

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on March 2, 2017 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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	

**ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the 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, inspections, 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 of 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.

**INVOCATION**

The invocation was provided by Father Demetri Tsigas, St. Katherine Greek Orthodox Church, Melbourne.

**PLEDGE OF ALLEGIANCE**

Commissioner Smith led the assembly in the Pledge of Allegiance.

March 2, 2017

**ITEM II.D.1., RESOLUTION, RE: LUKAS J. AND ANNEISE KAMMERMAN FINDINGS OF FACT FROM FEBRUARY 2, 2017, ZONING MEETING FOR SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST FROM BU-1 TO RU-2-15**

Eden Bentley, Deputy County Attorney, stated at the last Zoning meeting the Board had a Small Scale Comprehensive Plan amendment and a re-zoning request related to that Comprehensive Plan amendment regarding the Kammerman property in Port St. John; the Board has two Findings of Fact in front of it, one denying the Comprehensive Plan amendment and one denying the re-zoning; and she would like to request one motion to deny the Comprehensive Plan and one to deny the re-zoning.

The Board adopted Resolution No. 17-27, approving Findings of Fact upholding denial of Small Scale Comprehensive Plan amendment.

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

The Board adopted Resolution No. 17-28, approving Findings of Fact upholding denial of the request for rezoning of .36 acre from RU-1-9 to BU-1.

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

**PLANNING AND ZONING BOARD RECOMMENDATIONS OF FEBRUARY 6, 2017**

Chairman Smith called for a public hearing to consider Planning and Zoning Board recommendations of February 6, 2017.

**ITEM IV.B.1., (16PZ00116) SRK VIERA VILLAGE ASSOCIATES, L.P. - (RICHARD HARLIN) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES (FULL LIQUOR) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT IN A PUD ZONING CLASSIFICATION ON 0.02 ACRE, LOCATED ON THE WEST SIDE OF MURRELL ROAD, APPROXIMATELY 440 FT. NORTH OF VIERA BOULEVARD. (5410 MURRELL ROAD, #101, VIERA**

Cynthia Fox, Planning and Zoning Manager, stated this Item is a request by SRK Viera Village Associates, L.P., for the Beef O'Brady's Restaurant located at Murrell and Viera Boulevard; and they are requesting a Conditional Use Permit (CUP) for alcoholic beverages to include full liquor, they presently have beer and wine for onsite consumption.

There being no further comments or objections, the Board approved SRK Viera Village Associates, L.P.'s request for a Conditional Use Permit (CUP) for alcoholic beverages (full liquor) for on-premises consumption in conjunction with a restaurant in a PUD zoning classification on 0.02 acre, located on the west side of Murrell Road, north of Viera Boulevard.

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

**ITEM IV.B.2., (16Z00114) COCOA COMMERCIAL CENTER CONDOMINIUM ASSOCIATION, INC. - (RON HOWSE) - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.12) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CC TO PLNIP; AND A CHANGE OF CLASSIFICATION FROM BU-1 AND BU-2, TO PIP ON 7 ACRES, LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 1, APPROXIMATELY 110 FT. SOUTH OF PAM LEM STREET. (3815 U.S. HIGHWAY 1, COCOA)**

Cynthia Fox, Planning and Zoning Manager, stated this is Cocoa Commercial Center Condominium Association; they are requesting a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Community Commercial to Planned Industrial Park, and a change of classification from BU-1 and BU-2 to PIP; this is on seven acres on the west side of U.S. 1, south of Pam Lem Street; the Local Planning Agency (LPA) unanimously recommended approval; and the Planning and Zoning Board unanimously recommended approval.

Ron Howse, Board of Directors for Cocoa Commercial Condominium Association, stated they can do a presentation, but they agree with staff comments.

There being no further comments or objections, the Board approved a change of classification from BU-1 and BU-2 to PIP on seven acres, located on the west side of U.S. Highway 1, south of Pam Lem Street; and adopted Ordinance No. 17-03, 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 2017, 16S.12, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.C., PUBLIC HEARING, RE: TRANSMITTAL OF 2017-1 COMPREHENSIVE PLAN AMENDMENT PACKAGE**

Chairman Smith called for a public hearing to consider transmittal of 2017-1 Comprehensive Plan Amendment Package.

Erin Sterk, Planner III/Grants Administrator with Planning and Development Department, stated tonight the Board is hearing three items all under the transmittal of 2017-1.1, 2017-1.2, and 2017-1.3; and she would like the Board to make separate motions on each of the three items. She went on to say staff is asking for the review of the transmittal of these three items to the nine State agencies for their review; and these will come before the Board again in a few

March 2, 2017

months for adoption. She stated the first item 2017-1.1, is an application by Florida Power & Light on 461.7 acres; it is south of Micco Road and adjacent to Flemming Grant Road; it is a proposal to change the Future Land Use designation from Residential 1 to Public Facilities; they are a utility provider regulated by the Public Service Commission; and this is the appropriate land use for this proposal. She added they are seeking a companion re-zoning application to GML, and the Board will hear that at the adoption hearing. She noted a preliminary review of the availability of public facilities and services indicates there will be very little transportation impact, there is no need for public water and sewer, and she thinks there is a representative of the applicant who can speak more to that. She pointed out in the Board's package it will see five written public comments regarding this proposal.

Mel Scott stated it is his pleasure to represent this Comprehensive Plan Package at this transmittal hearing; he expressed his appreciation to Ms. Sterk as she covered most of the points very well; and he further expressed his appreciation to County staff for their assistance. He went on by saying it is his pleasure to represent this opportunity for them to convert a use which used to take sunshine and create fruit for people to enjoy, and that same sunshine will be converted to sustainable clean energy; that is their intention; that is what is in the application; there will be two short presentations of two representatives from Florida Power & Light, Bart Gaetjens, External Affairs Representative for Brevard County, and Erin Walkowiak, Project Manager; and they will be present for any questions that may arise as a result of the presentation. He noted while they would certainly love for the Board to approve the project at this time, they are simply asking the Board find this application reasonable enough to be sent to the Department of Economic Opportunities so they can receive comments from State agencies, that is what the request would exclusively do; it allows the State to receive this, compile comments and observations, and bring them back to the Board; and the applicant will be back before the Board at the public hearing, with the public hearing package, as well as the Conditional Use Permit (CUP), which will provide much greater detail as to what they will be doing with the property to achieve the goal.

Bart Gaetjens, Area External Affairs Manager for Florida Power & Light Company (FPL), stated this evening he wants to give the Board a little background of FPL and their parent company Next Era Energy; Next Era Energy is the world's number one producer of renewable energy from wind and sun, operating in 30 states and Canada; Florida is FPL's home; and they consistently rank among the world's most admired companies. He went on to say FPL serves 35 counties within Florida, there are 55 electric utilities, but they power about one-half the State of Florida, 4.8 million customer accounts, and they equate that to around 10 million people; and they are the third largest utility in the United States. He pointed out they are proud of their record of affordable, reliable, and clean energy; their carbon footprint is 35 percent cleaner than the United States national average; their reliability is at 99.98 percent; and their bills are expected to remain lower, or at the 2006 rate, through the year 2020. He stated they have a great deal of experience in both the design, construction, and operation of solar fields; their first venture into solar was in 2009 in DeSoto County; that was the largest scale solar plant ever built at that time; in Brevard County there is a ten megawatt solar field in Merritt Island; in Martin County in 2010, they created the world's first hybrid solar natural gas energy plant where they use solar during the day, feeding directly into the plant; and just this last year, in 2016, they had a partnership with the Babcock Ranch where they created a solar center where there is actually a community being developed around that solar center. He added they just added more zero emission solar plant in Manatee County; and they did a project in Citrus County.

Erin Walkowiak, Project Manager for FPL, stated the project is about 462 acres, it is in southern Brevard County; they are looking to put 74.5 megawatts of solar; that equates to 15,000 homes; it is a substantial increase of investment for them and the State of Florida in adding more solar to the system. She went on to add one of the reasons this site was chosen was because it has no wetlands impacts, there are no species issues, and it is adjacent to the transmission lines, as

March 2, 2017

well as the substation; what that means for the County is that they are not going out there getting right-of-ways or getting a bunch of new transmission; they are going to connect to existing transmission systems; and it makes the projects more cost effective from their perspective, but it also makes a better neighbor. She provided the Board with a picture of the components used to build solar; she stated FPL, unlike some other utilities, they work with the land; what they do is drill the tiles directly into the ground; and then they put the systems on top of the piles. She noted the solar panels sit on top of the systems and get connected in the back, and they sit there and produce energy. She went on to say the vegetation continues to grow underneath the panels, and they feed the energy directly into the grid. She stated what they are attempting to do with their layout is to be respectful to the neighbors and a good community partner; they have shifted their layout as far south as they could from their neighbors. She went on to add essentially what it does is it helps offset the carbon footprint; power will be produced for 1,500 homes; and what that means is people will have power without adding other sources, but doing it through clean, emissions free technology. She stated they are removing cars off of the road; it will create 200 to 250 construction jobs for the construction period of 10 to 16 months; and that is supporting Brevard County in another way. She noted the way that solar works is they have the solar panels low to the ground, they are fixed-mounted, they will be two feet high on the bottom and about six and one-half feet tall, so they will not be an impediment.

Commissioner Barfield advised the Board he received a briefing from Bart Gaetjens and the rest of them as well.

Commissioner Isnardi stated she met with them as well.

Chairman Smith stated he can do one better as he went out to the site; and he has panels on the roof of his house.

There being no further comments or objections, the Board conducted a public hearing and approved transmittal of the 2017-1 Spring Cycle Large Scale Comprehensive Plan Amendments, Plan Amendment 2017-1.1 - A proposal initiated by Florida Power and Light Company to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Residential 1 to Public Facilities, on 462 ± acres, located south of Micco Road, approximately 1.5 miles west of U.S. Highway 1.

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

Ms. Sterk stated this proposal is by Granite Property Development on 48.25 acres, proposing to change the Future Land Use designation from Planned Industrial and Community Commercial to Residential 4; this property is adjacent to U.S. 1; and it is one-half a mile past the intersection of Canaveral Groves Boulevard. She went on to say the maximum allowable units on this property with Residential 4 Future Land Use designation is 193 single-family residences; and eventually, if it is transmitted and approved by the State and the Board hears it and approves for adoption, there will be a companion rezoning application to propose RU-1-7 zoning with a binding development plan. She advised the Board after a preliminary review of the Public Facilities and Services, there is sufficient availability of all utilities and infrastructure in the area, and the applicant has agreed, and they will put a condition in their binding development plan, to connect with the Cocoa Utilities Sewer Service to provide public water and sewer at the property; the School Board of Brevard County's capacity determination report is also included in

March 2, 2017

the Board's package; and there is sufficient capacity with the adjacent concurrency service areas. She pointed out to date they have received one public comment from an adjacent property owner; and the Board may have received a last minute item withdrawing that objection today.

Doug Engle, Granite Property Development, Inc., stated he is present to answer any questions the Board may have.

Commissioner Pritchett stated if the Board pushes this through, she knows there was conversation about a binding development plan, and if the applicant will come back to the Board with that saying that he will be connecting to the sewers.

Mr. Engle responded affirmatively.

Commissioner Pritchett stated the applicant also agreed to a 250 foot setback from Precisions north end of the property.

Mr. Engle replied affirmatively, and they already agreed to these conditions.

There being no further comments or objections, the Board conducted a public hearing and approved transmittal of the 2017.1 Spring Cycle Large Scale Comprehensive Plan Amendments, Plan Amendment 2017-1.2 - A proposal initiated by Granite Property Development, Inc. to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Planned Industrial Park and Community Commercial to Residential 4, on 48.25 ± acres, located on the west side of U.S. Highway 2, approximately 100 feet north of Pam Lem Street.

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

Ms. Sterk stated this is a similar proposal to the last one the Board heard seeking Residential 4 for the Future Land Use designation on 130 acres; there is a conglomerate of current Future Land Use designations, including Industrial, Neighborhood Commercial, Community Commercial, and Residential 8; this proposal will allow for a maximum of 521 single-family residences; and they are seeking the same Future Land Use designation of RU-1-7 with a binding development plan. She went on to say they have committed, and it is in the staff report, to connect to water and sewer as well at the local utility service; the School Board had the same determination on the capacity availability; and they have received two written public comments, which are included in the Board's packages.

Bruce Moia, representing the applicant, stated they have the piece of property under contract, and they want to develop it into a single-family residence subdivision; it is located on the north side of North Camp Road, the west side of U.S. Highway 1; they are willing to come up with a binding development plan to limit it to four units per acre; and they will guarantee they will hookup to the city water and sewer.

Christopher Weatherdon stated he lives directly across the street from the proposed development; he is in full support of the project; there is quite a bit of opposition to this from what he has heard; but honestly, he believes it is going to be good for the area; and now the

March 2, 2017

property is filled with defunct out of business industrial sites. He noted there are a lot of homeless camps back there as well; the proposed development will be a plus/plus situation in all phases of it; and he would think that some of the unresolved issues brought up recently may be able to be mitigated between the County, State, and developers in order to make this a viable project.

There being no further comments or objections, the Board conducted a public hearing and approved transmittal of the 2017-1 Spring Cycle Large Scale Comprehensive Plan Amendments, for Plan Amendment 2017-1.3, a proposal initiated by Light Findings, LLC, and John G. Noonan, as Bishop of the Diocese of Orlando, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from Industrial, Community Commercial, Neighborhood Commercial, and Residential 8 Directive to Residential 4, on 130 ± acres, located west of U.S. Highway 1, north of Camp Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Vice Chairwoman/Commissioner District 1
<b>SECONDER:</b>	Kristine Isnardi, Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VI.F.1., RESOLUTION, RE: REVOKING THE AUTHORITY OF ALL BREVARD COUNTY MUNICIPALITIES TO CREATE NEW COMMUNITY REDEVELOPMENT AGENCIES**

Commissioner Tobia stated he wishes he did not have to have the floor on this Item; he apologized to his fellow Commissioners for the expediency of putting this on the Agenda; a couple of resolutions came forth from his office dealing with Community Redevelopment Agencies (CRAs); and he thought an agreement was struck at the last Board meeting. He went on to add he thought Chairman Smith was pretty clear with his comments on February 21, 2017; Chairman Smith said, "I strongly advise them, being CRAs, to not try to go forward and extend their CRAs by trying to create any kind of debt, I trust them, they trust me. I am not paranoid, I do not think everyone's out to stick me or be dishonest. I trust the CRAs not to encumber themselves with more debt and saddle people of this County with their being extended. I don't think we have any fear of this backfiring." He stated on February 23rd, two days later, the City of Melbourne released their agenda for the February 28th meeting; the Agenda made no mention of the obligation of County funds about the highline project; on February 28th of this week, Melbourne City Council, on behalf of the CRA, voted for a highline project; it is a \$2.4 million bond of which slightly more than 36 percent of that will be a debt service that the County will be bearing; and what that works out to in over 20 years is \$1.248 million, almost a million and a quarter dollars. He stated this is one of the things that Sunshine precludes; and he had to bring it up at the meeting, he could not call the Commissioners offices to ask what their thoughts were on that. He stated it reminds him of a quote from his Dad, "We can't ignore reality, but we cannot ignore the consequences of ignoring reality." He stated the reality is the CRAs, to spite Chairman Smith's clear warning, went out there two days later and put County taxpayers on the hook for almost \$1.25 million; there is a workshop scheduled, but the workshop is not until April 13th; and assuming that the Board comes out with constructive discourse, it will be giving open season to the CRAs to go create new ones, to extend for more years, to add debt, and he thinks this needs to be discussed, because to spite Chairman Smith's warning, they went out and did it two days later. He asked the Board if it thinks to spite this warning, it is still wise to stick its head in the sand until the workshop, or if the Board wants to press forward; the Commissioners votes are extremely important on this; and he is 100 percent sure if it happens two days later, it will continue to happen, and County taxpayers will continually be saddled before the Board can get this resolved. He stated he thinks a fellow Commissioner has a rate resolution to be

March 2, 2017

considered at the next Regular Board meeting that would help put a stop to this until the workshop; and he wishes the Board could place a moratorium on this. He pointed out this CRA wants to build an apartment complex in downtown Melbourne at the tune of \$1.25 million.

Chairman Smith stated he is not real happy Melbourne went ahead and did this; he understands why they did this; this has been in the making for three years; but, with that said, he questions whether this resolution will do anything to slow the CRAs down or to stop them from going forward.

Eden Bentley, Deputy County Attorney, stated she does not know exactly where the City of Melbourne is in its process; if they are already encumbered, there may be a problem; and Stockton Whitten, County Manager, may know more.

Mr. Whitten stated this CRA was created prior to the County being a Charter County; he is not sure the Board, regardless of what they do, has a whole lot of authority to do anything on this; this is a moratorium of creating new ones, their issue was debt; and they were created prior to Brevard becoming a Charter County. He stated he does not think the City of Melbourne is obligated to come to the County for anything pertaining to that CRA.

Commissioner Tobia stated Mr. Whitten brought up a very valid point; and he inquired had the Board gone forward with these, would that have precluded them from moving forward. He stated he would like to tell the Board yes, but no, it would have sent a message though; he wants to be clear that Commissioner Isnardi has found a loophole; his thought is the Board is going to preclude these CRAs from extending, because when they extend it gives them more opportunity to encumber debt; and he did not persevere the loophole being that if they have 21 years, he will find 20-year debt in that, and that is what the resolution says that Commissioner Isnardi came up with. He went on to say he thought it was absolutely brilliant, and that would have been the resolution that would have precluded the City from doing that; there is nothing the Board can do; he just wants to make sure that what happened with the City of Melbourne, does not happen again; and he went to the City of Melbourne meeting to see what happened. He pointed out the City of Melbourne was well within its right to do that because the Board had not taken any action; he loves Chairman Smith's trust; he wishes everyone would play by the rules; there are 14 to 16 CRAs out there; and this is just one CRA, but it has now put the County on the hook. He stated he wishes he would have had the ability to call up the County Attorney's Office and gotten a resolution quickly that would have said exactly what Commissioner Isnardi mentioned; it would mean no more expanding, no new CRAs, and no entering into debt until the Board has a work product after the workshop. He stated this is something the Board could direct staff to put together; he stated he wishes the Chairman's strong words would have stopped the City of Melbourne; but he would be comfortable at this point at the meeting next week, to vote on something to at least curb this from happening until the Board gets a work product out of the workshop. He inquired if that is something the Board would feel comfortable with.

Chairman Smith stated the City of Melbourne's CRA was formed in 1982 before the County became a Charter County; unfortunately, this is one of those instances that falls through all of the cracks; it is one of the reasons he has a problem with CRAs, not because of their intention of creating goodness out of blight, as most of them have done wonderful work, but they do not go away; and when there is a CRA like this one that was created in 1982, even the County Attorney does not know how to stop these things. He noted that is why the Board needs to have a workshop so everyone can get together at one time and get a handle on this to get cooperation going with existing CRAs and County government to see what answers it can come up with; he thinks this resolution is a great idea, but he does not think it will fix anything being discussed tonight; but it would prevent future CRAs from being initiated without permission.

March 2, 2017

Commissioner Tobia stated he does not know if he will get any support from the Board on any of his resolutions come the workshop, and if he does not have three people, he will not bring it back; but he thinks there needs to be a meaningful discourse. He explained there needs to be a moratorium.

Chairman Smith stated this resolution does not call for a moratorium.

Commissioner Tobia stated this just happened on the 28th; he was at the City Council meeting until almost 11:00 p.m.

Chairman Smith stated if the Board had a crystal ball and did a moratorium on this; it would still have no effect on what the City of Melbourne did.

Commissioner Tobia stated there are many CRAs that have been created since then; if he is one of those CRA people and watching this meeting, he would be rallying the troops as soon as possible to do everything they can to take advantage of the current status quo of allowing them to get into debt; and there is a small possibility that the rules have changed from out of the future workshop.

Chairman Smith stated Commissioner Tobia's point is well taken, however, he does not see a room full of CRA people out here, and he does not think they are planning any mass creation of debt; and he does not know how much debt that could be enforced upon the Board in the next three weeks.

Commissioner Tobia pointed out in seven days the City of Melbourne put \$1.25 million.

Chairman Smith stated this is a CRA the Board has no control of; the Board could have had the foresight, and it still could not have stopped the City of Melbourne; and he does not know what the mechanism is to shut these CRAs down, and that is why he wants to have the workshop to discuss this. He advised this gives the County Attorney's Office plenty of opportunity to come back to the Board and give it some options.

Commissioner Tobia noted staff could come back to the Board at its next meeting with a resolution with a moratorium on encumbering debt or creating new debt, and then the CRAs should have no problem with a moratorium. He went on to say he thinks a moratorium would be more effective for the next three weeks to take care of the problem currently.

Chairman Smith stated right now the Board is talking about revoking the authority of Brevard County municipalities to create new redevelopment agencies.

Commissioner Pritchett stated she thinks the Board denied this a little while ago, but there are a couple of little changes in it; her concern is the CRAs are not present tonight; in her District, it is one of the older CRAs; and they cannot have the County pay them more tax increments and that area will provide what is provided. She added they worked on paying off some bond debt so they could use the cash flows for other projects instead of paying off bonds; if the City of Melbourne has done this, they already have cash flows that come in from the County; and it is not that the County is going to pay extra cash flows, the City is going to bond out. She noted she does not understand what the City of Melbourne actually did as she did not get to watch the program; and a moratorium would not be able to stop them from doing anything because they are currently getting payments from the County for that many years.

Mr. Whitten stated he was referring earlier to the Cocoa City Manager John Titkanich.

March 2, 2017

Commissioner Isnardi stated the moratorium is possibly the solution to something other than this; if the Board has looked at its next Advanced Agenda, that is something she prepared with Scott Knox, County Attorney, to put a moratorium on that, it was not to stop anything; but it was a temporary hold because of what occurred in Melbourne. She stated they did rush it through; there are other things that can be put into play as a County that may have made that a lot more difficult, because in essence, she loves downtown Melbourne; they funded a private project for what a CRA is not intended to do; and that is what she takes issue with. She noted she wishes the resolution she worked on with the County Attorney had come sooner, because at the very least all it says is to just pause. She stated it may take them a month to get something back from that workshop; there may be snafus and a lot of work may be done; and then it would be a delay. She went on to say if this is such an important issue, it is probably something that should have been done a lot sooner, or at the very least to stop the bleeding now, and then if changes need to be made, the changes can be made. She pointed out she is not anti-CRA, she knows they serve a good purpose; but there are also some that have done the wrong things; there are some that need to go away; and there are problems and tax dollars going out. She stated when she thinks about the \$1.28 million in revenue over the length of those tax dollars that would have fixed Babcock Street. She stated if the Board can gain any sense of control over that, the Board needs to gain that control back, or at least require an interlocal agreement. She advised the Board if this apartment complex was a fantastic, life altering project, it would have stood on its own, it would have had financial backers, and it would have had people begging to get in on that project. She inquired if the County Attorney's Office knows with 100 percent certainty that there is nothing that can be done to stop anything that downtown Melbourne does with their CRA.

Eden Bentley, Deputy County Attorney, replied they predate the Charter, which means the County cannot do much to them at all; as to the other entities, there are a host of different types and dates; and that can all be very significant, and each one could be slightly different.

Commissioner Barfield stated he does not feel comfortable talking about Melbourne, and there is no one present from Melbourne to explain to the Board what is going on; the Board needs to push these things out because it already said it was going to; he reiterated he does not like making decisions on CRAs when they are not at the meeting; and the Board needs to remember the cities are a part of the County and it needs to treat them as such. He went on to add he wants to make sure this type of thing is advertised so the cities can be present.

Commissioner Tobia stated he did not get a call from the Melbourne CRA when they decided to bond and took \$1.25 million from the County; he probably should have handled this in a different way; what he would have liked to have done is stolen Commissioner Isnardi's work product and brought it to the Board; but what he would request from fellow Board Members is to take Commissioner Isnardi's resolution very seriously and it is the crux of what will deal with the bulk of the CRAs. He stated he would like to have a candid, frank, and open talk at the next Board meeting about Commissioner Isnardi's resolution because that will provide that breathing room until the Board comes up with a resolution or not after the workshop. He stated because Commissioner Isnardi's resolution will handle the temporary problem far more than his will, he would like to pull both of his resolutions from the Agenda with the understanding that the Board is going to have some good discourse about stemming the potential bleeding that may be happening over the next three weeks.

Chairman Smith stated he agrees with Commissioner Isnardi that the Board is supplying County dollars to fund a private project; he does not think that is the purpose of the CRA; and that makes that questionable. He went on to say he would have liked to have talked to the people from the City of Melbourne, but he understands the Board really has no control of what they do.

March 2, 2017

Commissioner Tobia stated he does not want to judge all of the CRAs because of the action of one.

Chairman Smith stated the CRAs heard what he said and they will have the opportunity to discuss with the Board and come up with ideas to go forward at the workshop.

Commissioner Isnardi stated all the resolution does is hold it, it does not tell anyone they cannot do anything, and it does not eliminate their ability to borrow after the fact; and it is sort of a temporary hold. She stated if a CRA were to come to the Board and argue against that, she would question if they are planning to borrow more money.

Chairman Smith stated he does not think the Board can say a moratorium would be objectionable to any of the cities; he wants to commend them; they trusted they would be given the opportunity for input at the workshop; he is not opposed to the moratorium; and he is not sure the Board can influence the cities with its decisions.

Commissioner Pritchett stated even with Melbourne, they do pre-date the Charter, they know this cannot touch them; she cannot imagine the City of Melbourne trying to just hurry up and get this done; and it has probably been in their plans for a while. She pointed out there are laws that govern CRAs, that is why she would love for Melbourne to be here to explain what they are doing; there are constraints of what they are allowed to do with Community Redevelopment funds; and there are very legal ramifications of what they have to work with. She noted every single meeting the Board has it brings up CRAs; she has her area asking her if they need to come to the meetings; and she believes she has a trust with the areas.

Mr. Whitten stated he does not know if the City of Melbourne is actually going to finance this; he does know that getting debt is a matter of capacity; to assume they have the capacity to get debt, is somewhat of a leap; as he read the article, it said they would pay them upon Certificate of Occupancy (CO); and this may be a cash proposal that the City already has in reserves.

John Titkanich, City Manager of City of Cocoa, stated with all due respect, the reason people are not here is because the Agenda was amended at 10:15 a.m.; it seems fundamentally unfair to amend the Agenda at that late stage and move to put it on a Zoning meeting; and he would rather be somewhere else. He went on to say he has come before the Board numerous times to discuss CRAs; he doubts that a four-hour workshop will get the meaningful discourse that the Board would like, and a reasonable outcome; and he believes the Board has the authority to do what it has adopted in previous Resolutions. He stated he does not get paid by the City of Melbourne; he does not know the structure of their deal; going to the market it took them six weeks working with the underwriters, bond counsel, and going back and forth; and it does not happen within a two-week period. He pointed out even doing a simple bank qualified note does not happen in such a short time; most CRAs take their CRA plan, and if they can demonstrate to a rating agency, based on the tax increment revenues they are going to receive, they will bond it out to the end of the year for the purposes of facilitating and making all of the projects they contemplate; participation in a public/private partnership is expressly allowed in the Florida Statutes; their former City Hall site, they decided to pull out of the deal because the developer at the time wanted more time; but there was an inducement where the CRA was going to provide the land to the developer and then pay for some of the off-site impacts. He added he understands what the Board is saying about the money coming from the County, since 1993, the City of Cocoa's residents and property owners have contributed \$52.8 million to the County General Fund; in return, over that same period of time, they have received \$9.5 million, or 18 percent back in support of the CRAs; and it is a partnership between the cities and the County to address areas in blight. He stated he is not going to speak on the authenticity of all of the CRAs of Brevard County; he can speak with certainty about City of Cocoa CRAs; Cocoa Village is doing well; but the Cocoa CRA downtown has high vacancy rates, low income areas, and

March 2, 2017

problem areas. He noted that is why there is an inducement or enticement to bring someone there, because the idea is they are trying to grow their tax base. He stated House Bill 12 was filed yesterday that talks about potentially eliminating them all by 2037; it addresses certain issues, indebtedness, and a potential of eliminating all of them. He pointed out people have to drop everything to come to the Board meeting, because if they do not show up, the Board thinks it must not be important to them; he had to cancel meetings and review the resolution, and to draft some comments; and if the Board wants to put the moratorium on the debt, it will apply to post-Charter CRAS. He stated the reality is the Cities of Cocoa, Titusville, Melbourne, and one of the Merritt Island Redevelopment Agency (MIRA) ones, existed prior to the Charter; the City of Cocoa could have amended the CRA plan and gotten 30 more years because it could be maxed out at 60 years; and they did not do it because it was consistent with the existing plan. He explained to the Board, the City of Cocoa purchased a mobile home park; it is difficult to get rid of a mobile home park, they are cash cows; the City did all of the environmental site assessments, surveying, and all of those things in advance to prepare the property so it would be conducive for development; and then it was turned over to the CRA because the laws governing the CRAs are more favorable if the CRA does it than if the County or a city does it. He stated the current Florida Statutes 163.361 provide if there is a modification of a Community Redevelopment Plan, that prior to that modification the agency must propose modifications to each taxing authority in writing or by an oral presentation or both; and 163.346 provides for a 15-day notice; and the Board will get notice, and it has the power. He stated the City is building a regional stormwater facility for the Diamond Square Redevelopment Area; those are numbers the Board is not seeing on its sheets in how much money it is putting out; and with that CRA, he thinks the County is putting out \$35,000 a year. He noted that the Board should be mindful that 62.6 percent of the population in the County reside in incorporated areas; that is where most of the activity happens; and if the County needs to reinvest in these areas. He stated a Redevelopment Agency tries to induce and attract development; as the City Manager of the City of Cocoa, it is an expense item for him as well in terms of what can he do with the 'X' number of dollars that goes into the General Fund that he has to expense out. He advised the Board the Space Coast Public Managers are meeting tomorrow; and the hope of the meeting is to have a coordinated approach to address the Board to eliminate and reduce the repetitive presentations and comments, and allow for meaningful discourse, discussion, and ideas about the issues on hand. He stated the community is only as strong as the weakest link; if these areas are not reinvested in, it will cost in the long run.

Commissioner Isnardi stated obviously there are good public/private partnerships in every sense, but there has to be questions that a public/private partnership where they are demolishing a building in a blighted area as opposed to an apartment complex in a downtown city; and she is empathic to what cities do. She went on to add CRAs are to help communities that are suffering, that is what they were designed to do, but they have not always done that; it is not painting everyone with a broad brush, but it is taking a closer look to see which areas tweaks can be made; and previously there was a CRA paying for fire services. She stated when looking at the amount of money shifting from the County to the cities, if the areas are in need of funding, it is easy to divert those funds to those areas, because there is a compelling cause. She noted she is looking forward to the workshop, and her item on the next meeting Agenda only says the County is going to hold on to this for a bit. She stated she is sorry Mr. Titkanich is forced to come before the Board and explain his CRA every year or two, but she would hope if it is that important to him, that is not always a bad thing, because then people will listen.

Chairman Smith encouraged the Board to visit some of the CRAs if they have never seen one because they do some good work; he stated the problem he has is the County does not have enough ammunition that it has some control; it is frustrating because the Board does not have control; hopefully it can be remedied at the workshop; but one of his fears is that if there are Commissioners who will not visit a CRA to see what they can do, a lot of time will be spent in

March 2, 2017

talking past each other. He noted he hopes after the workshop the County and cities can work together, and give everyone ground rules.

Commissioner Pritchett stated she has only had good experiences with CRAs; the City of Titusville took areas of blight, prostitution, and drugs, and completely turned it around; there are businesses moving in; and that CRA does not actually have a time limit. She noted she thinks the Board needs to work towards time periods on the CRAs, if it cannot be done in 30 years, there probably needs another project picked; she is hoping the CRAs come and present at the workshop, and the Board can see the benefits of what they are doing; and she is really looking forward to the workshop presentations.

The Board considered request for resolution revoking the authority of all Brevard County municipalities to create new Community Redevelopment Agencies (CRAs), but took no action.

**ITEM VI.F.2., RESOLUTION, RE: MODIFYING DELEGATION OF COMMUNITY REDEVELOPMENT AGENCY POWERS TO MUNICIPALITIES**

The Board considered request for a resolution modifying delegation of Community Redevelopment Agency (CRA) powers to municipalities, but took no action.

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

Stockton Whitten, County Manager, stated he sent to the Board an email last night, and it talked a little bit about the process of somewhat CRAs; but he has not had an opportunity to actually talk with the individual Commissioners about their CRA items. He went on to say it was a frustration on the part of staff that the Board has a Resolution that says if it is going to have something that affects the cities, there is a process in place; he knows they have talked about the force of resolutions and policies; by looking in the Code of Ordinances regarding the duties and responsibilities of the County Manager, is to administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances, and regulations of the Board to assure they are faithfully executed; and in the Ordinance the Board gives the County Manager the directive to make sure its policies are being followed. He stated as the Board has promised the cities it will talk on April 13th, and the requests are coming to Sally Lewis, Agenda Specialist, but if the Board draws back to 3.4 of the Charter, the County Manager is charged with the performance of operations of County Government. He pointed out it is becoming confusing for staff because the Board has tabled at least one of the resolutions and then it comes before the Board again, and they feel they are put in a position where they are not doing their jobs in terms of honoring an existing Resolution that is enforceable by Ordinance through the directives of the County Manager; that is why he sent out the Resolution for the Board Members and the public; they do the Agenda, and they send it to the Clerk's Office on Friday afternoon; and the moment it leaves staff's hands and it is in transit, everything that comes in after that is an add on to the Agenda. He added Ms. Lewis is simply a cog in the wheel, but certainly is not playing games with the placement of any items on the Agenda. He reiterated the Board has this Resolution in place that says that the cities are going to be treated as partners, and when the Board has something that is going to affect them, it will give them ample time for input. He stated the Board has not talked about the format of the workshop, and maybe at the next meeting the Board can discuss that, because that seems to be left to either himself coming up with a format, or working exclusively with the Chairman to determine what that is; and that is critical for a productive session that the Board decides what type of format it wants to proceed with. He stated staff has seen almost literally an item on CRAs come on once an Agenda; and that is difficult for staff to manage.

March 2, 2017

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

Commissioner Isnardi stated the Resolution could probably be applied to many of the things that have come before the Board; this probably should have been given to the Board maybe a month ago when the CRA items starting coming forward; she sent out her Agenda Item over the weekend; and it did make it out the same day the Agenda came out, because this Item was ready. She advised she did not want it to be a walk on, and she did not want to be hammered by her fellow Commissioners for putting it on at the last minute. She expressed her appreciation to Tim in Facilities and the Information Technology (IT) Department for being so wonderful in helping them move their office.

Upon consensus of the Board, the meeting adjourned at 6:32 p.m.

ATTEST:

A handwritten signature in black ink that reads "Scott Ellis".

SCOTT ELLIS, CLERK

A handwritten signature in black ink that reads "Curt Smith".

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

Approved by Board 4/11/17