

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on February 21, 2017 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

INVOCATION

Reverend Jarvis Wash, The R.E.A.L. Church, Merritt Island, provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved January 24, 2017, Regular Meeting Minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.A., RESOLUTION, RE: RECOGNIZING SPACE COAST AREA TRANSIT (SCAT) VEHICLE OPERATOR, ANN BERNICK

Stockton Whitten, County Manager, read aloud and the Board adopted Resolution No. 17-016, recognizing Space Coast Area Transit Vehicle Operator Ann Bernick on her accomplishment on being named as the 2017 Commission for the Transportation Disadvantaged Driver of the Year.

James Liesenfelt, Transit Services Director, stated Ms. Bernick has been with the Department since 1985; she is one of the remaining three SCAT employees; he met her on his first day on the job as an intern; she has been a leader to all of the drivers and customers; and she is the senior driver and takes care of the transportation disadvantaged.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.B., RESOLUTION, RE: PROCLAIMING MARCH 2017 AS IRISH AMERICAN HERITAGE MONTH

The Board adopted Resolution No. 17-017, recognizing March 2017 as Irish American Heritage Month.

A representative from the Ancient Order of Hibernians expressed his appreciation to the Board for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Chairman/Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.C., RESOLUTION, RE: RECOGNIZING LIBRARIAN DIANNE LEARY UPON HER RETIREMENT AFTER 34 YEARS WITH BREVARD COUNTY

The Board adopted Resolution No. 17-018, recognizing and congratulating Brevard County Librarian Dianne Leary on her retirement.

Geri Preeth, Melbourne Library Director, stated she and Dianne have worked together for a number of years; before she came in this morning, she tried to talk her into start a volunteer storyline; and she may be retired but she will not be gone.

Jeffrey Thompson, Library Services Director, stated he has done many jobs in the Library System over the years, but he has not been a children's librarian; they do an amazing job; and Dianne has had the experience, which is the children they read to years ago bring their children to be read to.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristine Isnardi, Commissioner District 5
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II., CONSENT ITEMS PULLED

Stockton Whitten, County Manager, stated he would like to remove Item II.A.17., Reslution and County Deed, Re: Portion of Viera Boulevard Involved in the Construction Area of the Viera Boulevard and I-95 Interchange, and Item II.A.18., County Subordination Agreements and County Easement Interests with Florida Department of Transportation (FDOT), Re: Interchange at Viera Boulevard - Subordination of Force Main Easements in Favor of Brevard County and

February 21, 2017

Emergency Access, and Maintenance Easements as Part of the Plat of Star Rush Drive Extension, from the Agenda. He stated the Items will come back to the Board at a future Board meeting.

Chairman Smith advised the Board he has speaker cards for Item II.A.5., Appeal of De Facto Denial by Zoning Official of Nonconforming Status, Re: 2200 South Orlando Avenue, Cocoa Beach, so that Item will be pulled.

Scott Knox, County Attorney, stated he would like to pull Item II.D.4., Legislative Intent and Permission to Advertise, Re: Economic Development Tax Exemption Ordinance for Erchonia Corporation, and for it to be tabled to the March 7, 2017, Board meeting.

ITEM II.A.1., BINDING DEVELOPMENT PLAN, RE: SHARPES EXECUTIVE GOLF COURSE INC.

The Board executed Binding Development Plan Agreement with Sharpes Executive Golf Course, Inc. for property located on the west side of U.S. Highway 1, south of Camp Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., BINDING DEVELOPMENT PLAN, RE: DAVID B. ROBERTSON

The Board executed Binding Development Plan Agreement with David B. Robertson for property located on the north side of Aurora Road, east of Harlock Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.3., INTERLOCAL AGREEMENT WITH THE CITY OF PALM BAY, RE: FIRST AMENDMENT TO CONTRACTOR LICENSING

The Board approved the Interlocal Agreement with City of Palm Bay for the first amendment to contractor licensing, regulation, and enforcement services within the City.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.4., FINAL PLAT APPROVAL, RE: KERRINGTON AT ADDISON VILLAGE, TRACT P SUBDIVISION - THE VIERA COMPANY

The Board granted final plat approval; and authorized the Chairman to sign the final plat for Kerrington at Addison Village, Tract P Subdivision - The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.6., APPROVAL, RE: WARRANTY DEED IN FAVOR OF BREVARD COUNTY FROM GLENRIDGE SUBDIVISION HOA, INC. AND SANITARY SEWER EASEMENT IN FAVOR OF BREVARD COUNTY FROM GLENRIDGE EAST, LLC

The Board approved a Warranty Deed from Glenridge Subdivision HOA, Inc.; and accepted a Sanitary Sewer Easement from Glenridge East, LLC, for property located in Section 36, Township 26 South, Range 36 East.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.7., APPROVAL OF AMENDMENT OF RIGHT OF WAY USE AGREEMENT WITH RIVER COVE OWNERS ASSOCIATION, INC., RE: IMPROVEMENTS WITHIN THE RIGHT OF WAY

The Board executed and approved the Amendment to Right-of-Way Use Agreement with River Cove Owners Association, Inc. for improvements in the public right-of-way of River Cove Place, located within the River Cove Subdivision.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.8., INTERLOCAL AGREEMENT WITH MERRITT ISLAND REDEVELOPMENT AGENCY (MIRA), RE: CONE ROAD SANITARY SEWER SYSTEM EXTENSION

The Board executed and approved the Interlocal Agreement with Merritt Island Redevelopment Agency (MIRA) pertaining to the Cone Road Sanitary Sewer Extension; and approved any necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.9., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: TRANSONA PHASE 3 SUBDIVISION - THE VIERA COMPANY

The Board executed and adopted Resolution No. 17-019, releasing the Contract and Surety Performance Bond dated July 12, 2016, for Transona, Phase 3 Subdivision - The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.10., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: LAKE ANDREW DRIVE EXTENSION NO. 1, PHASE 1 - THE VIERA COMPANY

The Board executed and adopted Resolution No. 17-020, releasing the Contract and Surety Performance Bond dated April 19, 2016, for Lake Andrew Drive Extension No. 1, Phase 1 - The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.11., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: LOREN COVE AT ADDISON VILLAGE, PHASE 1 SUBDIVISION - THE VIERA COMPANY

The Board executed and adopted Resolution No. 17-021, releasing the Contract and Surety Performance Bond dated July 26, 2016, for Loren Cove at Addison Village, Phase 1 Subdivision - The Viera Company.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.12., APPROVAL, RE: PERMANENT SANITARY SEWER EASEMENT IN FAVOR OF BREVARD COUNTY FROM CONSTELLATION COMMONS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

The Board approved and accepted the Permanent Sanitary Sewer Easement from Constellation Commons, LLC, for property located within Section 25, Township 26 South, Range 36 East.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.13., APPROVAL, RE: UTILITY EASEMENT FROM RACETRAC PETROLEUM, INC. IN FAVOR OF BREVARD COUNTY FOR EASEMENT LOCATED ON CONSTELLATION DRIVE IN MELBOURNE

The Board approved acceptance of Utility Easement from Race Trac Petroleum, Inc., for property located on Constellation Drive, Melbourne.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.14., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: VIERA PRESERVE FKA SANDHILL CROSSINGS OF BREVARD - VIERA PRESERVE DEVELOPMENT, LLC

The Board adopted Resolution No. 17-022, releasing Contract and Surety Performance Bond dated July 26, 2016, for Viera Preserve FKA Sandhill Crossings of Brevard - Viera Preserve Development, LLC.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.15., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: HERITAGE ISLE, PHASE 7A - LENNAR HOMES, LLC

The Board adopted Resolution No. 17-023, releasing Contract and Surety Performance Bond dated September 4, 2012, for Heritage Isle, Phase 7A - Lennar Homes, LLC.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.16., RESOLUTION AND RELEASE PERFORMANCE BOND, RE: HERITAGE ISLE, PHASE 7B - LENNAR HOMES, LLC

The Board adopted Resolution No. 17-024, releasing Contract and Surety Performance Bond dated January 28, 2014, for Heritage Isle, Phase 7B - Lennar Homes, LLC.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.1., PERMISSION, RE: REJECT ALL BIDS IN RESPONSE TO B-2-17-39/AIR-PAKS AND FACEPIECES - FIRE RESCUE

The Board approved rejection of all formal bids for Bid #B-2-17-39, Scott Air-Paks and Facepieces, re-solicit under revised specification, and award to lowest, responsive bidder.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.2., AUTHORIZATION FOR EXECUTION OF CONTRACT, RE: TRAFFICWARE, INC.

The Board executed Agreement with Trafficware, Inc. for traffic signal equipment, including software and hardware components; delegated the County Manager, or his designee, the authority to execute renewal options as outlined in the Agreement; and approved any necessary Budget Change Requests associated with this action.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.2., AUTHORITY TO FILE, BUT NOT YET SERVE, RE: COMPLAINT AGAINST DIAMOND PLASTICS CORPORATION FOR NEGLIGENCE RESULTING IN FORCE MAIN FAILURES

The Board granted authority to file, but not yet serve, a complaint against Diamond Plastics Corporation for claims relating to force main failures.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.3., CAPITAL OUTLAY COMMITTEE (COC) APPOINTMENT, RE: PUBLIC SCHOOL FACILITY PLANNING AND CONCURRENCY INTERLOCAL AGREEMENT (ILA)

The Board appointed Rebecca Ragain, AICP, as the County's representative to the Capital Outlay Committee (COC) per the Public School Facility Planning and Concurrence Interlocal Agreement (ILA); and Cynthia Fox, Planning and Zoning Manager, to continue to serve as the alternate representative to the COC, as previously appointed by the Board in 2015.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.5., AGREEMENT FOR USE OF PROPERTY TAX COLLECTIONS TO FUND EXEMPTION AUDIT SERVICES, RE: BREVARD PROPERTY APPRAISER HOMESTEAD AUDIT PROGRAM

The Board executed Three-Party Interlocal Agreement for use of property tax collection to fund exemption audit services between Brevard County Board of County Commissioners, Brevard County Property Appraiser, and Brevard County Tax Collector.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Kristine Isnardi, Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.7., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Benjamin Brotemarkle** to the Historical Commission, with term expiring December 31, 2017; **Wendy Porter** to Port St. John Dependent Special District Board, with term expiring December 31, 2020; **Jay Stalrit** to Titusville-Cocoa Airport Authority, with term expiring March 4, 2020; and **Chris Graham** and **Julie Harris** to West Melbourne Public Library Advisory Board, with terms expiring December 31, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.4., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ECONOMIC DEVELOPMENT TAX EXEMPTION ORDINANCE FOR ERCHONIA CORPORATION

The Board reached consensus to table consideration of legislative intent and permission to advertise an amendment to Ordinance No. 15-20, Erchonia Corporation, to reflect an address correction, to the March 7, 2017, Board meeting.

ITEM II.A.5., APPEAL OF DE FACTO DENIAL BY ZONING OFFICIAL OF NONCONFORMING STATUS, RE: 2200 S. ORLANDO AVENUE, COCOA BEACH

Randy Berner stated Magnolia Bay Condominiums is directly adjacent to the Squid Lips property; he asked the Board to uphold its decisions made on this piece of property made in December 2016; it seems like they are going through a cat and mouse game with the property owner to have the Board reconsider the decision that was made; and he asked the Board to stay the track and course. He went on to add what has happened there since the Board's decision has been very positive for the neighborhood; it has gone back to the way it was when it was Lobster Shanty; and they would like to keep it that way.

Susan Suplee stated she stands before the Board today to reiterate what Mr. Berner mentioned; she has grave concerns that the County has not been provided with a site plan for this property; they continue to do work on the illegal structure outside to repair it; as a taxpaying citizen this property is in arrears of \$45,000; and she respectfully asked the Board to uphold its decision made in December, as well as put a stop to this nonsense and stall tactic.

Sal Bate stated he supports the two previous speakers. He went on to say this country was founded by a man from Genoa. He noted he is a new resident to Magnolia Bay, but he is not new to Cocoa Beach and the area; he has been coming here for many years from the northeast, and he is now a permanent resident; and he had tours of duty at Patrick Air Force Base. He stated looking at the evidence he has gathered regarding the application, there are rules and regulations which any business must comply with; this Board imposed certain conditions for this operator known as Squid Lips; he has frequented the Squid Lips in Melbourne, and it is a great place; and the concern of the residents seem to be the noise. He pointed out if this goes forward it could de-value the properties, which is a serious adverse impact, as well as the buffer which has not been done at all; and he supports the previous decision of the Board.

Kim Rezanka, Law Firm of Cantwell and Goldman, representing Banana Riverfront, LLC, also known as Squid Lips, Cocoa Beach, stated this is only allowing the applicant to put his property back to what he bought in 2015; it is confusing as people do not understand; they met with staff to see what they need to do after the denial of the Board; and they were told they need to go back to the 1982 site plan, because that is the last thing the County had on record. She went on to say they went to several rendition's on how to do that, they supplied affidavits, which were not provided to the Board, from the previous owner saying he had permits for everything that was built before he sold it; and from the attorney the applicant had when buying the property said it was non-conforming and they can use what they have. She stated she is providing those for the record. She noted unbeknownst to Magnolia Bay, all they are trying to do is what the Board appeared to want to do in November 2015 allowing the applicant to use what he

February 21, 2017

purchased before the additional dock and hard cover canopy was put in; they are not trying to do any more than what the applicant purchased; and unfortunately, they cannot do anything because staff has no records that these permits were actually in place. She stated unless they are granted the verification of the non-conforming use, the applicant cannot do anything. She pointed out regarding the allegations that have been made, they cannot do anything because there are no conditions to comply with; and there is nothing that can be done on this property until this process is completed. She asked the Board approve the appeal, and find that there is a verification of the non-conforming use on the property.

Courtenay Yelle stated he wants to concur with the previous speakers; and they look forward to a private, wonderful lifestyle.

Scott Knox, County Attorney, stated he wants to let the Board know exactly where this Item is; the Board's direction the last time the matter was discussed was to bring the property back to the condition it was in when the applicant purchased it in 2015; the way staff attempted to do that was finding evidence to verify the non-conforming status as it existed on that date; the evidence that was provided was not satisfactory to the staff and the determination could not be made; and they are now before the Board on appeal of that lack of determination, which constitutes a denial. He went on to say what the Board is really being asked to do is to reaffirm what it said the last time it came before it, which was to say the property is non-conforming as it existed on the date the applicant purchased it in 2015.

Commissioner Barfield stated his biggest concern is the fact the County has \$45,000 in back taxes; and he wants to make sure those taxes are paid at some point. He noted he and Commissioner Smith were at that meeting, and he thought it was very clear the facility had to be brought back to the original condition it was prior to the modifications made by the applicant. He inquired what the status of compliance is.

Robin DiFabio, Planning and Development Director, stated staff has all except for one Contractor Licensing case closed, and they still have the active Code Enforcement case for the work without permit.

Commissioner Barfield inquired if the Board can put any requirements with the unpaid taxes.

Attorney Knox replied the tax requirements will take care of themselves, either they will be paid or someone will purchase the tax deed and the applicant will be out of business; in terms of the status of the property, he thinks there was a survey that was provided to the Board that showed the improvements as of the date the applicant purchased the property in 2015; that is what the Board asked staff to get before it somehow to verify that, that is the non-conforming use status; and that does not include the extensions/expansions that the applicant now has on the property, so that still has to be dealt with. He pointed out the applicant has filed a Bert Harris Claim under the mediation portion of the Bert Harris Act, so there is a mediation scheduled on that in the future.

Commissioner Barfield asked Attorney Knox to explain that.

Attorney Knox responded they are basically saying it was not reasonable and fair to deny any opportunity to expand the non-conforming use, and that is the issue that will be talked about in front of the mediator.

The Board verified the 2015 footprint of 2200 South Orlando Avenue, Cocoa Beach, as a legal nonconforming use, due to lack of records, and the Zoning Official being unable to verify that the 2015 footprint is a legal nonconforming use that inability to verify operates as a denial.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM III., PUBLIC COMMENTS

Charles Tovey stated he came up to disclose the information about the Lagoon because he was in fear for his life, not because he is going to die, he wanted to disclose the information first; most of it is done; there are some other remedies he would like to disclose; but for almost a decade he has come up here to request help; and he has heard this and he has heard that. He went on to add he has some of the files he can carry up there; he has evidence and no one can do anything, nobody will do anything, and they are still destroying the remains and the scrap the County has left him; and he inquired what is left for him to do. He advised if he goes to court, first he had to struggle for his health, and if he is not alive then none of it matters anyhow. He stated now he is almost over his Pneumonia, and he can stabilize things; he inquired if this is a taxpayer expense to go to court and all this; they do not have to; and there is negotiation and attorneys. He noted good attorneys will do their jobs not to go to court, and to make some kind of deal before, because it is all unnecessary, but if they have to do it again, there is nobody left but him, his witnesses, his files, and the public record that he has disclosed over the years. He pointed out Stockton Whitten, County Manager, will soon be leaving, and that leaves Scott Knox, County Attorney, which will probably soon be leaving; he wants to provide everybody a copy, but every time his information disappears, so he rides around with it guarding it with the remains of his life; he is still asking for help; and that is why he is up there today. He stated nobody knows anything, nobody can do anything, nobody has to do anything, but he has to; and if brake, his flashing light on the back of his bike is not bright enough, he will get reprimanded or ticketed. He stated visibly out of in front of his house daily, there are all kinds of infractions that happen, and nothing happens but to him. He stated when they do these things, they are ripping off their government; the other thing is they get mail across the street on Monday; Monday is a holiday, and they got mail; and he inquired why. He noted all of these people are against him; and he inquired who is for him.

ITEM VI.A.1., WAIVER REQUEST, RE: BLOCK WALL AT HEADRICK TIRE AND MOTORSPORTS - STEPHEN M. SZABO, P.E.

Stephen Szabo, Civil Engineer representing Alex Headrick with Headrick Tire and Motorsports, stated Mr. Headrick would like to open a tire shop for service and sales; the property is adjacent to U.S.1, but it is set back at the corner of Keller and Davis; it has residential property to the north and west; and the waiver request is in lieu of a masonry block wall, which is required by Code, to leave a number of existing, large Oak trees that border the property to the north and west. He advised the Board there are photographs in its packages of those existing trees located along the property lines. He went on to say the applicant is willing to work with the homeowners; they wish to have a privacy fence, such as a six-foot tall wood privacy fence; and he has been in discussion with the residents on that issue.

Commissioner Pritchett stated she is thankful they are doing natural landscape buffer instead of the wall, and the applicant has done his due diligence by getting the surrounding neighbors to sign the waivers and send them in; and she is supporting this Item.

The Board granted approval of a waiver request for a block wall at Headrick Tire and Motorsports, as requested by Stephen M. Szabo, P.E.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.A.2., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE ESTABLISHING STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES

Scott Knox, County Attorney, stated this is an ordinance proposal that in his view is a little bit premature; the voters of Florida passed the amendment authorizing medical Marijuana; and it is not a self-executing provision, which means it does not go into effect automatically, it has to be implemented by State Law. He pointed out the Legislature has not adopted a law yet to implement it; there is also a regulation that the Department of Health and Rehabilitative Services is going to have to implement the law the Legislature passes; as a consequence, staff does not know what the Legislature is going to do; it may preempt any kind of activity by local government or it may not; but staff does not know until something is actually passed. He reiterated at this point it seems to him that trying to figure out how far they should be apart, how many can be had, and how many people can be served by them is a little bit speculative; and even though it is possible the Legislature would pass something that says the County is preempted unless it has an ordinance passed and grand fathered, it seems to him the Legislature is going to have to do a comprehensive law and not give too much authority to local governments. He stated it seems like staff is going through a lot of effort without even knowing what the Legislature is going to do.

Robin DiFabio, Planning and Development Director, stated staff defers to the County Attorney on that position.

Chairman Smith stated the Board did instruct staff to come back to it with some ideas and that is what staff has done; he talked to a number of people; what Attorney Knox says is true, people do not know what the State is going to do; but if the Board gets out in front of this issue he does not see that it creates any problems for the County going forward.

Commissioner Isnardi stated she dealt with something similar when she served the City of Palm Bay that had to do with adult entertainment places, and they had to hire an attorney that specialized in adult entertainment ordinances and understanding what the State laws were; this was basically for strip clubs; it took several months; and it is important to get ahead of it, but before the Board approves something, it will need to make modifications. She went on to say the State is going to come up with something regardless if the County puts something into place; but it is important the County sets its own rules as far as how many will be allowed, requirements for distance, and that sort of stuff; they can kind of look at other municipalities to see what they are doing; and if the Legislature comes down and says if the County does not have something in place, it will defer to the State's rules. She noted the Board needs to get ahead of this and if it needs more work that will be okay. She stated the Board should maybe take a little more time because she did not know this was coming out until this Agenda, because the Board may have more input, or it may look at what other cities are putting in place.

Commissioner Tobia stated this issue with so many moving parts might be the reason the Board should have a workshop where the Commissioners bring in people who this may impact to ask their opinion; he spent some time looking over the requirements, and he had more questions than he had answers; no matter what a person's opinion is, 71 percent of the people of the State of Florida have said they think it is the right way to go; the Federal Government may

February 21, 2017

disagree with that; but they have not done anything to that effect. He stated basic questions he came up with was there were so many regulations here he does not know how many actual locations would fit the perimeters that are located here; it has to be in a specific zoning district; it has to be 200 feet away from Residential; it has to be 1,000 feet away from a park; and it has to be a mile from another dispensary. He noted putting this together would be extremely difficult; he appreciates the work staff did; but when he asked for the justification of some of these numbers, some of the responses he got back was 'because this is what Cocoa Beach does' or 'this is what Cape Canaveral does'. He stated some of those municipalities are going back to re-examine what they did because of just the very fact that he mentioned, there are not many places where this can go; and one apparently is within close proximity to Ron Jon's, which is probably not the best location for one of these dispensaries. He stated he is not a medical professional clearly, but the State of Florida has deemed this is a prescription-type medication; looking at number three, operations, it is only allowing them to be opened certain days; imagine if the Board said a persons tooth hurts, the dentist is writing a prescription, and the pharmacies are only opened on a certain date; and he has issues with the times they are opened and the distances between the dispensaries. He pointed out he would like law enforcement to weigh in on this to see if it is easier to patrol where the dispensaries are spread out or easier in a congregated area; number five says municipal marijuana dispensaries shall post conspicuous signs on at least three sides of the building stating that no loitering is allowed on the property; if a person is in a strip mall, there is a business on either side, and by definition there is only a front and back to the business. He stated there are just so many moving parts in here; he thinks the Board needs more time to speak freely and openly, and to get a little bit more information. He stated he would like to get more comparisons to see what is going on; he would like to speak with folks who are looking to get into this type of business to see what may be model Legislation so the Board can get what the State of Florida has deemed vital medication to these individuals in a safe, regulated fashion without cutting out anyone's rights; if it is the pleasure of the Board to advertise and move forward, that is fine; but he thinks the Board needs to spend a lot of time on this coming up with some answers. He advised the Board it should get answers to these questions; if the County could identify where some of those locations are or could potentially be, there could be people who say they have children who play in the backyard; he does not want constituents to come up and say had they known all of this, he or she may have wanted to get involved as far as the process; and he reiterated there needs to be quite a bit more time that goes into this. He expressed his appreciation to staff for the time they put into this Item.

Commissioner Pritchett stated she would have rather when this was done, it would have been prescribed through a doctor and ran through a regular pharmacy, and since it is new the Board needs to find out what parameters it needs to put up; and adults have a right to do what he or she needs to do for medical purposes. She inquired how long before the State of Florida to come down with parameters for local government on how it should be handling this.

Attorney Knox replied he thinks they are working on it this session, so it should be before the summer.

Commissioner Pritchett inquired if it may be appropriate for the Board to put this on hold until the State comes back with some direction.

Attorney Knox responded from staff's point of view working in the dark is kind of hard; the workshop idea may be a good idea if the County can get people down from the Legislature who know what is going on up there and give it some idea where they are going with it; and maybe to have experts to tell the Board how this may or may not work would be helpful.

Commissioner Pritchett stated it has already been done in the State of Colorado, and it was a mess; and she thinks the County can learn through other states as it moves forward. She

February 21, 2017

stated she agrees the Board needs to find out what it is going to do with these, how many, and what is appropriate to serve the community in protecting its children.

Commissioner Isnardi added as far as the workshop goes, one thing she would like to see is the projected map of where these locations would be, because the County may end up not having enough locations; and if the State says the County needs additional locations, she wants to ensure the County has this ready to go. She went on to say as important as it is going through the details; the Board has to balance getting something in place first.

Commissioner Barfield stated there is a whole process to go through to advertise for legislative intent, and once that happens it goes to different advisory boards; it goes in through processing, and it gets advertised; he does not want to be on the outside when the State all of a sudden throws down this is what a local government is going to do; and he would much rather be out front, because he believes in Home Rule. He stated once it is advertised, there will be much more public input; and he is all for advertising it and moving forward.

Commissioner Pritchett inquired if Commissioner Barfield thinks if it is advertised now the Commissioners can start getting community input; and she stated after that, the Board can still table this moving forward. She noted she feels comfortable with that, and maybe to entertain the option of a workshop as well.

Commissioner Isnardi stated to save staff time and a lot of worry by the public, instead of advertising, she would prefer a workshop just be scheduled; she agrees this is considered a medicine; but she thinks the Board needs to work quickly but smart; and she reiterated the Board should schedule a workshop and not just throw it on the Agenda.

Commissioner Pritchett inquired if Commissioner Barfield would consider tabling this for a month and to come back, and then to vote to advertise; and that will give the Board a little longer before it gets into a workshop mode to get more input from the State.

Chairman Smith stated the document submitted is not written in stone; the Board is not making a commitment to anything other than to move forward with doing something; he spoke to one of the Legislative Lobbyists in Tallahassee, Guy Spearman, several times about this issue, and he feels strongly the County needs to move forward with the full understanding it is creating a fluid document; but it will be in place so the County will be further along than other communities that have nothing. He went on to say 68 communities and counties have already done what the Board is talking about doing here, and he feels very strongly the Board should do something as well. He stated he does not feel it is critical that the Board does or does not do anything, but he respects Mr. Spearman and Attorney Knox, and they are on opposite sides; and he feels it is up to the Board to make a decision.

Stockton Whitten, County Manager, stated his comments are process comments only; the Board could advertise an ordinance so it would have something to look at in the workshop format; and that meets all concerns raised here today, because the Board needs something to look at even in a workshop format. He went on to add if the Board continues on with the legislative intent, it would simply take that draft ordinance to the workshop to discuss.

Commissioner Tobia inquired which hat Mr. Spearman was wearing, the one for Brevard County, or would that potentially be the hat, as he is a registered lobbyist for one of these municipal marijuana dispensaries; he certainly has some juice when it comes to getting this on the board; and that disclosure he has tried to push in the past may have helped Chairman Smith weigh that decision whether or not Mr. Spearman was looking out for what was best for the County or the best for his other clients. He inquired if Chairman Smith knows which hat Mr. Spearman was wearing when he spoke with him.

February 21, 2017

Chairman Smith replied he has no idea; and quite frankly, he is not paranoid to think people have ulterior motives. He pointed out the man is the County's lobbyist; he reached out to him for his input and thoughts; and he does not care which hat he is wearing. He stated this is considered a medicine, however, it is not legal; and that is why it cannot be dispensed in pharmacies, which would be the ideal situation. He noted the States have decided to thumb their noses at the Federal Government and do what they want to do regarding this illegal substance; he did not vote for it either; but the Board is charged with coming up with some way of dispensing it.

Attorney Knox stated there is a bill pending in the Florida Legislature, which will take away all authority of this Board or any other local board, to regulate any kind of business unless the Legislature grants them the authority by law; it basically takes away Home Rule power from any new regulations for businesses; and that is something that would come into play with this should the Legislature pass that.

Chairman Smith inquired if Attorney Knox is suggesting the Board postpone this until the Board sees what the Legislature is going to do and then act at that time.

Attorney Knox replied that is something the Board needs to weigh in its decision; and he just wanted the Board to know that those are the things that are going on.

Commissioner Barfield inquired if the Board already has a regulation in place, that it takes precedent.

Attorney Knox responded what it said was any new regulations, so if there is something in place by the time they actually pass it, the Board would probably be okay.

The Board approved legislative intent and granted permission to advertise an ordinance establishing standards for dispensing facilities of medical Marijuana Treatment Centers (MMTC).

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

Commissioner Isnardi stated the Board reached consensus that it expediously move to a workshop on this; and she inquired if the Board is just going to plan on advertising at the next meeting.

Commissioner Barfield inquired what the process would be.

Mr. Whitten stated the Board has an Ethics Workshop, Budget Workshop, and the CRA Workshop in April; and he would think it would be either a March or April workshop, but it is the Board's call. He stated staff did not intend on getting back to the next meeting on the Item.

Commissioner Isnardi stated the Board could crazily schedule the workshop on a date it does not typically have a meeting; and there is also that option as long as it is advertised.

February 21, 2017

Attorney Knox stated he is unclear on the motion; he inquired if the motion is to move forward with advertising.

Commissioner Barfield responded affirmatively.

Attorney Knox replied this is probably going to fall under the category of a land use, permitting use type of thing, so it will require two public hearings in front of the Board and one Local Planning Agency (LPA) meeting; and it will take a while for this to happen.

ITEM VI.F.1., RESOLUTION, RE: MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES

Commissioner Tobia expressed his appreciation to Chairman Smith for the resolution; he went back and checked a prior Board meeting and pulled transcripts; and as far back as October 2015, Chairman Smith stated, and he quotes, "You are anti-preputial CRA. CRAs just don't go away. CRAs for the last 20 years, 25 years, 30 years and they come back and they ask us for an extension." He went on to say Chairman Smith followed that up on February 9, 2016, when he mentioned, and he quotes, "CRAs they never go away." He stated he agrees with Chairman Smith, except he wants to actually take action based on that perpetuation of CRAs and the continuance of the millions of dollars that could go to other places; staff was helpful to draft a resolution to that extent; it is much simpler than the previous one; and Attorney Knox can speak to this, but his understanding is CRAs have the ability to extend past their initial sunset date without the acceptance of this Board. He went on to say all this resolution does is say before a CRA does that, they must come to the Board for it to enter into an interlocal agreement allowing them to extend; this is not precluding anyone from extending, it is just saying CRAs please come to the Board; and he is looking at this right now of the current CRAs out there, and it looks like this would be a long time before this would even happen. He added they would not have to come to the end of that sunset period before they do actually extend. He reiterated all this does is say before a CRA grabs another 30 years to clear blight to come to the Board because they are using funds that do come out of the County's General fund, and discuss it and put into an interlocal agreement.

Commissioner Isnardi stated she agrees with the ordinance; she knows it is not anyone's intention to make Sally Lewis, Agenda Specialist, crazy to add this to the Agenda, but it was a little bit late, there were a lot of add ons; and she would prefer that there not be any excuse why any of the Board Members do not have enough time to look at this. She stated she would be in support of this, and her next Item on the next Agenda has something to do with this one; but it serves a similar purpose.

Scott Knox, County Attorney, stated this is a simple resolution that would modify and revoke the authority of the cities and the CRAs that have that authority to pass an amendment to the CRA plan, which would trigger another 30 years of existence, and in any way expand the boundaries of that CRA.

Commissioner Pritchett stated she would not mind this as they were working on an interlocal agreement; but the Board did give everyone the word that the Board was going to discuss this at the workshop in April; so all of the CRAs did not have to show up today concerned the Board was discussing the topic again; and they made some calls and they do not feel like anyone is currently looking to expand or create new CRAs right now, so this can wait until the workshop. She pointed out in fairness of the constituents, people out there who have to work these projects, this should be taken to the workshop; and that would be her request.

Commissioner Barfield stated Commissioner Pritchett stole his thunder as he was going to say the same thing; the Board needs to look at CRAs overall; and it should be done in a workshop when all of the CRAs can be there. He noted he would like this to be tabled to the workshop.

Commissioner Isnardi stated the reason she does not take issue with this resolution is its simplicity, the fact that CRAs are designed, by their mere design, to never go beyond 30 years; she thinks this simple request that the Board holds those municipalities, or even the CRA itself, to account to those 30 years is not a stretch. She went on to add if they are going to 31 years, for example, they would have to come back to the Board; and she has no problem supporting this resolution until the Board has the workshop.

Commissioner Barfield stated he does not really have a problem with it either, but he would like to look at everything together regarding the CRAs; the Board may want to change the wording to look at something else, or something to be molded into it, or whatever; and he reiterated he would like to do it all together so everyone can be present.

Chairman Smith stated he is 100 percent in favor of this, he has talked about this for a long time; he does recognize the need for a CRA; but he also recognizes the need for the Board to exercise its due diligence in watching over, being watchdog, guiding the CRAs, and having input in how they perform; and there are an awful lot of people who are not crazy about \$6,000 Palm trees being used to decorate an entrance to a highway, so maybe with more control, more input from the Board, those types of things will not occur in the future. He stated whenever the Board did discuss this and there were some of the municipalities present, he strongly advised the CRAs not to go forward to try to extend their CRA by creating any type of debt; he trust the municipalities, and they trusted him; he does not think anyone is out to stick the public, him, or to be dishonest; and he trusts people until they give him a reason not to trust them. He stated he trusted the CRAs not to encumber themselves with more debt and saddle the people of the County with longer periods of time extensions; and for that reason, he will vote for this to be tabled. He reiterated he does not think the Board has any fears of this backfiring on it; and the Board can discuss this in the workshop, have input from the other side, and the Board can vote and make an intelligent decision at that time.

The Board tabled consideration of a resolution modifying delegation of the Community Redevelopment Agency (CRA) powers to municipalities to the April 13, 2017, CRA workshop at 1:00 p.m.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Rita Pritchett, Jim Barfield, Curt Smith
NAYS:	John Tobia, Kristine Isnardi

ITEM VII., PUBLIC COMMENTS

Sandra Karwel stated on November 8th, Palm Bay Police, along with the Brevard County Sheriff, even though she did not see them, they did not talk to her, and they did not do any kind of service to her, rammed her front door, broke it down, and arrested her for living in her home, warranted deeded home, of 48 years; then 14 days later the trespass arrest was dropped by the State Attorney as a no information; she watched, along with four other witnesses, while the Palm Bay Police under Steve Shiddle, took items from her home and put it into a private citizens, Robert Limpky's vehicle; and they stole her lap tops, her jewelry, identifications, credit

February 21, 2017

cards, cash, purse, heirlooms, and all valuables from a three bedroom, two bath, and two car garage home, fully-loaded of two legacies of a family, because she inherited a house. She went on to say by the next day, the home was completely empty; she had addressed this at the Palm Bay City Council on December 6th; she got back with Scott Knox, County Attorney, who she had a conference with; he said he would collect information and get back with her; she called repeatedly back to his office; and his office said he had collected the information and would get back with her. She noted she called back again, and somehow she has not received any communication back from Attorney Knox. She stated she has a copy from Senator Bill Nelson, Senator Marco Rubio, U.S. Department of Justice, and an email of Florida Representative Randy Fine, asking the Sheriff Department where her property went to, because if she was arrested on one thing, then that property they took should have been turned into evidence as it was an arrest; whatever else is claimed that happened, the idea was it still belonged to her home; and her warranty deed has never expired. She filed a public records request with the Sheriff's Department, and she has not found out what happened to her property; she is here to address Attorney Knox who said he would collect information and get back with her; and she would like to have an answer to what happened to the collection of information he received.

Scott Knox, County Attorney, stated the information he has is very thick, so it will take a while for him to finish; he is going through it, but he is going through it carefully trying to determine whether or not the County has any exposure, which is primarily what he is interested in, because of the way things happened; and when he finishes with that, he will let Ms. Karwel know what he found out, and he will give her a copy of everything he has.

Ms. Karwel pointed out in the meantime, everything she owned was stolen from her; two law enforcement agencies in Brevard County rammed into her house and stole everything she and her sister owned; the day after the only thing she had was a pair of jeans, a shirt, no shoes, no glasses, and no cell phone; and she reiterated they stole everything. She stated the paperwork is asking the Federal Bureau of Investigation (FBI) to investigate; she has confirmation on the letters that the FBI is investigating; and that is how significant this is to have two law enforcement agencies break into a home and steal everything without a warrant. She inquired where she needs to go to get information and answers to her stolen property, which should be with the Sheriff's Department, but she has received no response from the Sheriff's Department.

Chairman Smith advised the Board will look into that.

Ms. Karwel stated she will be back; she has a website where she is documenting; and she is determined to get this to a public awareness platform.

ITEM VIII.C., REPORT, RE: JIM BARFIELD, DISTRICT 2 COMMISSIONER

Commissioner Barfield stated he would like to thank Robin DiFabio, Planning and Development Director, as this is her last meeting; it has been great working with Ms. DiFabio; and he wishes her the very best.

ITEM VIII.D., REPORT, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER

Commissioner Tobia stated during the citizen advisory board appointments, there was an issue brought up with one of his appointees; and he, in an abundance of caution pulled that, because of what Brevard County Code said. He went on to say as a person who spent zero days in law school, he asked Attorney Knox's office to come up and give him a solution or an explanation of the requirements for Zoning Board of Adjustment; as soon as he received that, he sent that out to his fellow Commissioners; on the back of the memorandum dated February 15th, it looks like it was done by Cristina Berrios, Assistant County Attorney, who gives three options to resolve

the matter he has brought up; and his suggestion moving forward would be to go with the options Ms. Berrios found, where she recommends Option 1, amending Section 62-212(a), Brevard County Code of Ordinances, to grant Commissioner's 'at large' appointments that must be still approved by the Board of County Commissioners. He noted he wants to clear this up for future Commissioners; his suggestion would be to go with the recommendation of County staff; he is open to other alternatives; but because of the Sunshine Law, he thinks this is the proper forum to discuss this.

Commissioner Barfield stated he has actually been on the Zoning Board of Adjustment for a city before; a person needs to actually go out and look at the property; he likes the way it is written, and it needs to stay where a person is in that area; if there is someone who is supposed to be District 1 and they live in District 5, that makes it kind of tough to actually look at the property; the fact a person lives in that area makes a lot more difference because he or she knows what is going on; and he reiterated he likes the way this reads currently. He noted he is for leaving it just the way it is.

Commissioner Isnardi stated the Commissioners have to appoint several dozen people to advisory boards; it just so happened her appointee is from a different District; he was a previous appointee by Commissioner Anderson; and to move him now because he does not live in her District is not right. She went on to add the Board represents the entire County; where there may be a particular advisory board where they may be someone needed from the District, the Commissioners need volunteers for the advisory boards; and she does not want her or her staff to have to beg someone to be on the advisory board, she would rather have a citizen who is willing to step forward and serve on those advisory boards. She stated she thinks they should be 'at large' positions; she knows a lot of places moving towards that way, because there are a lot of slots to fill; she wants people to be enthusiastic to be on the advisory boards; and she would be open to making those 'at large' appointments as the County Attorney's Office has suggested.

Commissioner Pritchett stated her staff has been trying to find people to fill positions; they could not find an alternative for the Zoning Board of Adjustment, as there is no one who would be a good fit from the District 1 right now; and she does not mind the 'at large' appointments. She stated she would like to take some time to think about it first.

The Board approved Option 1, to direct staff to amend Section 62-212(a), Brevard County Code of Ordinances, to grant Commissioners 'at large' appointments that must be approved by the Board of County Commissioners; this approach will allow a Commissioner to search for and appoint, members outside of his or her district without being concerned about how many members from each District is on the Board of Adjustment.

RESULT:	ADOPTED [4 TO 1]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
NAYS:	Jim Barfield

ITEM VIII.E., REPORT, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER

Commissioner Isnardi stated she had the pleasure of attending the Builders Roundtable; she expressed her appreciation to Stockton Whitten, County Manager, staff, and all of the people who showed up for that meeting; she really enjoyed it; she hears many of those complaints one on one; and now she has staff rationale for why the County has some of the things in place it does, and better ways to work with the public. She asked the Board, as she is impassioned about smart government and smart growth, to remain active as the active Commissioner on this board; it does not grant her any authority; but only one of the Board Members can attend. She stated she would like the Board to keep the initiative to keep these roundtables in place, and to allow her to be the liaison for the Board so she can collect some of the things that are cumbersome to people.

Mr. Whitten stated it is the County Manager's Developers Roundtable; it is an informal gathering of developers and staff so that they can come in and literally beat staff up on the Code; it is an open dialogue back and forth; if any Commissioners want to attend he is fine with that; and if more than one Commissioner wants to attend, to give staff notice so they may advertise. He went on to say as the Board is searching for its next County Manager he would like it to make sure that person is intending on maintaining that open dialogue; but it is no problem with one Commissioner or all Commissioners attending, just give staff advanced notice, and they will make sure it is advertised.

Commissioner Isnardi mentioned she is moving her office this week; as the Board knows, one of the things Commissioner Anderson wanted to do while he was here, but he served at a time when the fiscal situation was rough and he was getting pulled in different directions as he wanted to centralize the office in the District 5 area, so what they have done is they found a place under market value that was in the middle of District 5; and they are at the border of City of West Melbourne and City of Palm Bay. She pointed out they are moving this week so it will be rough in the office as they transition; and their new location is 490 Centerlake Drive. She went on to add the telephone numbers will be the same; it may get a little muddy in the office as far as returning telephone calls and emails; but they will do their best to serve everyone. She expressed her appreciation to Facilities, Information Technology, and everyone who was involved.

ITEM VIII.G., REPORT, RE: CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN

Chairman Smith provided the Board with a picture of a tiny house; this apparently is becoming an issue, he knows it is in his District; they have been showing up in different properties in his District; and one was even on a trailer, people were living in it, and they had an extension cord running from the house to the tiny house. He went on to say the County does not currently have a Code to address these tiny homes in peoples backyards; he thinks it is something the Board needs to look at where it wants to go with it; and he asked the Planning and Development Department to investigate this issue, and to come back to the Board with an amendment to the Code that would cover the tiny houses and restrict them from being used.

ITEM VIII.A., REPORT, RE: STOCKTON WHITTEN, COUNTY MANAGER

Stockton Whitten, County Manager, asked the Board if he could redeem himself with Robin DiFabio, Planning and Development Director. He expressed his apology forgetting this was Ms. DiFabio's last Board meeting. He stated Ms. DiFabio has been with the County for approximately 19 years, and prior to coming to Brevard County she was with Miami-Dade County; she has a lot of years in local government in one of the toughest and time consuming

February 21, 2017

areas of the County; and she has done a great job over the past several years. He stated he hates to see her go but she is ready to move on with the next chapter of her life, and he wishes her well.

Chairman Smith stated Ms. DiFabio has always been pleasant to work with, when he had questions, she had answers; and she has been professional in every step of the way. He stated he wishes her well going forward, and thanked her for her service.

EXECUTIVE SESSION

The Board recessed for Executive Session for Brevard County, Florida v. B West Townhouses, Ltd, Meadowbrook, LLC, Tradewinds Plaza, LLCV, Case No. 05-2013-CA-025677.

Upon consensus of the Board, the meeting adjourned at 10:37 a.m.

ATTEST:



SCOTT ELLIS, CLERK



CURT SMITH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by Board March 21, 2017