

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 December 18, 2018 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 |
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| Rita Pritchett | Commissioner District 1 | Present | |
| Bryan Lober | Vice Chair Commissioner District 2 | Present | |
| John Tobia | Commissioner District 3 | Absent | |
| Curt Smith | Commissioner District 4 | Present | |
| Kristine Isnardi | Chair Commissioner District 4 | Present | |

MOMENT OF SILENCE

Chair Isnardi called for a Moment of Silence.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

ITEM E.1., RESOLUTION, RE: BREVARD FAMILY PARTNERSHIP

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-192, recognizing the Brevard Family Partnership as the lead Child Welfare Agency in Brevard County.

Phil Scarpelli, Chief Executive Officer (CEO) for Brevard Family Partnership, stated he stands before the Board proud and honored to be serving the children and families of Brevard County; he is proud to be standing with the membership of their board of directors including the Board Chair, who are the most committed individuals he has ever worked with; they roll up their sleeves, they are very active, and passionate about serving the community; and in these changing times when families struggle, it is organizations like theirs who really embrace the endorsement, support of the Board, and all of the work it does. He went on to add their promise and commitment to not only to the Board but to the community at large, is to do everything possible, not just for those who are most vulnerable, but to all children and families to help support an infrastructure and resource base that will help all families be strong, safe, and resilient. He expressed his appreciation for the acknowledgement, the Board's support, and the opportunity to stand before it today.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Bryan Lober, Vice Chair Commissioner District 2 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

CONSENT ITEMS PULLED FOR DISCUSSION

Commissioner Lober pulled Item F.11., Appointments/Reappointments, Re: Citizen Advisory Boards, for discussion.

ITEM F.1., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - THE CHRISTIAN MISSIONARY ALLIANCE S.E. DISTRICT (18PZ00074)

The Board executed Binding Development Plan Agreement with The Christian Missinary Alliance S.E. District, for property located on the south side of Fay Boulevard, east of Grissom Parkway.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.2., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - MB INTER-COASTAL ESTATES, LLC (18PZ00097)

The Board executed Binding Development Plan Agreement with MB Inter-Coastal Estates, LLC, for property located on the west side of Highway A1A, south of the Melbourne Causeway, Melbourne Beach.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.3., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - VININGS PALM BAY INVESTMENT, LLC (18PZ00059)

The Board executed Binding Development Plan Agreement with Vinings Palm Bay Investment, LLC, for property located on the east side of North Wickham Road, south of Jordan Blass Drive, Melbourne.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

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ITEM F.4., APPROVAL, RE: PERMANENT WATERLINE EASEMENT FROM BAREFOOT BAY RECREATION DISTRICT

The Board accepted a Permanent Waterline Easement from Barefoot Bay Recreation District for property located in Section 10, Township 30 South, Range 38 East.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.5., APPROVAL, RE: SECOND AMENDMENT TO THE TRAIL ACCESS LEASE WITH MODERN, INC. FOR FOX LAKE SANCTUARY

The Board authorized the Chair to execute the Second Amendment to Trail Access Lease to Fox Lake Sanctuary.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.6., APPROVAL, RE: CONSTRUCTION MANAGER AGREEMENT WITH W&J CONSTRUCTION CORPORATION FOR SEAWALL RECONSTRUCTION AT LAKE WASHINGTON PARK

The Board authorized the Chair to execute a Construction Manager Agreement with W&J Construction Corporation for Seawall Reconstruction at Lake Washington Park, upon County Attorney and Risk Management review; and authorized the County Manager to execute necessary budget change requests.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.7., BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.9., CONTRACT RENEWAL, RE: SPECIAL MAGISTRATE SERVICES WITH STEWART B. CAPPS

The Board authorized the Chair to execute an Amendment to Special Magistrate Services Contract with Stewart B. Capps, which renews the existing contract for one year, subject to approval by the County Attorney and Risk Management.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.10., OFFICE SPACE, RE: HOUSE REPRESENTATIVE, RENE PLASCENCIA

The Board adopted Resolution No. 18-193; and authorized the Chair to execute Lease Agreement allowing non-competitive lease of County property (office space) in Brevard County Government Center-North to Representative Rene Plascencia.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM F.12., APPROVAL, RE: 2018-2019 LIAISON APPOINTMENTS

The Board approved the 2018-2019 Commissioner Liaison Appointments as submitted by Chair Isnardi, as follows: Commissioner Rita Pritchett, District 1, Children Service's Council, Florida Association of Counties (FAC), Space Florida Board of Directors Legislative Committee, Transportation Planning Organization (TPO), and Value Adjustment Board (VAB); Commissioner Bryan Lober, District 2, East Central Florida Regional Planning Council (ECFRPC), Florida Association of Counties (FAC), Indian River Lagoon Council, Public Safety Coordinating Council, Tourism Development Council (TDC), and Transportation Planning Organization (TPO); Commissioner John Tobia, District 3, Extension Advisory Council, Florida Association of Counties (FAC), Together in Partnership (TIP), Transportation Planning Organization (TPO), and Water Supply Working Group; Commissioner Curt Smith, District 4, Central Florida Expressway Authority, East Central Florida Regional Planning Council (ECFRPC), Alternate to Election Canvassing Board, Florida Association of Counties (FAC), Transportation Planning Organization (TPO), and Value Adjustment Board; and Commissioner

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Kristine Isnardi, District 5, Art in Public Places, Congress of Regional Leaders, Economic Development Commission (EDC), Election Canvassing Board, Florida Association of Counties (FAC), and Transportation Planning Organization (TPO).

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Bryan Lober, Vice Chair Commissioner District 2 |
| SECONDER: | Rita Pritchett, Commissioner District 1 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM F.11., APPOINTMENTS/REAPPOINTMENTS TO CITIZEN ADVISORY BOARDS

Commissioner Lober stated on Merritt Island Redevelopment Agency, he had asked two individuals who were directors to resign; he provided copies to the Board Members of their resignation letters; he stated one of them is the current Chairman of MIRA and the other is a Director of MIRA; in the actual letters themselves, the second paragraph on each reads almost identically; and each person asked him to appoint him to fill the vacancy created by the resignation. He went on to say, it may seem a little weird that there are two folks resigning, yet in their resignation letters, he or she asks to be reappointed. He pointed out prior to his being elected to the Board there were two appointments by the prior Commissioner made such that they would not take effect until after his term had begun; he would never appoint someone in his term as Commissioner, barring some extenuating circumstances, for a term beginning after his term ends; he thought it would be more appropriate for him to appoint these folks for terms beginning in the time he is in office; and he asked the individuals, as a courtesy to him, to resign with the understanding being he would turn around and reappoint them because he is satisfied with the job they have done. He noted he was concerned that the precedent being set of having someone appointed to begin their term after he is out is not necessarily the healthiest thing for the Board. He advised one of the members is the current Chairman of MIRA, Eddie LeBron; and the Board can affirm him as Chairman.

The Board appointed/reappointed **Darlene Hunt** and **Nancy Mitts** to Art in Public Places Advisory Committee, with terms expiring December 31, 2019; **Scott Carswell** and **Bruce Moia** to Building and Construction Advisory Committee, with terms expiring December 31, 2019; **Ilene Davis** and **Dale Young** to Citizen Budget Review Committee, with terms expiring December 31, 2019; **Zack Parker** and **Dana Valentino** to Community Action Board, with terms expiring December 31, 2019; **Jeri Blanco** and **Luella King** to Community Development Block Grant Advisory Board, with terms expiring December 31, 2019; **Clifford Barber**, **Erik Costin**, **Bud Crisafulli**, **Roger Drabyk**, and **Albert Underwood** to Contractors' Licensing Board, with terms expiring December 31, 2019; **Giles Malone** to District 2 Canal Dredging Committee, with term expiring December 31, 2019; **Wayne Cooper** and **Puneet 'PK' Kapur** to Economic Development Commission of the Space Coast, with terms expiring December 31, 2019; **Murray Hann**, **Rachel Sadoff**, and **Doug A. Sphar** to EEL Program Recreation and Education Advisory Committee, with terms expiring December 31, 2019; **Robert Beatty, MD**, **Bill Klein**, and **William Pezzillo** to the Emergency Medical Services Review Committee, with terms expiring December 31, 2019; **Vic Luebker** and **Regina A. Weiler** to Employee Benefits Advisory Committee, with terms expiring December 31, 2019; **Rick Follett** and **Rocky Randels** to Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2019; **Jane Beach**, **Henry U. Parrish, III**, **David Paterno**, **Bob Swenson**, **Molly Thomas**, and **Walter Young** to Historical Commission, with terms expiring December 31, 2019; **Mary Louise E. Young** to Internal Audit Committee, with term expiring December 31, 2020; **Robert L. Socks** to Investment Committee, with term expiring December 31, 2019; **Mark Broms** and **Tom McGill**

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to Library Board, with terms expiring December 31, 2019; **Frank Golan, Monique Miller, John Mongioi,** and **John 'Jay' Woltering** to Marine Advisory Council, with terms expiring December 31, 2019; **John Hearin** to Merritt Island/Beaches Advisory Board, with term expiring December 31, 2019; **Albin Sowash** to Mims/Scottsmoor Public Library Advisory Board, with term expiring December 31, 2019; **Keith Farguharson** and **Mary Goelz** to Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2019; **Mike Cicerrella** and **Cleave Frank** to Personnel Council, with terms expiring December 31, 2019; **Scott Langston, Rochelle Lawandales,** and **Mark Wadsworth** to Planning and Zoning Board, with terms expiring December 31, 2019; **Deborah Green** to Tourist Development Council with term expiring December 31, 2021; **Anna Palmero** to Tourist Development Council, with term expiring December 31, 2022; **David Miller, Martin Lamb, Tony Sasso,** and **Bill Vollmer** to Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2019; **Julia Derrick** and **Julie Harris** to West Melbourne Public Library Board, with terms expiring December 31, 2019; and **Michael Hartman** and **Dale Young** to Zoning Board of Adjustment, with terms expiring December 31, 2019. The Board further appointed **Andy Barber** and **Eddie LeBron** (affirming Eddie LeBron is Chairman of MIRA and Patricia Stratton as Vice Chairman of MIRA) to the Merritt Island Redevelopment Agency, with terms expiring December 31, 2022.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Bryan Lober, Vice Chair Commissioner District 2 |
| SECONDER: | Rita Pritchett, Commissioner District 1 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM G., PUBLIC COMMENT

Charles Tovey wished everyone happy holidays to those who do not believe, and to those who do, happy birthday Jesus. He stated he wrote and turned in schematics to the Board; one schematic was on the Lagoon work he does, and the area he concentrated most on; and the other one is a schematic of his property, which he has converted it to utilizing as an environmental spot to absorb and process the water. He added he will redo those in a more orderly fashion to where they will be legible. He went on to say he has questions as to what he is allowed to do on his property and his home; he was told he has to restore it back to the original state; his intention in buying a property was to modify it for environmental specifications; and mainly solar panels and other ideas he has he would like to implement them on his property and use it as that. He noted since his property has been damaged by a suspect, he has incurred damages and he would like to convert those into environmental uses. He stated there is not much left of his property so he is not worried about what he wants to do, he is concerned about repairing it back to a state to where the Board will accept it into the community, as well as his specifications of what he bought his property for. He suggested a small table being put in the back where people fill out their comment cards as it will alleviate some congestion and free up time for other people to have access to those documents needed. He stated he would like to coin the phrase 'Lagoon Platoon'; and he has a process of cleaning the Lagoon and a lot of suggestions to address that.

ITEM H.1., ORDINANCE, RE: AMENDING THE BAREFOOT BAY WATER AND SEWER DISTRICT BOUNDARIES

Chair Isnardi called for a public hearing to consider an ordinance to modify the boundary of Barefoot Bay Water and Sewer District to include parcels owned by the Diocese of Orlando.

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Jim Helmer, Utility Services Director, stated this Item is to expand the Barefoot Bay Water and Sewer District to allow St. Luke's Church on Micco Road to be included within the District; they have had water quality problems for some time; and they would like to have access to Barefoot Bay water. He went on to say the approval of the ordinance would allow that to happen.

There being no further comments, the Board conducted a public hearing and adopted Ordinance No. 18-29, amending Section 98-181 of the Code of Ordinances of Brevard County, Florida, to modify the boundary of the Barefoot Bay Water and Sewer District to include territory owned by Diocese of Orlando; located in a portion of Section 15 of Township 30 South, Range 38 East, Brevard County, Florida; providing ratification; and providing for an effective date.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Commissioner District 1 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM H.2., FIRST PUBLIC HEARING, RE: FIRST AMENDMENT TO M35 DEVELOPERS AGREEMENT

Chair Isnardi called for a first public hearing to consider first amendment to M35 Developers Agreement.

Tad Calkins, Planning and Development Director, stated this Item is requesting the Board to consider the first amendment to the Traffic Concurrency and Impact Fee Credit Developer's Agreement between Brevard County, Benchmark Melbourne 35 Associates Limited Partnership, and City of West Melbourne; what this amendment does is to allow the developer to modify their development program; it keeps their reimbursement for the impact fees the same; it does allow them to increase the number of hotel rooms, and to decrease their amount of commercial development; and staff is happy to answer any questions the Board may have.

There being no further comments, the Board conducted the first public hearing on the First Amendment to the Traffic Concurrency and Traffic Impact Fee Credit Development Agreement between Brevard County, Benchmark Melbourne 35 Associates Limited Partnership, and City of West Melbourne; and acknowledged a second public hearing, which is scheduled for the January 8, 2019, Board meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Commissioner District 1 |
| SECONDER: | Bryan Lober, Vice Chair Commissioner District 2 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

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ITEM H.3., SECOND PUBLIC HEARING, RE: SECOND AMENDMENT TO M95 DEVELOPERS AGREEMENT

Chair Isnardi called for a second public hearing to consider a developer's agreement with Melbourne 95 New Haven, LLC (M95), Echo Trading Company, LLC, Floridana, Inc., James E. and Barbara Fulcher, and City of West Melbourne.

Tad Calkins, Planning and Development Director, stated this is another request for the Board to consider the approval of the second amendment for a developer's agreement with Melbourne 95 New Haven, LLC, the City of West Melbourne, and Brevard County; this request allows the developer to extend the original agreement for five years; and it does allow them to regain some of the impact fees they have expended, but it keeps the amount at the same.

There being no further comments, the Board conducted the second public hearing and approved Developer's Agreement with Melbourne 95 New Haven, LLC (M95), Echo Trading Company, LLC, Floridana, Inc., James E. and Barbara Fulcher, and City of West Melbourne; authorized the Chair to execute the Agreement; and authorized the Budget Office to execute any necessary budget changes to implement the Agreement.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Commissioner District 1 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM H.4., PUBLIC HEARING, RE: ANTHONY LORES AND EUGENE R. LOMANDO (SCOTT KNOX) REQUEST A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RES 2 AND NC TO CC (18PZ00076)

Chair Isnardi called for a public hearing to consider an ordinance for a Small Scale Comprehensive Plan Amendment from RES 2 and NC to CC.

Erin Sterk, Interim Planning and Zoning Director, this is a proposal by Anthony Lopes and Eugene Lomando, represented by Scott Knox, requesting a change of Zoning Classification from BU-1 and TR 3 to all BU-1; the property is 1.96 acres in size on the west side of U.S.1; and Item H.4 is a request for a Small Scale Comprehensive Plan Amendment changing the Future Land Use designation from RES 2 and NC to all CC on a property 1.22 acres in size at the same location.

Chair Isnardi advised the Board that she has some cards, and these two Items are similar.

Scott Knox, Widerman Malek Attorneys at Law, stated this is the third time they have come before the Board; the last time a revised Binding Development Plan (BDP) submitted to it; the property is 1.22 acres; they are requesting a rezoning to BU-1 and a re-designation of land use to CC; and the purpose of the BDP was to provide a series of conditions and agreements by the developer for construction of a hotel. He went on to say they have gone to staff, and staff has worked out amendments to the BDP, which has been inserted into the agreement; they have also received requests from Summer Cove Homeowners Association; and they have attempted to incorporate as many of those into the BDP as were feasible. He added, specifically, he does not know if the Board has that list in front of it, but they were interested in making sure the buffer provision in the BDP applied to the developers property, which was addressed by inserting

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some language that indicates the landscaping will occur on the developers property in terms of whatever buffer they have to put up.

Ms. Sterk asked if everyone received the latest BDP, as staff received it yesterday afternoon; and if not, she has copies for him so he can have the most recent version. She advised the Board she would pass those out to ensure everyone is on the same page.

Mr. Knox went on by saying the revision he is referring to is on Page 2 in paragraph G; toward the end of that sentence it now reads, 'The developer/owner agrees to provide landscaping on his property', to make it clear the landscaping was going to be on the developers property instead of the Homeowners Association property, which is what they were concerned about. He stated the next issue they had was the setback of the wall; the Homeowners Association wanted to see the wall set back 15 feet from the developers property; if the Board recalls, the concept plan that the Board had in front of it the last time, there is very little parking on the south side of the proposed hotel; and the 15 foot setback would encroach into the area where the people would have to drive to get to the little parking that is there, and would probably cause parking to be lost. He noted they would prefer not to do that; the wall would be a buffer to the Homeowners Association property but it will also be a potential landscape buffer, and if there is a landscape buffer on that side of the property it would be 15 foot deep; and they would effectively meet that requirement at the point where they had to put a landscape buffer in. He stated as far as the next item the Homeowners Association was concerned about was entry gate provision, which they have enhanced to include the request they had on that particular item; they wanted to make sure the gate system was going to be provided with some sort of way to access the gate, which they agreed to put in; and they added language that basically says the gate system shall include any entry cards and controls for 84 units as requested. He pointed out they were also concerned that if the engineering done on the gate system turned out not to allow that kind of a system in the area where it has to be put, which is on the Homeowners Association access road, that the condition would no longer be valid. He stated it now reads, 'In the event engineering finds Summit Cove does not have the space for the gate system, the developer/owner agreement to install a gate system shall terminate and this condition shall be void.' He stated the next concern was turn lanes on U.S. Highway 1, they wanted those extended all the way to the Association entryway, and they are not sure if that is going to be permissible in the long run because Florida Department of Transportation (FDOT) is going to have something to say about where that goes and how far it can go, so they agreed in this agreement to concede to whatever the County or FDOT requires in terms of those turn lanes; and finally they asked that certain uses be excluded from the potential BU-1 or CC listed uses that are permitted; and his client cannot agree to that for the simple reason that they already have BU-1 on the front of the property and they do not really want to give up the property rights they have established already in the event for some reason this hotel idea does not materialize. He stated that is where they are with the BDP; they tried to conform with as much as they could with the Homeowners Association request; they have addressed all of the staff requests made between the last meeting and this meeting, which are all now part of the BDP; and he asked for approval from the Board of the land change and the zoning.

Commissioner Pritchett asked if staff has any hesitations to the new BDP; and does it solve all of the issues.

Ms. Sterk replied she thinks the County Attorney can confirm this as well, but she thinks they are comfortable with the language about how they will negotiate the potential to build a gate in the future; and they have included language if the County were not to come to an agreement on how that it could be constructed in the space that is available that there is a mechanism for both Summit Cove or the applicant to get out of that contribution if it could not be constructed.

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Daryl Leonard stated she is speaking on behalf of Summit Cove Condominium Association; for the record they are not an HOA, they are a Condominium Association; they had a meeting of those owners who could make it last Thursday; they had a good discussion; and the general consensus is that they do want to work with the owners and the attorney. She went on to say there are certain issues for a low impact residential community on the south side of their property, the west side of their property, and the north side of the property that they wanted to protect that low impact; the concerns Mr. Knox brought up addressing their concerns, he has met most of them; one of the things she would like to clarify is that he said he could not set the wall back 15 feet as it would impact the parking; but they would somehow get the landscaping for the required buffer in there; and she is not sure how that would happen. She stated if there is not the 15 foot space for a wall and a buffer it will take over the parking; she asked if the parking is considered a buffer; and she stated that is her one concern. She noted to clarify the gate system; they want to make sure they would do the engineering, which she is assuming by Ms. Sterk's comments that is the case with this. She stated the last item is the BU-1 for the back portion of the property, they have asked, and the Board has the document she sent to it, indicating that drive-through restaurants, gas stations, convenience stores, and package liquor stores, they would like to see excluded; the back portion they are asking to be zoned BU-1 is really the portion of property contiguous to their buildings and common area; and it is right on top of them. She stated their front two rows of condominiums are literally 15 feet from their property line; and to have a drive-through restaurant back in there, the traffic would be pretty high for the type of development they have and the development to the north.

Commissioner Lober inquired as far as the Board's ability if it wants to exclude particular business types, does it have any ability to do that; and if they did not want a liquor store on a portion of the property, could the Board approve it contingent upon there not being the ability to do any of the items mentioned.

Ms. Sterk responded it would be a voluntary commitment that the applicant would have to agree to that would go in the BDP; if the Board were to consider limiting those uses that would be new on the western portion of the property that does not currently have the BU-1 zoning, it can condition its approval today, with the applicants agreement, on limiting those uses in just that area or on the entire piece; but that is solely up to the applicant whether or not they would consider that.

Commissioner Lober asked in terms of the biggest concerns, because he wants to be fair to the applicant as well, is it the liquor store or some other particular use.

Ms. Leonard replied she believes a drive-through restaurant is the biggest concern, and a gas station/convenience store.

Commissioner Lober inquired if that is something the applicant would entertain as far as restricting that on that portion of the property; he stated he is not going to harp on them and ask them to go through this one by one; but for those couple of uses would they entertain that.

Eugene Lomando stated they know what they want, they want a hotel; they also know they have their rights to do what is under the BU-1 zoning; they do not have any intention to build a liquor store; but they want to still maintain their rights. He stated in the last 40 years they have been very good neighbors; they are still going to be good neighbors; the development can be seen on U.S. Highway 1; and the area near the bridge is coming. He stated they have gone above, they did a long stretch, and they put the investment into satisfying the neighbors. He pointed out staff was happy with their agreement; they are ready, willing, and able to go on the original plan of what they have now; and they are doing it themselves. He stated they have given everything they wanted, he wants to be a good neighbor, and they are going to go forward with this development, which will make the County proud.

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Commissioner Lober asked in terms of the Condominium Association's concerns with the engineering with the gate is that something they understand they will be responsible for.

Mr. Lomando replied affirmatively; and it is a given because it has to be done in order to present it to the County for permitting.

Commissioner Lober asked as far as the other concern regarding the spacing between the wall and landscape buffer, what is the basic understanding.

Mr. Lomando responded if they move the wall in 15 feet, they will be giving up their land rights, so they are going to leave the wall; they may even modify the wall if the neighbors want it modified; they did not want vegetation on their side; but if they want it in the future, they will do it. He pointed out he does not want to move the goal post; he wants it to stay focused.

Commissioner Lober advised it seems like the applicant really tried to accommodate and he appreciates that.

Ms. Leonard stated they have never agreed to where the wall would be; secondly, they have talked about selling the property; and the new owners would be the new neighbors.

Commissioner Lober inquired if it is Ms. Leonard's understanding that the sale would happen after the hotel is built.

Ms. Leonard replied that she does not know, but she has the feeling it was going to be sold to a hotel company that would then come in.

Chair Isnardi pointed out they are bound by the BDP no matter who develops the property; and not to be cold, but the developer/owner could really give the neighbors nothing. She went on to say they could come in and say they want to do this, and if they had a Board that was willing to rubber stamp it, the Condominium Association may not get anything. She stated she understands their concerns, but she also appreciates how the applicant has gone out of their way to try to at least accommodate as much as possible and lessen the impact.

Commissioner Pritchett inquired would it be considered by the developer that just on the portion that is being changed he would consider in the BDP that on that area there would not be a gas station or liquor store.

Mr. Lomando advised just to look at it in its perspective, a liquor store or gas station would not be put 300 feet back.

Commissioner Pritchett stated that is why he may want to do it, because he would not put it back there anyway.

Mr. Lomando stated on the liquor store is fine to take off on the part being changed, but it does not affect a Conditional Use Permit for alcoholic beverages.

Commissioner Pritchett stated the residents are looking at traffic conditions.

Mr. Lomando stated he does not know about the drive-through, but the gas station and liquor store he will not put in the back.

Commissioner Pritchett stated she does not think he can put a drive-through on the back of the property either.

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Mr. Knox noted the only thing anyone will see in the back is the road coming around the building; there would be no drive-through in the hotel; and he is talking about a drive-through restaurant if that ever happened. He stated they can add that to the BDP.

Commissioner Lober asked if the Board is on good footing if it does that.

Eden Bentley, County Attorney, replied affirmatively; and she stated it is because the applicant agrees to it.

Commissioner Lober stated the applicant has done everything that is reasonable and then some; he wanted to support it the last time; he thinks it is good the applicant worked with the neighbors; and he has a good feeling about it.

Ms. Sterk stated she read both Item H.4. and H.5. into the record, so the Board would need to make two separate motions.

There being no further comments, the Board conducted a public hearing and adopted Ordinance No. 18-30, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County entitled "The 1988 Comprehensive Plan", setting forth the Fourth Small Scale Plan Amendment of 2018, 18S.06, 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Bryan Lober, Vice Chair Commissioner District 2 |
| SECONDER: | Rita Pritchett, Commissioner District 1 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM H.5., PUBLIC HEARING, RE: ANTHONY LOPES AND EUGENE R. LOMANDO (SCOTT KNOX) REQUEST A CHANGE OF ZONING CLASSIFICATION FROM BU-1 AND TR-3, TO ALL BU-1 (18PZ00077)

Chair Isnardi called for a public hearing to consider a request by Anthony Lopes and Eugene R. Lomando for a change of Zoning Classification from BU-1 and TR-3 to all BU-1.

Eden Bentley, County Attorney, asked if the public wants to speak on this Item.

There being no further comments or objections, the Board conducted a public hearing and approved request by Anthony Lopes and Eugene R. Lomando for a change of Zoning Classification from BU-1 and TR-3 to all BU-1; and approved changing the language in the Binding Development Plan to reflect eliminating gas stations and liquor stores in the back of said property.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Commissioner District 1 |
| SECONDER: | Bryan Lober, Vice Chair Commissioner District 2 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM J.1., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR NEW OWNER, ALLEGRO PROPERTY TRADING LLC, 661 ALTURA DR., COCOA, FL 32927 (16CE-00058)

Tad Calkins, Planning and Development Director, stated this was for the Board to consider the Special Magistrate's recommendation to reduce an accrued fine from \$15,225 down to \$4,824, and release the lien upon payment in full for Code Enforcement Case No. 16CE-00058, at 661 Altura Drive, Cocoa; this violation was for failure to maintain residential overgrowth; the violation ran for 609 days to accrue the fine; the Special Magistrate made the recommendation based on the applicants testimony; and the total remaining costs for this case is \$1,779.

Brant Baylock, Allegro Trading Properties, stated he is present to try to get this fine reduced; the property was in foreclosure for two years; Allegro Trading Properties bought the property since then; those fines accumulated while in foreclosure; and they are seeking a reduction on those since it has been fixed up and on the market now.

Commissioner Lober stated he appreciates the fact that Allegro did not cause the underlying issue; and he asked if Allegro bought that property at market value or substantially below market value.

Mr. Baylock replied they bought it at auction.

Commissioner Lober stated it was probably bought substantially below market value.

Mr. Baylock replied he would assume.

Commissioner Lober asked in terms of the issues they have for the liens, were those made aware to the purchaser prior to purchasing at auction.

Mr. Baylock responded he is not sure because he was not the procuring officer for that.

Commissioner Lober asked if there is any reason Mr. Baylock knows of that Allegro would not be aware of the liens.

Mr. Baylock replied no.

Commissioner Lober expressed his appreciation for Mr. Baylock's answers to his questions.

Commissioner Pritchett stated the price the applicant paid was \$17,500; even as it was in foreclosure, it became in bad condition; the appraisal was \$43,000; they picked the property up in June; and they did bring remedy to the property. She advised she agrees to go with the Special Magistrate's recommendation.

The Board considered and approved the Special Magistrate's recommendation to reduce the accrued fine from \$15,225 to \$4,824 for the new owner, Allegro Property Trading, LLC, for

December 18, 2018

property located at 661 Altura Drive, Cocoa, Case No. 16CE-00058; and approved releasing the lien upon full payment.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rita Pritchett, Commissioner District 1 |
| SECONDER: | Curt Smith, Commissioner District 4 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

ITEM J.2., BREVARD COUNTY 2019 LEGISLATIVE PROGRAM

Frank Abbate, County Manager, stated this Item is for the Board to discuss a number of items that can be presented to the Legislative Delegation on January 15, 2019; staff needed to get this to the Board now since there is a deadline of January 7, 2019, to get the information to the Chair of the Legislative Delegation; and staff can do that either in writing, and they will do it in writing, but in addition to that, after looking through these items and the Board determining whether these are appropriate ones to be prioritized and brought to the Delegation, it can also have discussion as to whether or not someone on the Board wants to make a presentation to the Delegation as they need to be notified on January 7 that would occur.

Commissioner Lober expressed his appreciation to staff for including in the proposal the agritourism legislation included on the second page; he thinks it would have helped the Board to avoid the issues it had at one of the prior meetings with respect to one of the properties in his District; and he can certainly support that as it is a priority of his.

Commissioner Pritchett advised she likes the priority list.

Chair Isnardi stated she spoke to the County Manager about this; she knows the Board does not like these lists to get long and convoluted, but she would like to add public transportation as a third item on the infrastructure, because it seems there is never enough funding in that department; and where they can find funding, the County really relies on that for matches and those types of things.

Mr. Abbate inquired if the Board wants staff to only do a written submittal to the Delegation or does someone want to make a presentation.

Commissioner Smith stated the written presentation will work better; this way the Delegation can study it and it will speed things along for them; and it works better for everyone.

Mr. Abbate advised the Board Don Walker, Communications/SCGTV Director, will put that together and submit it; and he will provide copies to the Board.

Chair Isnardi stated all of the Board Members have some sort of relationship with just about every member of the Legislative Delegation.

The Board reviewed and approved adding support for public transportation as the third item listed under Brevard County infrastructure; and authorized the Communications/SCGTV Director to present the Brevard County 2019 Legislative Program list of initiatives in writing to the Legislative Delegation prior to January 7, 2019, for the January 15, 2019, Legislative Delegation meeting.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Curt Smith, Commissioner District 4
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM J.3., CITIZEN REQUEST BY AARON THALWITZER, ESQ, RE: CORRECT ERROR IN BINDING DEVELOPMENT PLAN (BDP)

Eden Bentley, County Attorney, stated this Item is a corrected Binding Development Plan, the Board has not seen this type of issue before; the problem was there was an error in the prior recording, the legal description was incorrect; staff has been through a process to attempt to correct the BDP; there was a submittal by the applicant at 6:30 p.m. last night, it has been reviewed; and the Board has a copy of the corrected BDP with red writing on it. She went on to say it appears to be acceptable, subject to the Joinder of the mortgage holder and proper execution by the owners; and if the Board wants to approve it, subject to County Attorney and County Manager approval, that would be acceptable to staff.

Commissioner Lober stated Aaron Thalwitzer and he played phone tag; they did not have an actual discussion; and there were exchanges in that form, so he wanted to put that out there.

The Board approved the citizen request by Aaron Thalwitzer, Esquire, to correct an error in the Binding Development Plan recorded in ORBK 3260 and Page 3871, subject to the addition of a joinder of the mortgage holder and proper execution by the owners.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM L.1., FRANK ABBATE, COUNTY MANAGER, RE: BOARD REPORT

Frank Abbate, County Manager, stated he wants to set the date for the May workshop on the advisory board term limits to Thursday, May 16, 2019, at 1:00 p.m.

The Board approved a Workshop for advisory board term limits for May 16, 2019, at 1:00 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Curt Smith, Commissioner District 4
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
ABSENT: John Tobia

ITEM L.3., RITA PRITCHETT, COMMISSIONER DISTRICT 1, RE: BOARD REPORT

Commissioner Pritchett stated she wishes everyone a Merry Christmas.

ITEM L.4., BRYAN LOBER, COMMISSIONER DISTRICT 2 AND VICE CHAIR, RE: BOARD REPORT

Commissioner Lober stated there will be a proposed ordinance he is putting on for one of the January meetings, likely the first of the two, with a puppy mill ordinance based on what Seminole County passed earlier this year; he also wants to update folks as to the status of the Community Redevelopment Agency (CRA) meeting with Diamond Square; they are still trying to work out a specific date that works for everyone; and they have had a little trouble based on the number of people to coordinate with, so realistically he thinks it will happen in February. He noted lastly please expect in January or February an update with respect to Spectrum and Charter issues; Mike McKnight, IT Director, and he have worked on that; and they will either have good news or bad news in that regard in the near future.

Commissioner Pritchett stated on the ordinances Commissioner Lober is bringing forth, would he forward the Board early copies so she can read it.

Eden Bentley, County Attorney, stated normally what staff would do is to come to the Board with a request for legislative intent; and if the Board likes that proposal, it would give staff authorization to advertise and go forward with the ordinance. She stated she would suspect they would have a draft ordinance fairly soon; the only problem is the holidays; staff was hoping to get to legislative intent and have at least a pretty good draft by January 8, 2019; and it may slip because of the holidays and coordinating with the Sheriff. She suggested to the Board it do legislative intent first.

Commissioner Pritchett asked what County the puppy mill ordinance will mimic, so she can begin looking at it.

Commissioner Lober replied Seminole County, and it was from March of this year; he stated there will obviously be items that need wordsmithed and defined; but he spoke with the Sheriff and Director of Animal Services, and conceptionally they are on board. He went on to say he would like to show them the actual writing that is on the agenda; but as a broad thought, they are in favor of it; and he would anticipate either the Sheriff or Animal Services Director will come to speak in favor of it. He stated he will ensure the Sheriff's Office is onboard before he moves forward with any particular proposal.

ITEM L.6., CURT SMITH, COMMISSIONER DISTRICT 4, RE: BOARD REPORT

Commissioner Smith stated he wishes everyone a safe and Merry Christmas. He commended Ian Golden, Housing and Human Services Director, and Jim Liesenfelt, Assistant County Manager, for bringing more joy and cheer to the room today with their outfits; and it is something to look forward to for each and every holiday.

ITEM L.7., KRISTINE ISNARDI, COMMISSIONER DISTRICT 5 AND CHAIR, RE: BOARD REPORT

Chair Isnardi expressed her appreciation to staff; she appreciates them putting up with the Board's crazy requests, odd meeting times, and the late telephone calls; and she appreciates everything staff does. She asked if there has been some discussion regarding New Year's Eve

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if there is something the Board can do as far as a day off for County employees; and she should have discussed this with the County Manager before the meeting, and she apologizes.

Frank Abbate, County Manager, advised it is totally in the Board's discretion; past Boards have on occasion when Monday is a work day and the next day off is a holiday, they have awarded an extra holiday; if the Board chose to do that, the cost is somewhere as he recalls in the area of \$60,000 or \$70,000 to the Board because of overtime that would have to be paid; and also, the fire fighters bargaining unit still have to work. He pointed out the Board has done that on its own initiative on several prior years, so it would be up to the Board if it so chose.

Commissioner Smith stated he does not know that it costs the County a lot of money, because whatever work they would have accomplished on that Monday, they will do it on Wednesday.

Chair Isnardi suggested that staff come up with a good process, because she would like to be able to do this for employees if it can work in such a way that it is not so taxing on the budget. She noted it is a gesture that helps with morale, and the families will appreciate it.

Mr. Abbate stated he has every confidence that Fire Rescue will make the necessary adjustments, and staff can accommodate this.

Chair Isnardi noted her son is coming home from basic training tomorrow, so if she is a little excited, everyone will know why; and she wishes him and his fellow trainees well. She expressed her appreciation to all of those men and women serving in the military for their sacrifice.

The Board approved December 31, 2018, New Year's Eve, as a County holiday; and directed staff to come up with a process to offer this day off in future years in a way that is not taxing on the budget.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Curt Smith, Commissioner District 4 |
| SECONDER: | Bryan Lober, Vice Chair Commissioner District 2 |
| AYES: | Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi |
| ABSENT: | John Tobia |

Upon consensus of the Board, the meeting adjourned at 10:05 a.m.

ATTEST:



SCOTT ELLIS, CLERK



KRISTINE ISNARDI, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by Board January 8, 2019

Tammy Rowe

From: Tammy Rowe
Sent: Thursday, January 03, 2019 9:51 AM
To: Bentley, Eden
Cc: Commissioner Rita Pritchett; Commissioner Curt Smith; Commissioner John Tobia; 'Commissioner, D5'; 'Lober, Bryan'
Subject: Draft Minutes of the December 18, 2018, Board Meeting
Attachments: 12-18-18 Regular.doc

Eden:

Attached please find the draft minutes for the December 18, 2018 meeting. They will be considered for approval by the Board at its January 8, 2019 meeting.

Tammy Rowe, Supervisor
Clerk to the Board
Brevard County Clerk of Courts
tammy.rowe@brevardclerk.us
321-637-2001 Ext. 49056

