

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, October 7, 2021

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:00 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board takes action on the request. Likewise, if a Commissioner has made a site visit, inspection, or investigation, the Commissioner must disclose that fact before the Board takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes for rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

C. PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the August 3, Regular and the August 5, 2021, Zoning Meeting minutes.

Result: Approved

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

E.1. Resolution Acknowledging White Cane Safety Month

Commissioner Smith read aloud, and the Board adopted Resolution No. 21-140, acknowledging White Cane Safety Month.

Camille Tate, Melbourne Space Coast Chapter of the National Federation of the Blind, stated the white cane is such a ubiquitous sign of blind people's freedom and independence to navigate their communities; she often encounters people, particularly in the last four years, who are amazed at the fact that blind people are able to navigate so effectively and efficiently with the use of the white cane; she made mention at the annual convention this past weekend in Tampa, that they would be receiving this proclamation today; and many of the members cheered. She went on to say she finds that many counties do not know how important it is for the blind people to navigate using the cane and she hopes this helps to foster more recognition

by drivers and other people on the roads and sidewalks, to make sure they keep an eye out for those who are using a white cane; they will be holding a car show in celebration of, it use to be meet the blind month, it is now blindness equality achievement month, on Saturday at the Aslan Shiner's; and everyone is welcome to come. She added it is free to the public, it is from 9:00 a.m. to 2:00 p.m.; and she thanked the Board for the Resolution.

Result: Adopted

Mover: Curt Smith

Seconders: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

E.2. Resolution Celebrating Lucille Bell on Her 100th Birthday

Commissioner Zonka read aloud, and the Board adopted Resolution No. 21-141, celebrating Lucille Bell on her 100th birthday.

Result: Adopted

Mover: Kristine Zonka

Seconders: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.2. Appointment(s) / Reappointment(s)

Sandra Sullivan stated as the Board knows she has been coming to the Board of County Commissioner meetings for a little over three years; during that time, she has had concerns about the representation she has had from the District 4 Commissioner; she is disturbed about this appointment of Liz Alward for the County Planning and Zoning Board where the Assistant City Manager of Satellite Beach will be involved in making decisions on zoning in unincorporated that come to this Board, of course, with the Board's final say; with all the concerns being expressed with the development in Satellite Beach that is impacting unincorporated Brevard, the optics of this is hugely concerning; and in her experience, the Commissioner does not support Brevard County incorporated, South Patrick Shores or even decisions in Satellite Beach that affect all of Brevard residents. She noted Commissioner Smith instructed legal to release the covenants on the former Hightower Beach Park so that the City could charge parking to Brevard County residents on a former County park, while not charging city residents; Commissioner Smith tried to appoint Jim Barfield, with help from Central Florida Expressway (CFX), to the Florida Communities Trust (FCT) Governing Board that would make a decision to change the agreements to the FCT site to allow them to use Hightower conservation lands for intensity hotel use, an agreement that has limited human activity; and Liz Alward's husband Keith is Commissioner Smith's legislative aid and now he wants Liz Alward on the Zoning Board where decisions will be made in the community. She asked why not put somebody on the board that will represent unincorporated; she mentioned she knows there have been people begging his office to place them on a board, including herself; and because she feels she does not have representation she decided to run for Commissioner. She continued by saying she would ask the Board to consider the Weiler Plan for the redistricting so that South Patrick Shores will have representation; additionally they can work with the District 2 Commissioner to help two communities next to Patrick Space Force Base, that are closest to the point source of the Polyfluoroalkyl (PFAS) contamination; the Weiler Plan, is within the zero to three percent variance for fair representation, while Plan B, the hybrid do-nothing plan is a variance of almost nine percent; the County should be making good faith effort to draw districts with the same number of people in each district within the State; and any district with more or fewer people than the average must be justified with a consistent State Policy; and the Hybrid do-nothing plan has no good reason.

Commissioner Lober stated with respect to what Ms. Sullivan said, he agrees with some of what she said and disagrees with other portions of what she said; he shares Ms. Sullivan's sentiments with respect to the redistricting; he has passed that along to his redistricting appointees, outside of his redistricting meeting; if it comes to this Board that Mr. Weiler's plan is the one selected by redistricting, he will support that; it is his hope that will be the case; and with respect to the appointment by Commissioner Smith, there have been folks who have been appointed by other Commissioners that he would never appoint, but he is happy to support them simply because this is a democracy and Commissioner Smith's constituents have elected him twice. He added he does not know if it is his place to micromanage his individual selections anymore than any of the other individual selections for particular boards or committees; even though this is one of those that he would not have picked, he thinks in deference to the fact that this is a society where people have a representative democracy in deference to the fact that Commissioner Smith has been elected twice to represent his constituents; and he made a motion to accept the appointment. He reiterated that does not mean that he would have made the same decisions that he would have; there have been other Commissioners who have put particular individuals on that would not have been his selection either; however, that is his motion.

Commissioner Tobia stated that he does not see eye to eye with Commissioner Smith and Ms. Alward; in fact, quite honestly, he disagrees with them quite a bit; looking at the other option Commissioner Smith had here, he strongly supports Liz Alward for his recommendation on this one; and he commented he apologizes that Commissioner Smith has to deal with all that other stuff.

Commissioner Zonka stated it is crazy, this is Commissioner Smith's appointment; she agrees with Commissioner Lober that Commissioner Smith gets to choose who he wants; she has not always agreed with Commissioner Smith, but for someone to come to the podium, and Ms. Sullivan has every right during public comment to use it as her platform to campaign, but to attack this man's integrity is shameful; and just as Ms. Sullivan has a right to speak, she does as well, and as long as she has known Commissioner Smith, even when being on the opposite side of the issues, she has never heard somebody attack his integrity; that did not really start to happen until Ms. Sullivan decided she was going to run for office; and she commented shame on her for wasting the Board's time. She added Ms. Sullivan's comments were all over the place and nothing to do with the appointment, redistricting, talking about a board; anybody unknowing of those different issues would not even know what she was talking about; and she asked that Ms. Sullivan save her comments for public comment those that are relevant, and to keep the issues to the issues when she wants to speak on them, at least then people would know what she is talking about.

Chair Pritchett advised that she agrees with Commissioner Zonka; she stated when the Commissioners are up there and they have to do this job, find people to serve and in positions, it is not always very easy; it is a lot easier being an armchair quarterback than actually having to do it; she does not like when people start getting personal, it is uncalled for; and in all fairness, she probably agrees with Commissioner Smith the most out of all the other Commissioners; she thinks he is doing a great job; and she hates when people start attacking someone's personal integrity, it just does not sit well with her and it is not someone she wants in leadership over this County.

Commissioner Smith noted he would second that.

The Board appointed Liz Alward to the Planning and Zoning Board with said appointment to expire December 31, 2021.

Result: Approved
Mover: Bryan Lober
Seconders: Curt Smith
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

F.1. Acceptance, Re: Binding Development Plan with CBH Properties, LLC

The Board approved the Binding Development Plan (BDP) with CBH Properties, LLC.

Result: Approved
Mover: Curt Smith
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

H.1. Aaron-Michael A. and Penny M. Keegan (Steve DeFillips) Request a CUP for a Private Boat Dock Accessory to an Adjacent Single-Family Residential Lot in an RU-1-13 Zoning Classification. (21PZ00038) (Tax Account 2953245)

Chair Pritchett called for public hearing on a request by Aaron-Michael A. and Penny M. Keegan for a Conditional Use Permit (CUP) for a private boat dock accessory to an adjacent single-family residential lot in an RU-1-13 zoning classification.

Tad Calkins, Planning and Development Director, stated this Item is a request by Aaron-Michael A. and Penny M. Keegan (Steve Defillips) to request a CUP for a private boat dock accessory to a residential adjacent single-family lot in an RU-1-13 zoning classification; the application is 21PZ00038; and it is on tax account number 2953245 and located in District 3.

The Board approved the request by Aaron-Michael A. and Penny M. Keegan for a CUP for a private boat dock accessory to an adjacent single-family residential lot in an RU-1-13 zoning classification.

Result: Approved
Mover: John Tobia
Seconders: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

L.4. Bryan Lober, Commissioner District 2

Commissioner Lober stated he had a friend that passed away this morning, she was in her mid 40's and passed away earlier today; she was a constituent and had been a friend for several years; she leaves behind a loving family; she was a great mom and good friend; and all he can say is be mindful, irrespective whether someone has COVID-19, something else, or nothing else at the time, life really is fragile and people do not know what is going to happen. He added if someone, by all appearances, looks healthy a few weeks back, can pass in their mid-40s, just keep it in mind when dealing with people; it has been on his mind all day today and will remain on his mind for some time to come; and he thinks it is important to realize that some things are worth fighting over and some things are worth letting go; in the scheme of things, trying to do the right thing is definitely the way to go; and he thinks Hope did that much more than many other individuals whom he has interacted with; and God bless her family, they have his thoughts and prayers.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith stated he would like to present a travel request to accompany the Economic Development Commission (EDC) to Washington D.C.

Chair Pritchett advised she wants to go too; and she asked if Commissioner Zonka is going.

Commissioner Zonka advised she cannot go.

Chair Pritchett asked Commissioner Tobia if he is going.

Commissioner Tobia commented, not with the EDC.

Chair Pritchett asked if Commissioner Lober is going to attend.

Commissioner Lober stated he is not sure at this point; up to this point he has not done any airfare or hotel travel on the County's dime; he is not opposed to it for a County purpose; to get an idea in terms of what kind of hotel or how long, he would probably be inclined to make a motion to approve it, he was just hoping to get a little more on the record in terms of whether they would be staying at a Ritz Carlton or a Hampton Inn.

Chair Pritchett stated they have a \$209 block hotel for them right now.

Commissioner Lober asked for how many days.

Chair Pritchett responded two or three days, she does not know; and if the Board passes that thing it is about to do this would fall under the Commissioner's budgets anyways, as far as the kind of travel they do.

Commissioner Lober mentioned if they are planning on staying in the block hotel for that.

Commissioner Smith stated he was not sure of any of that; he thought this is the last chance he would have to do this; and it comes to around \$1,200, \$1,173.40; and that is a high estimate.

Commissioner Lober made a motion to approve for any Commissioner who wants to go on this particular trip, reimbursement up to \$1,500 per Commissioner; obviously if they spend less that is all the better, but they will not have to come back and get approval again.

The Board approved up to \$1,500 for each Commissioner who wishes to travel to Washington D.C. with the Economic Development Commission.

Result: Approved

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Tobia, Smith, and Zonka

October 7, 2021

Upon the consensus of the Board, the meeting adjourned at 5:27 p.m.

ATTEST:



RACHEL M. SADOFF, CLERK

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As of the Board date October 26, 2021