the acreage starts at like 1.85 and a parcel over from them is a BU-1 and a one-acre parcel; just two blocks north of her is zoned RR-1; and in regards to the objection letters there is a neighbor behind their parcel who is worried about flooding. She stated obviously if a home is built there it is going to be built with drainage plans approved by the County so there should be no issues with water infiltration onto his property; his property is on the street to the south of hers and it sits on the road; there is almost three acres between her parcel and where his home is located; and basically all parcels on that street are currently buildable because the way it was subdivided in 1985, it is nonconforming. She pointed out this is really the only way she can legitimize it; if it does not get rezoned it could sit vacant and un-buildable indefinitely; she noted she has provided affidavits from her immediate neighbors who are all in support of what she is trying to do; and she reiterated she is just trying to legitimize this lot.

Commissioner Pritchett stated she is going to make a motion to approve this and she would like to say why; this is being done on two acres even though it is Res 1, it is really one house per two acres, which she thinks is appropriate in this area; also the property surrounding it, they are not going to be able to more than that; and she believes it is still going to fit with what needs to be done in this area. She mentioned Ms. Reaves is also on the west side of U.S. 1; she thinks she will have a beautiful home there; it is a beautiful property; and she thinks she will be a very good neighbor.

Chair Lober inquired if that is on the Comprehensive Plan first.

Commissioner Pritchett asked if she is doing the inclusion of the BDP on the Comprehensive Plan motion or if she is doing it for H.3.

Mr. Calkins responded he believes she will be doing that on the zoning application but the Board may want to see if there is any public comment or if there are any speakers on this matter before the Board gets too far along.

There being no further comments or objections, the Board adopted Ordinance No. 20-03,

amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled the 1988 Comprehensive Plan, setting forth the twelfth Small Scale Plan Amendment of 2019, 19S.12, to the future land use map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the future land use map appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.3. Timothy D. and Rebecca F. Reaves request a change of zoning classification from AU to RR-1 (19PZ00127) (Tax Account 2000310)

Chair Lober called for a public hearing on a request by Timothy and Rebecca Reaves for a change of zoning classification from AU to RR-1 on two acres, located on the south side of Richy Road, approximately 0.12 mile west of U.S. Highway 1 in Mims, for the purpose of building a single-family residence.

There being no further comments or objections, the Board approved a request by Timothy and Rebecca Reaves for a change in zoning classification from AU to RR-1 on two acres located on the south side of Richy Road in Mims, with the Binding Development Plan.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.4. Charles and Lindsey Michell request a change of zoning classification from GU to AU (19PZ00132) (Tax Account 2314035)

Chair Lober called for a public hearing on a request by Charles and Lindsey Michell for a change in zoning classification from GU to AU.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00132; Charles and Lindsey Michell request a change of zoning classification from GU to AU; and the property is located in District 1, Commissioner Pritchett.

Charles Michell stated they just wanted to rezone it because his kids like animals.

Chair Lober stated he wants to approve this assuming the Commissioner wants to approve it and whose District appears; and he asked if the applicant would be willing to name the cow and the horse after one of the Commissioners as long as he is not the back end of the horse.

There being no further comments or objections, the Board approved the request by Charles and Lindsey Michell for a change in zoning classification from GU to AU on 2.38 acres located

at 5430 Florida Palm Avenue, Canaveral Groves.

Result: Approved

Mover: Rita Pritchett

Second: Kristine Isnardi

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

- H.5. Robert and Donna Murico requests a change in zoning classification from GU (General Use) to AU (Agricultural Residential). (19PZ00133) (Tax Account 2403118) - This item has been withdrawn by the applicant. Letter received 01/13/20.**

Chair Lober stated this Item has been withdrawn by the applicant.

Jeffrey Ball, Planning and Zoning Manager, stated he will read it into the record to make sure he is in compliance; this Item is by Robert and Donna Murico requesting a change in zoning classification from GU to AU; it is located in District 1, Commissioner Pritchett; staff has received a letter to withdraw the application; and it was received on January 13, 2020.

- H.6. John Vogt requests a change of zoning classification from RU-1-7 and TR-1 to AU(L). (19PZ00134) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704)**

Chair Lober called for public hearing on a request by John Vogt for a change in zoning classification from RU-1-7 and TR-1 to AU(L).

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00134; John Vogt request a change of zoning classification from RU-1-7 and TR-1 to AU(L); the subject property is located in District 1, Commissioner Pritchett; staff has received three letters in support, two petitions in support with eight signatures, and one letter of opposition; and to bring to the Board's attention the applicant has submitted one email that was put on the dais for the Board's review.

Joe Goforth stated he believes he has the most common property line that goes between the two pieces of property of the properties involved; and he and his wife both support the changes that are being requested.

Jerrad Atkins stated he spoke with Mr. Vogt a couple weeks ago regarding his plans for this property, that is when he learned what he was trying to do; as the President of the Scottsmoor Community Association, he brought Mr. Vogt's application and plans to the attention of the community by way of their monthly membership meeting and through emails; the overwhelming response from the community was positive; as seen from the map that he handed out there are several parcels in the immediate vicinity which are zoned AG and some of which are used only for housing and some of which are used for small farms such as groves and equestrian purposes; clearly that shows compatibility is not an issue, in fact Scottsmoor encourages folks like the Vogt's move in here to this town and assimilating to the rural lifestyle; therefore, on behalf of the Scottsmoor Community Association, the members of the organization, and the residents of Scottsmoor they ask that the Board approve the application. He went on to say he has a new calf without a name so he will be taking applications.

Chair Lober asked staff if there has been any indication that there is any opposition to this Item.

Mr. Ball advised not since the Planning and Zoning meeting where there were a couple residents who spoke in opposition to this application.

John Vogt stated mainly it took a little over two years to acquire different lots from all over with the plan of rezoning; he never realized he had to go through all of this to do it; he thought someone could just buy property, buy a cow, and put a barn on it; he found out all this stuff after all the money he spent; and he noted he just hopes the Board votes in favor of what he wants to do there.

Commissioner Pritchett asked if Mr. Vogt would name his cow after Bryan. She stated he is decreasing density which is wonderful; he is moving into a wonderful neighborhood, she loves these people; and she is going to motion to approve this.

There being no further comments or objections, the Board approved the request by John Vogt for a change in zoning classification from RU-1-7 and TR-1 to AU(L) on 3.20 acres located on the east side of Palm Street, approximately 245 feet south of Magoon Avenue in Mims.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.7. Thomas P. and Shannon Harmony request a change of zoning classification from TR-3 and AU to all AU and removal of BSP. (19PZ00136) (Tax Accounts 2504668 and 3013762)

Chair Lober called for public hearing on a request by Thomas P. and Shannon Harmony for a change of zoning classification from TR-3 and AU to all AU and removal of a Binding Site Plan (BSP).

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00136; Thomas P and Shannon Harmony request a change of zoning classification from TR-3 and AU to all AU and the removal of a BSP; and the subject property is located in District 2, Commissioner Lober.

Chair Lober stated he is going to make this easy; there is one card from the applicant; the applicants are welcome to speak; however, he is going to request a motion to approve this.

There being no further comments or objections, the Board approved the request by Thomas P. and Shannon Harmony for a change of zoning classification from TR-3 and AU to all AU and removal of the BSP on 5.13 acres located at 2235 Pluckebaum Road in Cocoa.

Result: Approved

Mover: Kristine Isnardi

Second: John Tobia

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

- H.8. Holly Enterprises of Brevard, Inc. (Curtis McKinney) requests a change of zoning classification from GU and BU-1 to BU-1-A, and a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a snack bar and restaurant (19PZ00137) (Tax Accounts 2862242, 2704571, 2744610)**

Chair Lober called for public hearing on a request by Holly Enterprises of Brevard, Inc. for a change in zoning classification from GU and BU-1 to BU-1-A and CUP for alcoholic beverages for on-premises consumption in conjunction with a snack bar and restaurant.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00137; Holly Enterprises of Brevard, Inc. requests a change of zoning classification from GU and BU-1 to BU-1-A and a CUP for alcoholic beverages, full liquor, for on-premise consumption in conjunction with a snack bar and restaurant; and the subject property is located in District 5, Commissioner Isnardi.

Commissioner Isnardi stated she is going to make a motion to approve because basically the applicant is just adding the existing beer and wine, so she does not think there is any issue; she does not have any oppositions; and no one had called her office complaining about it.

There being no comments or objections, the Board approved a request by Holly Enterprises of Brevard, Inc. for a change in zoning classification from GU and BU-1 to BU-1-A and a CUP for alcoholic beverages, full liquor, for on-premises consumption in conjunction with a snack bar and restaurant on 2.4 acres located at Camp Holly Fish Camp in Melbourne.

Result: Approved

Mover: Kristine Isnardi

Second: John Tobia

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

- H.9. Reagen & McKinley, LLC (Carmine Ferraro) requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a restaurant, in a PUD zoning classification. (19PZ00138) (Tax Account 2626895)**

Chair Lober called for public hearing on a request by Reagen & McKinley, LLC for a CUP for alcoholic beverages, beer and wine only, for on-premise consumption in conjunction with a restaurant in a Planned Unit Development (PUD).

Jeffrey Ball, Planning and Zoning Manager, stated 19PZ00138 is request by Reagen & McKinley, LLC for a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a PUD zoning classification; and the subject property is located in District 4, Commissioner Smith.

There being no comments of objections, the Board approved a request by Reagen & McKinley, LLC for a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a PUD zoning classification located at 2348 Citadel Way, Unit 105, Viera.

Result: Approved
Mover: Rita Pritchett
Second: Kristine Isnardi
Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.10. Beatrice A. Akman (Corey Lancaster) requests a CUP for a Guesthouse in an RU-1-11 zoning classification (19PZ00139) (Tax Account 2514604)

Chair Lober called for a public hearing on a request by Beatrice A. Akman for a CUP for a guesthouse in a RU-1-11 zoning classification.

Jeffrey Ball, Planning and Zoning Manager, stated 19PZ00139 is a request by Beatrice A. Akman for a CUP for a guesthouse in a RU-1-11 zoning classification; it is located in District 2, Chair Lober; the applicant was not present at the Planning and Zoning meeting; therefore this has to be tabled to the next meeting.

There being no further comments or objections, the Board continued the request by Beatrice A. Akman for a CUP for a guesthouse in a RU-1-11 zoning classification to the March 5, 2020 meeting.

Result: Continued
Mover: Rita Pritchett
Second: Bryan Lober
Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.11. Estrella Funeias Shouppe requests a change of zoning classification from GU, RRMH-1, and AU, to all AU, with a Binding Development Plan (BDP) limited to seven lots (19PZ00140) (Tax Accounts 3000537 and 3000560)

Chair Lober called for public hearing on a request by Estrella Funeias Shouppe for a change in zoning classification from GU, RRMH-1, and AU to all AU, with a Binding Development Plan (BDP) limited to seven lots.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00140; Estrella Funeias Shouppe requests a change in zoning classification from GU, RRMH-1, and AU to all AU, with a BDP limited to seven lots; and the subject property is located in District 5, Commissioner Isnardi.

There being no further comments or objections, the Board approved a request by Estrella Funeias Shouppe for a change in zoning classification from GU, RRMH-1, and AU to all AU, with a BDP limited to seven lots on 31.04 acres, located on the north side of Willowbrook Street, approximately 0.75 miles west of Babcock Street.

Result: Approved
Mover: Kristine Isnardi
Second: Bryan Lober
Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.12. Barefoot Bay Recreation District requests a CUP for Alcoholic Beverages (beer & wine only) for On-Premises Consumption in conjunction with a restaurant in a BU-1-A zoning classification (19PZ00141) (Tax Account 3004299)

Chair Lober called for a public hearing on a request by Barefoot Bay Recreational District for a conditional Use Permit (CUP) for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a BU-1-A zoning classification.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00141; Barefoot Bay Recreation District requests a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a BU-1-A zoning classification; and the subject property is located in District 3, Commissioner Tobia. He noted staff has received three letters in opposition.

There being no further comments or objections, the Board approved the request by Barefoot Bay Recreational District for a CUP for alcoholic beverages, beer and wine only, for on-premises consumption in conjunction with a restaurant in a BU-1-A zoning classification located at 937-C Barefoot Boulevard, Micco.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.13. Port St. John Station, LLC (Richard Chamberlain) requests a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a bar, in a BU-1 zoning classification (19PZ00143) (Tax Account 2322430)

Chair Lober called for a public hearing on a request by Port St. John Station, LLC for a CUP for alcoholic beverages, full liquor, for on-premises consumption in conjunction with a bar, in a BU-1 zoning classification.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00143; Port St. John Station, LLC requests a CUP for alcoholic beverages, full liquor, for on-premises consumption in conjunction with a bar in a BU-1 zoning classification; and the subject property is located in District 1, Commissioner Pritchett.

There being no comments or objections, the Board approved a request by Port St. John Station, LLC for a CUP for alcoholic beverages, full liquor, for on-premises consumption in conjunction with a bar in a BU-1 zoning classification on 0.08 acres located at 6201-6209 U.S. Highway 1, Cocoa.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.14. Bonnie E. Douglas, Trustee, requests a change of zoning classification from RU-1-9 and BU-1 to TR-3, with a BDP limited to 173 mobile home sites (19PZ00108) (Tax Accounts 3010260 and 3006458)

Chair Lober called for a public hearing on a request by Bonnie E. Douglas, Trustee, for a change of zoning classification from RU-1-9 and BU-1 to TR-3 with a Binding Development Plan (BDP) limited to 173 mobile home sites.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is 19PZ00108; Bonnie E. Douglas, trustee, requests a change of zoning classification from RU-1-9 and BU-1 to TR-3, with a BDP limited to 173 mobile home sites; and the subject property is located in District 3, Commissioner Tobia.

There being no further comments or objections, the Board approved the request by Bonnie E. Douglas, trustee, for a change of zoning classification from RU-1-9 and BU-1 to TR-3 with a BDP limited to 173 mobile home sites located at 8440 U.S. Highway 1, Micco.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

J.1. Motion Directing Staff to Investigate Feasibility of Transferring Ownership of Cherie Down Park to City of Cape Canaveral

Chair Lober advised this Item is directing staff to investigate the feasibility of transferring ownership of the County Park, Cherie Down to the city of Cape Canaveral; the short answer is this basically is going to put the Board in a position where staff will have to do a little bit of leg work to enable the Board to do some more due diligence with respect to the possibility of transferring this park; he has spoken with several folks from Cape Canaveral including some on staff and some elected officials; this is something they want; and if anyone has any questions he would be happy to address them.

Commissioner Tobia stated his decision will rest on whatever the agreement is and that staff has a lot of work to do; he pointed out that Palm Bay has been a leader in taking responsibility for parks; however, there are 30 County parks that are located within municipalities and 12 parks that are city-owned but County-maintained so hopefully as the Board moves forward this can be the start in progression of the County moving forward to prioritizing public safety. He added this may be one way with the City taking responsibility for the parks that are fully located within their jurisdiction.

The Board directed staff to investigate feasibility of transferring ownership of Cherie Down Park to the City of Cape Canaveral.

Result: Approved

Mover: Rita Pritchett

Second: Kristine Isnardi

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

J.2. Tourist Development Tax Proceeds

Chair Lober advised this Item deals with the Tourist Development Tax proceeds.

Commissioner Isnardi asked if she can just preface with the idea that given this is such a huge Item the Board should probably have all five Commissioners in attendance; she stated it may be Chair Lober's option not to; however, she thinks it is important since it would have required a super-majority vote, that he have the input of all five Commissioners. She added that is her two cents given the gravity of what Chair Lober has proposed.

Chair Lober stated he would be happy to do that, he has just one correction he would like to make to the Agenda Item that was brought to his attention today by staff; and he asked the County Attorney if the Board needs a super-majority for this Item because it is not actually amending any existing Code.

Eden Bentley, County Attorney, advised ultimately when doing an ordinance amendment it would require a super-majority, but telling staff to go work on it would not require that super-majority, the ultimate decision will.

Chair Lober stated if Commissioner Isnardi wants, he is still willing to table it; if alternatively the Board wants to get to that next step then the Board can revisit it; and he would be happy to handle it however she would like.

Commissioner Isnardi stated obviously this is Chair Lober's Item and he can handle it however he likes; because it is such an important Item, sort of a hot button Item, she thinks maybe the Board needs input from all the Commissioners; she does not know if he wants staff to do the work if he does not have the support; and she is not saying he will or he will not.

Chair Lober responded that he understands what Commissioner Isnardi is saying.

Commissioner Isnardi noted she could give her position but it may not do any good; nor should the Board make staff go through the trouble unless there is four votes here.

Chair Lober stated part of it as well, and he will not go too far into this if he can avoid it, the super-majority to his understanding would be needed certainly for the road work; however, in terms of using it for any other purposes is that needed for any other purpose of use.

Attorney Bentley explained if the Board ends up amending the TDC Ordinance it would have to have a super-majority; therefore, she thinks Chair Lober's direction is going towards an ordinance amendment; and she asked if that answers Chair Lober's question.

Commissioner Isnardi stated she likes this a lot; she likes what Chair Lober has brought to the Board; but she would like input from everybody.

Chair Lober stated he just has a few things he wanted to get out there mostly for the public about this and then the Board will move on, he will not ask for a vote or motion on it; he spoke with Scott Ellis, Clerk of the Court, and had a video cued up that he was going to show from a town hall style event this weekend that he attended; Mr. Ellis asked that he relay to the Board his belief that the TDT funds cannot be used for roadwork; But for Randy Fine having passed legislation within the past couple, two or three, years changing State Statute he certainly would

be correct; however the way the Statute now reads, he does not know that anyone would have to be a seasoned attorney to figure out roads are something that appear to be permissible. He went on to say as he mentioned, he has the video but will wait until every one of the Commissioners is in attendance to show it; the video does start after discussion of that particular topic began but it does at least have Mr. Ellis' position summed up pretty well there to get the gist across of what his concerns were; he noted he does want to stress what is proposed with this is not going to take away a penny from any current TDT allocation so everything that is currently projected, all of the \$16.6 million annual TDT would be left alone; this would impact only the increase, that delta over and above the \$16.6 million; and he is going to save the arguments beyond that, he just wanted to make that clear because there has been some ambiguity as far as the Board parasitizing what is already there and essentially putting the TDC in a position where it cannot achieve what it has been doing over the past. He added he will save the rest of the items until there is a full Commission.

Commissioner Pritchett stated Chair Lober is just asking the Board to consider the use of the additional funds; she thinks that would be something the TDC would start to vet; and she asked if that was correct.

Chair Lober stated as far as the roadwork is concerned the TDC would have to give it a thumbs up for the particular project; the Board would have it come back, so through the TDC first and then through the Board after that; therefore, the Board would still have to give it a thumbs up. Commissioner Pritchett stated if the TDC still had a lot of projects that they felt better about applying the funds to, to increase tourism; that would still be their option to do it; and the Board is just trying to give them more options of what to do with the funds. She mentioned that probably would not cause her any problems. She continued by saying she loves user fees; when there are TDC funds she hopes they are finding ways to use them to bring in tourism dollars because it really saves the County a lot of tax dollars; as far as roads the Board may need to consider some thoughts about how to initiate some other user fees; the Blue Ribbon stuff came back awhile ago on ways to help the roads; and maybe if the Board starts doing some homework on that, it could be used as a user fee to work on the roads and maybe alleviate some of the taxes on the ad valorem because that seems to be the biggest dog in the fight right now. She went on to say even with what the Board did with the Sheriff, she loves that the Board did that because all those fees are going to the Sheriff's Department; if she could do the budget so everything that is departmentalized and can only be used in these areas, she would love being able to do that; and she just wanted to throw it out there that maybe the Board could start rethinking that way and come up with an idea of how to apply specific money to the roads, she is not saying the Lagoon tax but if the Board did that with the roads, the County would only have to do that for two years and every road in the County would be fixed with a half-cent sales tax, with \$64 million. She reiterated if the County applied this with user fees then the Board could lower ad valorem taxes too because roads could be taken off of the other types of taxes.

Chair Lober stated the one correction he said he was going to make was a part of the tax on the actual Agenda Item itself, on the back page, the third to the last paragraph where it talks about the actual mileage numbers, he had 220 miles listed as being part of the back log and it is actually 306 miles as of today; the 220 was based on the most recent figures he had up until today, so it is actually a little worse than what he thought; and he reiterated it is 306 in the backlog and that includes resurfacing and reconstruction. He stated he is not going to take action today with this.

Commissioner Isnardi inquired if he is going to bring it back for sure.

Chair Lober advised he is definitely going to bring it up again. He mentioned he will correct it and probably bring it back verbatim.

Commissioner Isnardi asked that maybe he provide some different options as well.

Chair Lober commented the problem is he does not know that he is in a position where he knows as well as staff does, in terms of which particular roads are better to allocate this towards; he would prefer that staff handle it large part to depoliticize it as much as possible; when he spoke with the County Manager and Assistant County Manager, he told them he did care if every single project is outside of District 2, but he does care if every project is inside of District 2, because it is going to send the wrong impression of the Board; if it is District 2 and District 1 or District 3 and District 5 that is fine; if it is all the Districts that is fine; however he does not want to be the one selecting the individual projects at least at the offset that are identified.

Commissioner Pritchett asked if this would all be at the recommendation of the TDC.

Chair Lober explained the TDC would have to give it their recommendation then the Board would have to approve it after the fact as well.

Commissioner Pritchett stated they will be identifying roads for Tourist Development so that would be comfortable.

Chair Lober stated his idea is first to have staff send a list as to which to look and then take the recommendation as it comes up and consider whatever it is that is presented to the Board at that point. He reiterated he is happy to table it, or not take any action on it at this time.

Commissioner Isnardi stated her question was not about specifics on projects because she is sure the Board can come up with a really good plan, her question is if Chair Lober is going to bring this Item back, that there be options for his plan; she explained like using the overage of the \$16.6, and he talked about that as an option; maybe if he thinks of any other things; the other Board Members could always bring their own ideas as well; and maybe there is a happy medium in there somewhere because she always was on the fence with the whole Lagoon portion being used out of the TDT funds because the County is collecting so many tens of millions of dollars as a separate tax. She added she does not want the Board getting in the habit of, or the County, to ever be in a position of not funding the roads out of the General Fund or the gas tax because it is pulling from the TDT; she does agree that the County should use some of those tourism dollars towards infrastructure but it has to be a set amount, at least from her point of view; she thinks if the Board delves in too much, then the next thing all of the roads are being funded by the TDT and that is not the intention of the tax; while she believes they bare a responsibility because the County funds its roads out of several pots of money, she does not believe they bare all the responsibility.

Chair Lober stated he does not disagree with that sentiment. He mentioned there is one public comment card.

Janice Scott stated she is the former Mayor of Cocoa Beach; at that time, probably starting in 1990, the City Commissions in Cocoa Beach were pushing to do a Tourist study to show what the impact of tourism was on the City; that was finally accomplished around 2000; and in any event, it proved that tourism was costing the City residents a lot of money. She continued by saying at that time she believes there were 27 police officers and today there are 39; as the Board can see, there needs to be more services because of tourism; there are also 27

firefighters in Cocoa Beach right now; and she mentioned the City is about to redevelop a really big hotel. She went on to say the permanent population has not increased at all and in fact it may be down by about 300; she understands that 60 percent of the TDC funds come from Cocoa Beach; and she thinks the Board should consider sending the money back to the place of the biggest impact, which the Board should clearly see if it is getting 60 percent of the money from there, then it is being impacted more. She stated furthermore, to look on the vacation rental on the internet there are 650 plus units that are being rented, probably not all of them licensed or whatever, but to take that figure and comparing it to the rebuilding of hotels and so forth, it shows the pressure is really on Cocoa Beach in terms of needing more safety services and so forth for those visitors; and she asked the Board to put that on the high priority list.

May Jane Nail stated she is in attendance today because tourist development tax is very important to Cocoa Beach as the former Mayor just pointed out; the reason being is because Cocoa Beach has the highest impact because it seems like all of the events are held in Cocoa Beach; when asking the question of tourism, what is the biggest draw, it is called beaches, not aquariums, not speedways, not entertainment facilities, but beaches; there is always going to be this onslaught of beach-related tourism in Cocoa Beach; and they wear out the roads, they are a taxation on the sewer system, the water system, the police, the emergency, the upkeep of all the public pools, and golf courses; she asked what happens if this is all cut off; and she asked if anybody remembers Hurricane Irma and she reminded the Board of an article stating Florida tourism bounces back one year after hurricane Irma's destruction. She continued to say what is going on now, it is called the Coronavirus, and she asked what the Board thinks happens to tourism when that occurs; she advised she knows what happens, it bottoms out; the reason it bottoms out, of course they keep coming to the beaches, is because people are not going to risk anything after these disasters and pandemics; if the County builds things like aquariums, and she is not supposed to worry about the aquarium being built because it is TDC money, but when everything else fails where the County comes to for the money if tourism bottoms out and the North Brevard Economic Development Zone (NBEDZ) tax has bottomed out, the residents who live in Cocoa Beach; and she advised if it really gets bad the government will be coming after everyone else too, no matter where someone lives in the County. She asked the Board to please be very careful in thinking about what to do with the TDT money; Cocoa Beach needs it, they are the goose and they lay the golden eggs; and Cocoa Beach would like a lot of that back.

Commissioner Pritchett stated she would like to throw out a thought on that one; she agrees that Cocoa Beach is so important because a lot of people go there, but there is also Melbourne Beach, the USSSA is packing out the tourist, launches are starting to hit, and she thinks the residents here have an incredibly awesome County as far as attracting tourists and the tourism dollars; she thanked Chair Lober for bringing this forward; and she commented she hopes to have wonderful families coming into the area and a whole lot of money to discuss how to place it back into the community.

Commissioner Isnardi stated she appreciates the amount of work that the new Tourist Development Office Director has put in place with better projects than that of the past; that was probably why a lot of people questioned how the TDC spends their money; she thinks the TDC is on the right track now finally; they have a new diverse board now; and she explained that tourist drive on roads; they can go to the beach, they can go to the aquarium, but the tourist drive on roads and the more tourists that come the more wear and tear on the roads; that cost should not go back to the locals; the TDT can help support some of that; and she does not have a problem with that, she just wants to make sure the burden is not being shifted to the TDT because that is what the tourism tax is for, to promote tourism. She mentioned she wants to be careful that the Board does not see it as a fresh pot of money to take advantage of;

however, she thinks that is one of the sources the County can use.

Chair Lober stated this is an opportunity to do the right thing for the Board's constituents and for the County; he knows there are folks that think some of the Board Members are pulled in different directions from different forces; and he thinks this is something that the Board can show, special interests can do what they will, but it is not going to influence the final outcome of how the Board acts. He added he thinks this is something that really is opening up a good opportunity and will at least allow the Board to evaluate and do its due diligence that he thinks the Board is obligated to do, that the constituents elected the Board Members to do in terms of evaluating how to prioritize the funds that are available to the Board; and in a way that not only benefits the tourism industry, but while still doing that, making life better and easier for the folks who live here and who put up with the tourists.

The Board discussed usage of increased TDT funds over the currently anticipated \$16.6 million for improvements to County-owned roadways and bridges benefitting tourism in Brevard County or projects benefitting or restoring the Indian River Lagoon, including utility expansions or improvements, but took no action.

J.3. Motion Directing Staff to Enter into Preliminary Staffing Discussions with Brevard County Firefighters Local 2969

Chair Lober stated in this Item he is asking staff to make in genuine good faith effort in broaching certain topics with the Firefighters Union; this is not going to require that the County somehow jeopardize the position of the County; this is not going to require in any way that Board something that is irreversible; it is simply putting the County in a position where the firefighters understand that the County values them and take into account their concerns; and it is not simply the County's way or the highway. He continued to say he had asked some of the firefighters that he met with that if putting an Agenda Item on, essentially providing staff the direction to talk about these particular topics, would be beneficial to them; they had indicated they thought it would be; and there is one public comment card that he will take now.

Michael Bramson stated he is the President of the Brevard County Firefighters Union; he is there to thank the Board for its continued support and direction moving forward with the Firefighters Union, working with an aligned plan with management and the Commissioners themselves; he appreciates what they can do in the future addressing the items specifically towards the Firefighter Union's concern of retention and recruitment efforts in how they are going to better those positions in the next couple months and years, specifically next year, 2021.

Frank Abbate, County Manager, stated he wants to focus the Board on an email that he sent on Monday, February 3, where he outlined efforts that have been ongoing, he believes, with the Firefighter Union leadership and Brevard County's own firefighter leadership team that have been addressing these specific issues; there is an attachment that was included with that email that outlined the efforts that are ongoing that staff is doing exactly what is being spoken about here; the County has staff together with the leadership team from Fire Rescue developing and already have commenced work groups that are trying to look into these issues and address them; therefore, he believes this is an ongoing process and he is working on that issue. He went on to say staff has taken other action previously because the issue of overtime and some of those other issues were issues that have been longstanding; they have increased the Florida pool to a point that they thought would be beneficial; they have been given blanket approval to hire additional hiring classes, three a year, so vacancies can be filled much quicker; and there may be several other opportunities as they all move forward, that can be identified to make

more progress on. He added he just wanted to make sure the Board was aware of that and that those efforts are currently ongoing.

Commissioner Tobia stated he understands this Item was probably put on before receiving the rundown of the hard work the County Manager's Office has done on this; given that information, he inquired if there is a need for this; and he mentioned that is probably the fault of the County Manager's Office, they do so much work and they do not toot their own horn; and he asked if Chair Lober would be comfortable pulling this seeing how the County Manager is already doing the job.

Chair Lober advised he would have to defer to the folks who have come from the Firefighters Union in particular because it is something where the concern certainly existed on their part and it was pretty palpable when he spoke with them that this was a concern to them that certain topics to be addressed; he is happy to go in whatever direction they would like because the Board is not obligating staff to do anything other than to continue those negotiations.

Commissioner Tobia commented he is not the mediator here, but he asked if Chair Lober just deferred to the other side of the negotiating table that the Board would do what they wanted, because that is scaring him right now.

Chair Lober advised this is a peculiar situation right now.

Commissioner Tobia commented he does not think it is; it is a bargaining situation and that is the other side of the table; he noted he sincerely has an issue with deferring to the other side of the table; he thinks Chair Lober in his capacity as a certified mediator would know that is probably not the direction or negotiating stance the Board probably wants to take or better yet put the County Manager in the position to make. He went on to say that is a position of weakness, one that he certainly never wants to be in.

Chair Lober stated he would beg to differ as he does not see what possible downfall the County would have as a result of it; he thinks it shows that the County is trying to work with them and that this is not necessarily something that has to be a confrontational process; he is not deferring to them as to any material term and asking where to sign; he is simply deferring to them as to whether or not they think this could be something that is still beneficial for them because based upon the conversation he had with them it became readily apparent that there was an issue at least in their perception; and his attempts as mediator was to try to bridge that divide to get people talking again and moving in a positive direction for everyone. He added the Union is in a sense the other side insofar as negotiations are concerned but they still are County employees after all.

Commissioner Tobia asked when Chair Lober met with them, and that was the genesis of this, did they inform him of the on-going work that the County Managers Office and staff had been doing to further this or not.

Chair Lober advised they had informed him there had been certain discussions but there were certain topics that essentially staff was disinclined to address with them absent specific direction from the Board.

Commissioner Tobia advised he is going to have some questions for the County Manager on this one.

Commissioner Pritchett stated this is probably something in her opinion, that the Board should

probably let Mr. Abbate work through; from her experience she spent on the local level, and she loves firefighters, but there is a finesse on how they do their negotiations; the Board has to be very careful legally because he is the one who negotiates contracts and then comes to the Board; and the Board will then sit and ratify the contracts and get the information. She went on to say if they would come meet one on one with the Commissioners and provide the information, then when the Board comes together they can sit in that negotiating setting; this is a different kind of job here and the County Manager will bring things and hopefully something will be worked out so everyone can come together; the County will have to work through the dollars and what is good for the firefighters; if they were the Sheriff it is so different because his office is their own entity; but the firefighters are so honored and loved by this Commission. She noted she thinks the Board is going down a trail it should not be; she thinks this is something the County Manager needs to do; and then the Board can have negotiations after he has come to some middle ground with them.

Mr. Abbate stated he has a couple of points; the first being he does not want the County Manager's Office to take credit for all the items that staff is working with to address staffing; that is being led by Fire Rescue and their leadership team; he is supporting that and very open to them doing that, but he wants the credit to be where it belongs; they are the ones that develop the work groups, the ones that are having the labor negotiations, and the labor management meetings where they are being raised; he does have an open door and has met with the leadership team on at least three occasions, maybe more, over the last year; and he does have discussions with them on items. He went on to say as it relates to negotiations, he looks forward to doing negotiations consistent with Florida Statute 447 and addressing it with the Board he did not see nor does he see this as something directing staff relative to negotiations because that is a separate process than the collective bargaining; if they are talking about, and he has tried to communicate effectively with the leadership team he is open to having discussions; the question is who gets to make the determination as to how we move forward; and who has the final say. He noted in other words it is negotiated into a collective bargaining agreement, that is something different than having open dialogue discussions, or workgroup meetings where they come together and try to get to the best place they can; if that is what staff is doing; he thinks they are in that process; staff wants to participate with the Union, they want to be hand in hand because there are a lot of issues coming up that need to be dealt with in the long term and if they are aligned in terms of the County employees and the organization and trying to move it forward, he thinks that is the best place to be; and that is where he hopes they are all headed.

Commissioner Isnardi stated she respects not only management but the new Union leadership for just how easy they are to deal with compared to the last leadership; she is not trying to sound rude when she says that it just seems to be a much more positive process and experience on both sides; even with her office for that matter; she thinks it is kind of funny that they are all in this situation because she knows her concerns have always been about staffing, mandatory overtime, and these are problems that are not going away; and she inquired how the County can fix that. She continued to say the Board has to look at the pay scale; she noted she spoke with Human Resources Director, Jerry Visco, in her office just the other day about these items; if the County is being transparent on one end when dealing with certain legal or otherwise issues, she does not see any problem at all with the Board talking about it in the open at least about where the Board Members positions are; they can meet with each Commissioner individually and they can let them know what they want them to do; and she does not think that is hurting anyone's ability to negotiate at all. She mentioned if they get directions from this Board that they have to fix this problem some how and some way, she wants to be provided with how to get there; if the County keeps losing firefighters to municipalities that can pay them more, then the Board is not just wasting money it is hurting

moral; that does not make sense to her at all; and that seems to be the crux of the problem because if the County cannot afford to pay them a decent wage and end up losing them before the five year mark then it is all for not. She stated it is sad, she hates to see it, and it causes the mandatory overtime, never mind the other issues within the Department; that is an issue that has to be addressed; and she does not know if that is to be done in public, given the new view on transparency, she does not see the harm in it at all. She went on to say maybe negotiations should be held in public if the County is going to go full round.

Mr. Abbate stated they are.

Commissioner Isnardi responded she means the full contract; and she inquired why not.

Mr. Abbate explained contract negotiations are held in public.

Commissioner Isnardi stated she is talking about a public forum like in a meeting like this one. Mr. Abbate noted they are sunshine meetings.

Commissioner Isnardi stated she gets that, she is just saying if the Board or County is going to be transparent about the whole process because she keeps hearing the County is taking negotiating power away from management when management goes to negotiate with the Union; and she advised that was the feedback she received.

Mr. Abbate inquired if she received that feedback from him.

Commissioner Isnardi responded, no.

Mr. Abbate stated he does not share that position and he is the County Manager so he does not know where that is coming from.

Commissioner Pritchett stated the Board can talk about that but this is people's private lives, individual lives; when the Board sits down she is going to want to see everyone's income, what things the County is doing, and she does not want all of their incomes out in the public for people to examine; those other meetings that were in private when doing that, the Board was given data and information; and everyone knows people will pick other people apart. She went on to say so when the Board is talking about people's lives that is something the County is doing when working through negotiations and trying to figure out how to get the money there; this is really all about the dollars; it is not black and white, it is green and white trying to figure out how to fund it if there is limited funds; and that is what the Board needs to try to figure out. She explained when this is negotiated it has to be done with the finesse that nobody loses the feeling of their value; they all need to feel important so she does not know how to do all that but she knows in the past that when there have been a few of those meetings where the Board was able to come to some ideas and help give direction on what it thought was valuable and maybe funding with some request because those negotiations are tedious; people do not want to have mandatory drug tests or those people have all those things that are mixed in with those items; just from not railing everybody individually in front of the public as far as individual firefighters she just thinks it is a better path; however, it is not something somebody could not request, but it is just for the privacy of people who do this job; and she is sensitive to that.

Chair Lober stated he wants to be mindful in not hurting the firefighters in the process of trying to help them; if the firefighters would rather have that discussion out in the open knowing their wages and incomes are discussed he does not have a problem doing that; as Commissioner Pritchett has mentioned or alluded to a lot of that is subject to a public records request anyway;

and he admits it is something that would be made more available. He noted it seems that some of the practices in the past have been good and some have been, as evidenced by the terrible retention, may not have been so good; his thought is when the Board tries to do something the same way that it has done it before and expected a different result that may be the definition of something the Board does not want to be characterized as; and he wants to communicate with the Union and he is certainly open to working with them. He stated he thinks the firefighters may not necessarily, and it is not due to any fault of their own, it may not have been brought to understand the priority that they are, for at least the bulk of the Commission her if not all of the Commission; he just wants the firefighters to know that if there are things the Board can do, he can certainly speak for himself in saying that he would like to be as flexible as reasonably possible in trying to improve the conditions; that includes looking at the wages in determining what has to be done in terms of adjusting the MSTU upward a certain percentage; but there again it is something where the Board has got to go through the process.

Commissioner Isnardi stated their wages are public record, they are not just by what their position is, but by who they are; her idea when she was talking about transparency was not so much about the personal stuff, it was more about discussions on what kind of direction the Board wants to give management to go in because when they have mandatory overtime it is not a few hours it is 12 or 24 hours or possibly two or three days; and if the County does not start taking better care of these guys the County is just going to keep losing them and it is pointless. She added it hurts morale, and that is the bottom line, it is not about whether they are supported, of course people support firefighters; people are grateful for the job that they do, but there is that reality if the County wants to keep the good ones then it has to take or at least be competitive in that salary range; and that is going to be her direction to staff moving forward.

Commissioner Pritchett stated she agrees; the hard part is that as soon as they work two days that is 48 hours and they are already into overtime; it is a little bit more of a finesse; if they come in and work three days there is already built in overtime; trying to get those with apples and apples it is a little bit tough; she had a thought early on and everybody almost through apples and tomatoes at her, is going to a 40-hour work week and raising the rates so people were not having to work overtime; there may be some options that the Board has to figure through for some ideas; and she thinks there are a couple cities and countries that have done that, they have changed it over so the firefighters do not have to stay there all night, but they work different shifts; those may be some options the Board may be able to do so the County can get rid of the mandatory overtime; and she reiterated as soon as the firefighter is there a couple days they are already over that amount. She continued by saying this is just different working with this, how to do it and not harm them, get those rates into a competitive rate as far as with other cities and counties, but she really thinks the firefighters are wonderful and they really are doing a good job; and she agrees the Union is much easier to work with from when they first came on to the Board.

Chair Lober stated it does not sound like he is going to have the votes to make a motion, so at this point he is not going to do that; if the Union or any firefighter has anything he or she feels they need to comment towards he would be happy to give him the time to do address anything that has been discussed up to this point.

Ryan Barrett stated he is happy this was placed on the Agenda, the firefighters do appreciate that and they are certainly excited to have some dialogue with Mr. Abbate; regarding the state of the current Fire Department, he is not just there to talk about wages, actually he was not planning on that tonight; meeting with the Commissioners one on one they spoke of the state of the Department as far as retention recruitment efforts go, where they are growing as a County, everybody's District is growing, Viera is growing tremendously, and it is not just wages,

retention recruitment, the additional protection that is going to be needed needs to be looked at; the Mayor of Cocoa Beach was here earlier talking about a need that is going to occur there within that municipality real soon; and they are reaching that breaking point. He pointed out there is going to be a need for another station in Viera, there is going to be a need for one in the back of Port St. John, West Melbourne is blowing up at the Parkway, and these are all concerns that will have to be addressed; the money is not there to build these stations at \$2 million a piece; they are difficult conversations to have and it is certainly above his pay grade to have them; however he is honored to be in attendance to chat one on one. He advised he is not a fear monger and that is not his intention; some of the statistics he has given for three of the five; regarding the amount of employees they are losing, not just the amount but how much it cost to train these folks; over the last 10 years they have lost 553 personnel at Fire Rescue, that is the entire Department; 431 of them being Fire and EMS certified; it cost \$20,000 to train a firefighter and about half that to train a single certified EMS personnel, so it has been millions of dollars over the last decade spent on training their personnel just to lose them to another department; and the training costs are really only half of it, the atrocity is the experience that they are losing the brain drain. He went on to say 68 percent of the department has less than five years on the job; it is difficult because this a trade where they rely on experience; sometimes they have to play eeny meeny miny moe of who is going to drive the 36,000 pound fire engine that is worth half a million dollars on days and it is scary; and some of the Board has educated itself on what has occurred in Polk County and he is trying to avoid that here.

The Board discussed directing staff to enter into preliminary staffing discussions with Brevard County Firefighters Local 2969, but took no action.

L.1. Frank Abbate, County Manager

Frank Abbate, County Manager, stated because of the low interest rate environment that is being experienced in today's market, staff has an opportunity to refund an existing note that was used for energy performance improvements within County facilities that when they bonded in 2014, the County's Financial Advisor is estimating the County could save an estimated \$750,000 on a net present value debt service basis; and he is requesting that the Board approve for the County's Financial Advisor to issue a Request for Proposal (RFP); they started with a bank that actually did the initial one but he thinks the County can do better if it goes out on an RFP; and the Financial Advisor can issue an RFP to lending institutions to provide the County with a proposal for a fixed rate term loan at the lowest overall borrowing cost. He stated he believes they will save over three-quarters of a million dollars doing that; that is an all-in cost; this refunding opportunity has been reviewed by the County, his financial team, and that consists of County Finance, the Budget Office, the County Manager's Office, and the financial advisor; and there will be no obligations on the Board to accept the new offers that are received that it determines are not in the best interest of the County. He noted staff will bring back results of the RFP to the Board as soon as they are analyzed with a recommendation; he wanted to bring this to the Board now because timing is important; and he spoke with County Finance this morning and they thought this was the best way to approach it.

The Board approved the issuance of an RFP for energy performance improvements within County facilities to lending institutions for a fixed-rate term loan at the lowest overall borrowing cost; and authorized staff to bring back the RFP results with recommendation to the Board.

Result: Approved

Mover: Rita Pritchett

Second: Kristine Isnardi

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

Mr. Abbate stated the second Item deals with a report; he just wanted to update the Board because it has gotten some emails relating to the Babcock Street connection that staff is working with Palm Bay on an interlocal agreement; there has been discussions for the last several weeks and those discussions have been fairly intense during the last week; there had been discussions as late as 3:30 or 4:00 p.m. this afternoon; and he asked the Assistant County Manager to be brief in telling the Board where the County stands.

John Denninghoff, Assistant County Manager, stated if the Board recalls, last week he was a little pessimistic about where the County was; things began to look as though they may be a little better; he provided the County's version of the agreement to the City and they provided a changed or modified version back to the County yesterday; staff reviewed it and found several pretty significant concerns; there was a lengthy conversation this afternoon trying to sort through as much as they could while they had some outside modest success with portions of it, there were a couple major items that were substantially serious to staff, that could not be resolved; and the City staff has this agenda for this evening at City Council, the item comes up fairly late on the Agenda as he recalls. He continued on by saying he was hoping to have an agreement to bring to the Board on Tuesday and it has already been scheduled for that; currently he intends to modify that Agenda Report to bring their version and his version to the Board so it can see where they are; he advised he does not know what City Council is going to do this evening; however, he can tell the Board that one of the provisions that the City is pretty fixed on is one that would allow the interlocal agreement to effectively expire when the existing joint planning agreement expires. He noted to be clear that agreement can expire with 60 days written notice by either party and or it would expire naturally by date in about three years; this is particularly relevant to the transfer of Babcock to the City from the Parkway north to Malabar Road; absent that, the County would remain the owners of Babcock after all the development loads the road up with traffic on it; and that is his objection to that. He went on to say in other words it does not have durability with that; it would depend on them agreeing in the future to maintain the joint planning agreement; he thinks the County Attorney can advise the Board about agreeing to agree in the future being a very unsecure place to be; that is where the County is at; he cannot say what the Council is going to do this evening; and he will try to update the Board with that on Tuesday to see where the County is at with this.

Commissioner Isnardi stated it is sort of dangerous getting her talking on this because of how long her office has been working on this, since she has been in office; she hates to sound like a broken record so she apologized to everyone in the room; rewind several years, this intersection was supposed to be paid for by the City of Palm Bay and/or a developer; and she inquired if that is correct.

Mr. Denninghoff responded affirmatively.

Commissioner Isnardi asked if that was well established, well decided, and not anything to do with the County.

Mr. Denninghoff agreed with that statement.

Commissioner Isnardi asked now that has changed.

Mr. Denninghoff explained the developer does not seem to be anywhere on the stage so to speak; he believes the City at this point is agreeing to pay for the intersection; and he thinks the

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City is even agreeing to contribute impact fees going forward into the future, although, there is some difficulty about the details associated with that.

Commissioner Isnardi inquired how many correspondence that Mr. Denninghoff recalls seeing, because he has been a part of this project for as many years as he has been with the County, maybe 15 to 20 years.

Mr. Denninghoff stated he has been involved with it since the property down there was annexed by the City.

Commissioner Isnardi asked if all correspondence and everything that Mr. Denninghoff had been told, and the meetings he has had with this particular developer, the developer was paying for this intersection.

Mr. Denninghoff responded that is correct.

Commissioner Isnardi stated she just wanted that coming from a staff member and not a politician because people will obviously question the politician before they question staff because staff has no vested interest in this other than to just tell the truth; therefore in reality if they do not believe her they can believe Mr. Denninghoff. She went on to say moving a little further down the line, her office since she has been there, Commissioner Anderson got that \$1.5 million originally agreed to be paid toward this intersection, her office made multiple efforts at multiple meetings and tried everything within their power, within the District and within the County's power to get this intersection agreement done at least for the years she has been here; and she asked Mr. Denninghoff if that is correct.

Mr. Denninghoff confirmed that was true.

Commissioner Isnardi asked how many meeting, 10, 12, 15, or 20, and how many emails, she cannot even guess, there have been so many.

Mr. Denninghoff stated he would not debate the numbers Commissioner Isnardi has given, except they might be too low.

Commissioner Isnardi stated her point is it is not for a lack of every effort, every resource, and every opportunity wanting to get this done, the County just could not get it done; and she inquired that money was sitting on that intersection for how long trying to get it done.

Mr. Denninghoff stated probably five years and maybe longer.

Commissioner Isnardi stated that is correct. She commented they talked about it and she brought it back to the Board and it decided it could use this money because there are other projects that obviously need the money; and the Board was concerned that money could sit there for another undisclosed amount of time; and she asked how many miles were paved on Babcock.

Mr. Denninghoff explained the County reconstructed about three and a quarter miles of Babcock.

Commissioner Isnardi stated that was like a washboard out there.

Mr. Denninghoff agreed.

Commissioner Isnardi stated it was on the County's list and it was a high priority for that District; the County kept it within that District; and they were able to utilize it, instead of having it sit there and do absolutely nothing. She continued by saying moving forward, the City of Palm Bay chose where that intersection was going to go; and she asked if that is correct.

Mr. Denninghoff responded either they or the developer did, or both together probably.

Commissioner Isnardi stated just for the record, could Mr. Denninghoff say that one more time, please.

Mr. Denninghoff reiterated either the developer or the City or both together did it.

Commissioner Isnardi noted they decided where this intersection is going.

Mr. Denninghoff commented that is correct.

Commissioner Isnardi stated the primary concern is to have a safe workable intersection to handle the traffic that the City of Palm Bay is bringing in from their developments, that they are allowing from this road; and she asked if that is correct.

Mr. Denninghoff noted that is correct; the new traffic will come from their development; however, there will be some coming from I-95 onto Babcock at that location.

Commissioner Isnardi inquired, for the record, there is nothing and no reason the County wants to hold this up.

Mr. Denninghoff responded, absolutely not.

Commissioner Isnardi advised her office is getting just as many calls as she is sure they are about opening up the road; the County is just as anxious and it is trying; often times the discussions sort of divulge from where they were when staff has those discussions with their assistants; and she inquired if that is correct.

Mr. Denninghoff noted that is correct.

Commissioner Isnardi went on to say she is going to keep routing for the County and staff that they can get this done; she is hoping the City of Palm Bay has a good, productive meeting; she hates to sound like a broken record but this intersection actually falls within both Commissioner Tobia's District and her own District; and they both obviously want this road open as badly as the residents and the people who are going to be able to use this interchange. She commented she wanted the facts again on the record so if there was any question or doubt; the City of Palm Bay's message whether it be from their politicians or their management, has been that they are waiting on the County to issue the permit; that is not the case at all; the County needs an agreement in place and a safe intersection; and the County wants it probably more than they do.

Mr. Denninghoff stated at least one of the situations of the phases is on the plans as they currently exist, has a substandard and unsafe condition spelled out on the plans, therefore, the County has refused to approve that part of it; the other two parts of the phase is okay; however, that interim phase has a serious traffic safety hazard associated with it so the County is telling them they have to get that fixed before they can move it forward.

Commissioner Isnardi stated depending on where their meeting goes tonight and discussion, she asked if the Board could get a bullet point breakdown of where the County is at, or something; she gets a lot of questions because of the misinformation coming out from either officials or management over at the City or Palm Bay, and it is sort of tiresome; and she keeps repeating the same things. She mentioned she is a politician and she would rather have something a little more official from Mr. Denninghoff; she has directed her constituents to Mr. Denninghoff's correspondence that he has had with the City but it is kind of long as well; and she would just like to have something together. He advised she is hoping they can come up with an agreement and this is a moot point, but moving forward, she had to justify to residents why that intersection is not open and it is a bit much.

Mr. Denninghoff stated that is understood.

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated he appreciated the emphasis that was put on speeding up meetings; he has an opportunity that would potentially speed up these zoning meetings, maybe provide staff a little extra time, and most importantly help out businesses; today was a good example, there were three Conditional Use Permits (CUPs) with alcoholic beverages, beer and wine, and probably the Board should not be making these decisions, it is probably best being left with government; he asked staff to find out if there has been any disapprovals and they looked all the way back to 2014; and there had not been any. He continued by saying to put it into perspective, businesses, only certain businesses, sometimes it depends on the number of seating and it is very complicated, it has taken folks three months and the application fee is \$849; assuming the Board did not cut any staff time off of that \$849, \$160 is advertisement, and while he hates to take away revenue from the *Florida Today*, the Board could lower the price on businesses if this was handled administratively instead of through the Board; and he has taken a further step and asked staff how long a report with options would be and they have informed him it is somewhere in the neighborhood of five to eight hours. He mentioned before he asks staff to invest that amount of time he would want to get approval, but this looks like it could be a win for staff, a win for the Board, and a win for businesses. He noted his motion is to direct staff to develop a report with options on simplifying the process for CUP applications for the sale of beer and wine in a commercial establishment.

Chair Lober seconded the motion.

Commissioner Pritchett stated she thinks she likes it; and she asked if the Planning and Development Director could provide a response.

Tad Calkins, Planning and Development Director, stated he thinks Commissioner Tobia summed it up pretty well; he thinks there are some opportunities that the Board may be able to consider; he would like to have the opportunity to bring that back; he thinks the big thing being looked at here is historically staff brings these to the Board, they do get approved, and there is a time delay for that applicant to be able to provide service; and he believes that is what the emphasis would be on. He continued by saying he does think that beer and wine is a good one to look at because he thinks when they get into where they have seen Board concerns, it has been more with the full liquor and the bars; and he believes there is some opportunity here for staff to bring something back to the Board.

The Board directed staff to provide a report of options to simplify the CUP application process for the sale of beer and wine in commercial establishments, and report back to the Board.

Result: Approved
Mover: John Tobia
Second: Bryan Lober
Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

L.4. Bryan Lober, Commissioner District 2, Chair

Chair Lober advised he has few items; he recognized Barbara Wilcox, a teacher from Tropical Elementary, who came to the Board for resolutions on the KIND assemble; and she had indicated to him that her group had gone to the State Capital and they had proclaimed the week of February 16, through February 20, 2020, as Florida Kindness Week. He stated the next item is the Valiant Air Command in District 1, and he alluded to this a few meetings back, he has been trying to work with both of them, the Warbirds Program, as well as Bryan Lilley who has put on the Melbourne Air Show to see if the County can avoid having the two compete within a week or two of one another and parasitize participants from each other; at this point what he understands, having met with the Warbirds group or the Valiant Air Command group, two or three days ago having spoken to Mr. Lilley the day after that, it seems they are in agreement that Brevard County will have one air show between the two of them in 2021; essentially Mr. Lilley is going to be putting the show on assuming everything falls into place; the group in Titusville, Valiant Air Command has agreed to give Mr. Lilley and his team, the Thunderbirds, which they had secured for themselves, and Mr. Lilley has agreed to pay that group in order to fly their aircraft for an hour during the Airshow; therefore, there will be a good element of the historical aircraft involved. He added he will bring more information with respect to this when it comes available, he just wanted to keep the Board up to speed on some of the things that were relatively new to that. He went on to say his third Item is that he will in all likelihood be bringing a proposal, not at the next meeting but at some point in the future, Tobia Heritage Park; he has spoken with some of the folks on the Historical Commission about a desire that they had to put up, also in District 1, a park or carve out an existing park which is what was suggested, some land to put some historical structures up that show the history of Brevard County from 125 years ago up through more recent times with a focus among other things, the citrus industry, black history, on a lot of things that make Brevard unique that really show what kind of culture and background Brevard County has; when he has more details flushed out he will bring it back; he knows that prior to his time on the Commission, there was a Resolution or an Item that was approved by the County Commission some years back to move forward in this direction; however, there were problems in terms of accomplishing what the Commission sought to do at that time.

Commissioner Pritchett stated she cannot talk to Chair Lober because of Sunshine Laws, so she asked if he would sit with Mary Ellen Donner, Parks and Recreation Director, and get some information on that; and she noted she has been working with that on and off for three years.

Chair Lober responded affirmatively.

Commissioner Pritchett stated there is a little bit of problems with costs and land availability, so if he would get with her so she can update him with some stuff; Coach Placencia is working on something too; but Ms. Donner can fill him in on all those details.

Chair Lober stated he has one other Item; he mentioned his office would like to place a "Welcome to Merritt Island" sign outside of the District 2 office at no cost to County taxpayers; he has had the local real estate group, and he is blanking on the term for them, the group that

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all of the Board has gone to one or another event at, that have volunteered to essentially sponsor it up to he believes \$4,500 or maybe \$5,500, but somewhere in that ballpark; the problem is that the sign would advertise in a portion of it a non-County entity, namely that group, which would pay for the replacement; and putting that sign up with that on there would violate current Code so his request is that he have a motion directing Planning and Development staff to bring forth legislative intent and permission to advertise a Code amendment to Section 62-3309 of the Sign Code, so that he can put up that sign tax free. He noted it would be on County property but paid for by a non-County entity. He went on to ask if the Planning and Development Director, Tad Calkins, had any commentary on it as they have gone back and forth on this for months.

Mr. Calkins stated the Code currently has some provisions for signs on government property and in the right-of-way; the kind of sign being proposed does not fall under one of those provisions so staff would have to update the Code to allow for that; he thinks as long as it is limited to public properties then that would be what the Board would take into consideration; and he does not think the Board would be into opening this up to private properties because there may be a different element to it. He noted that is what he thinks staff would be bringing back to the Board for consideration if it agrees to let staff bring legislative intent forward.

Chair Lober asked if there were any particular concerns apart from that.

Mr. Calkins responded he does not know that there are any particular concerns from a signing standpoint for it to be on public property and stuff like that; he thinks they can define the sign well enough in the Code that would say that it is for what the Board would want to consider for these situations; and then just have a copy area for the sponsor.

Chair Lober asked for a motion.

The Board directed the Planning and Development Director to bring back legislative intent and permission to advertise for Code amendment to Section 62-3309, Prohibited Signs, to allow for a sponsored "Welcome to Merritt Island" sign outside of the District 2 office.

Result: Approved

Mover: Rita Pritchett

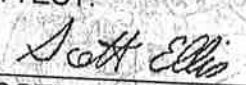
Second: Kristine Isnardi

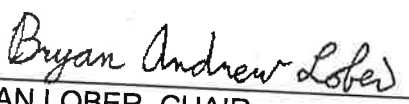
Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

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

ATTEST:


SCOTT ELLIS, CLERK


BRYAN LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board April 7, 2020.

Kimberly Powell

From: Kimberly Powell
Sent: Monday, March 30, 2020 3:11 PM
To: Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Eden Bentley; Sally Lewis
Subject: 02-06-2020 Zoning Minutes Draft
Attachments: 02-06-2020 Zoning Draft.rtf

All,

Attached are the 02-06-2020 Zoning minutes to be considered by the Board on April 7, 2020.

Please let me know of any changes prior to the BOCC meeting.

Thank you and have a wonderful day.

Kim