

## Kimberly Powell

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**From:** Kimberly Powell  
**Sent:** Friday, March 02, 2018 9:11 AM  
**To:** Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Sally Lewis; Scott Knox  
**Subject:** Minutes Approval for 02-20-2018 Regular  
**Attachments:** 02-20-2018 Regular.doc

Attached are the Minutes from February 20, 2018, to be considered by the Board on March 20.

Have a great day,

Kimberly Powell  
Recording Secretary  
Clerk to the Board  
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MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on February 20, 2018 at 9:01 AM 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	Chair	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Vice Chair/Commissioner District 5	Present	

**INVOCATION**

Chair Pritchett called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Chair Pritchett led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The Board approved the January 23 and February 6, 2018, regular meetings minutes.

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

**ITEM I.A., RESOLUTION, RE: RECOGNIZING BREVARD ACHIEVEMENT CENTER'S 50TH ANNIVERSARY**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-015, recognizing Brevard Achievement Center's 50th anniversary.

A representative of the Brevard Achievement Center stated just last week Brevard Achievement Center was in Tallahassee visiting its legislators at the State Capitol; they had an opportunity to speak on behalf of the Brevard community and give a voice to the people they serve; it happened to be Space Day and Disability Day that day; he told a story of a visually impaired young man, who wore a sticker stating he loves space, approached a man wearing a space suit, and as this young man began feeling the space suit he could feel the inspiration that young man was feeling; and that is what Brevard Achievement Center does. He continued they help people

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achieve independence through basic skills training, they help people achieve their aspirations; it happens every single day with their team and they are proud of their work; it starts by having a very supportive County; and he expressed his appreciation of the Board's support and for the Resolution.

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

**ITEM I.B., RESOLUTION, RE: RECOGNIZING THE INDUCTION OF JOSEPH LOWELL LOADHOLTZ INTO THE AGRICULTURAL HALL OF FAME**

Commissioner Barfield read aloud, and the Board adopted Resolution No. 18-016, recognizing Joseph Lowell Loadholtz's induction into the Agriculture Hall of Fame.

Joseph Lowell Loadholtz stated it was a blessing for him to work all those years as the County's Extension Director; all of the people standing around him and thousands of other's supported the program; it is a very important program that changes the lives of people; and he expressed his appreciation for the Resolution.

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

**ITEM I.C., RESOLUTION, RE: PROCLAIMING MARCH 2018 AS IRISH AMERICAN HERITAGE MONTH**

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-017, proclaiming March 2018 as Irish American Heritage Month.

A member of the Irish community expressed his appreciation for the Resolution.

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

**ITEM I.D., RESOLUTION, RE: DECLARING MARCH 17, 2018, AS ST. BALDRICK'S FOUNDATION DAY**

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-018, declaring March 17, 2018, as St. Baldrick's Foundation Day.

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A representative of the St. Baldrick's Foundation stated the realities of childhood cancer are worldwide, with 300,000 children diagnosed with cancer each year; two-thirds of the children with cancer will suffer long term effects from treatment including loss of hearing, sight, heart disease, secondary cancer, and learning disabilities; it is not just one disease there are over a dozen types of childhood cancers requiring specific research to develop treatment for every child; events like this are held nationwide; and this will be the eighth year for Brevard County. He added St. Baldrick's will be hosting the event and each participant will be raising money with a little friendly competition with teams and individuals to shave their heads to show solidarity with children who have cancer. He expressed his appreciation for the Resolution and invited everyone out for the week of festivities.

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

**ITEM II.D.2., ACCEPTANCE, RE: ANNUAL INVESTMENT PERFORMANCE REPORT YEAR ENDED SEPTEMBER 30, 2017**

Chair Pritchett stated she was impressed with what the Clerk's Office is doing with the strategy of short-term investments and the significant amount of increased interest revenue.

Mark Peterson, County Finance Financial Accounting Supervisor, stated in the past year they have seen the interest rates improve; in 2016, they were earning on average about 69 basis points, less than one percent; in 2017, they were earning about 1.07 percent; right now they are earning about 1.3 percent; and because of where the market is, their investments were earning a lot more. He thanked the Board for appointing the committee members. He noted the Investment Committee meets quarterly and they do an excellent job in vetting the process and providing guidance. He went on to say he, who is in charge of the short-term investments as well as PFM who manages the long-term; because of that combination they are able to meet the cash flow needs of the short term as well as receive some very good interest rates on the long-term; in 2016, they earned \$3.2 million and in 2017 they earned \$6 million; that is interest on the funds from Ad Valorem taxes from Save Our Indian River Lagoon to Utilities and it goes back into those programs; and that really helps to defer the cost from the users by the economy. He continued this year they are actually looking at probably three more federal hikes in interest rates because of the economy improving and they anticipate this year being even better; the Committee continues to look at ways to maximize its return and keep liquidity and safety of principle at the forefront; and he thanked the Board for its support and commitment to the Investment Committee and the investments of the County.

Chair Pritchett stated she appreciates what they do because all that money goes back into the General Fund.

The Board accepted the Brevard County Annual Investment Performance Report, for the Year-Ended September 30, 2017.

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

**ITEM II.A.1., ACCEPTANCE OF GENERAL RELEASE, RE: MATHERS SWING BRIDGE CLAIM**

The Board executed the General Release from Beyel Brothers, Inc. for the Mathers Swing Bridge Claim in the amount of \$75,000; and authorized any necessary Budget Change Requests associated with this approval.

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

**ITEM II.A.2., ACCEPTANCE OF PERMANENT SIDEWALK EASEMENT FROM SUNTREE HOPE PLANTATION, LLC, RE: SUNTREE PLACE**

The Board accepted a Permanent Sidewalk Easement from Suntree Hope Plantation, LLC in favor of Suntree Place.

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

**ITEM II.A.3., ACCEPTANCE OF PERMANENT SIDEWALK EASEMENT FROM INLET OUTPARCEL, LLC, RE: U.S. HIGHWAY 1 AND BAREFOOT BAY BOULEVARD IN FAVOR OF BREVARD COUNTY**

The Board accepted a Permanent Sidewalk Easement from Inlet Outparcel, LLC for U.S. Highway 1 and Barefoot Bay Boulevard, in favor of Brevard County.

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

**ITEM II.A.4., RESOLUTION AND TRANSFER OF COUNTY-OWNED PROPERTY TO THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM (EEL PROGRAM), RE: NORTH BANANA RIVER DRIVE AND CONSERVATION EASEMENT IN FAVOR OF ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD)**

The Board adopted Resolution No. 18-019, and executed a Conservation Easement in favor of St. Johns River Water Management District; and authorized the Chair to execute an Affidavit of Ownership.

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

**ITEM II.A.5., EXTENSION OF AGREEMENT, RE: RESERVATION OF RIGHT TO OCCUPY BETWEEN BREVARD COUNTY AND WILLIAM J. PAGE RELATED TO THE PINEDA GRADE CHANGE PROJECT**

The Board executed the Extension of Agreement Regarding Reservation of Right to Occupy with William J. Page related to the Pineda Grade Change Project.

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

**ITEM II.A.6., RIGHT-OF-WAY USE AGREEMENT, RE: VIERA TOWN CENTER WITH THE VIERA COMPANY**

The Board executed Right-of-Way Use Agreement for Viera Town Center with The Viera Company to permit improvements to be installed and maintained in the Viera Town Center.

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

**ITEM II.B.1., REQUEST, RE: WRITE-OFF OF UNCOLLECTIBLE AMBULANCE FY 16/17**

The Board approved the FY 2016-2017 uncollectible EMS accounts receivable write-off in accordance with Ordinance No. 79-21, and generally accepted accounting principles; a specific listing of each account is available from Fire Rescue upon request.

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

**ITEM II.B.2., RESOLUTION AND JOINT PARTICIPATION AGREEMENT, RE: PUBLIC TRANSIT BLOCK GRANT FUNDS**

The Board adopted Resolution No. 18-020, and executed Joint Participation Agreement allowing the allocation of \$8,720,704 in Florida Department of Transportation (FDOT) State Public Transit Block Grants funds over Fiscal Year 2017-2018 through 2021-2022 for Space Coast Area Transit (SCAT); authorized the Chair to execute any follow-up documents upon Risk Management and County Attorney approval; and authorized any budget changes.

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

**ITEM II.C.1., RESOLUTION, RE: ACCEPTANCE OF PROPOSAL BY RAYMOND JAMES CAPITAL FUNDING, INC. TO PROVIDE THE COUNTY WITH A TERM LOAN TO PREPAY CERTAIN LOANS FROM THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION'S COMMERCIAL PAPER LOAN PROGRAM AND TO FINANCE CERTAIN GENERAL AVIATION CAPITAL IMPROVEMENTS AT THE VALKARIA AIRPORT**

The Board adopted Resolution No. 18-021, accepting the proposal by Raymond James Capital Funding, Inc. to provide the County with a Term Loan to prepay certain loans from the Florida Local Government Finance Commission's Commercial Paper Loan Program and to finance certain aviation capital improvements at the Valkaria Airport; such term loan will be evidenced through the issuance of the Brevard County Non-Ad Valorem Revenue Note, Series 2018A; authorized the Chair to execute the 2018A Note and all loan documents; and authorized any budget change requests.

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

**ITEM II.C.2., APPROVAL, RE: BUDGET CHANGE REQUESTS**

The Board approved the Budget Change Requests.

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

**ITEM II.C.3., PERMISSION TO ADVERTISE INVITATION TO BID AND DIRECT THE RESULTING REVENUE TO EMERGENCY OPERATIONS CENTER (EOC), RE: CELLULAR CO-LOCATION LICENSEE(S) AT THE SARNO ROAD TOWER**

The Board approved advertisement of an Invitation to Bid for future cellular co-location assignments on the County-owned tower located at 1515 Sarno Road, Melbourne; authorized County Manager or his designee to execute any documents or renewals on behalf of the Board as may be required to administer any new license agreements and any subsequent actions of license, subject to approval by the County Attorney's Office and Risk Management; revenue source be directed to funding a new Emergency Operations Center, allowing these funds to be leveraged against State and Federal grants and/or appropriations that require local match; and authorized any budgetary changes.

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

**ITEM II.D.1., RESOLUTION, RE: APPROVING THE ISSUANCE OF SINGLE FAMILY MORTGAGE REVENUE BONDS BY BREVARD COUNTY HOUSING FINANCE AUTHORITY OR IN THE ALTERNATIVE, THE ISSUANCE OF MORTGAGE CREDIT CERTIFICATES IN 2018**

The Board adopted Resolution No. 18-022, allowing the Authority to apply for an allocation with the Florida Division of Bond Finance and to allow the issuance by the Authority of Single Family Mortgage Revenue Bonds or in the alternative, issuance of mortgage certificates, during 2018.

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

**ITEM II.D.3., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS**

The Board appointed **George Kristner, III**, to the Historical Commission, with term ending December 31, 2018.

**ITEM III., PUBLIC COMMENTS**

Reverend Johnnie B. Dennis, National Action Network, stated he is there to speak on the dereliction of duty of the local government Code Chapter 87, when an elected official willfully and intentionally refuses to do their duty it is called dereliction of duty, especially when it is violating constitutional rights; in his community, District 1, it is cruel and unusual punishment for a landlord not to do anything at all about a noisy tenant; the Board is the landlord and the training range is its tenant; and it is also cruel and unusual punishment for a community that pays taxes and votes, to live under those circumstances. He continued although they are a democratic community, they do pay taxes and deserve to be served as if they were republican; it is granted by the constitution, and the fourteenth amendment right to have freedom of liberty and enjoyment of their property; they are not afforded that, in their community; they cannot have a family reunion, birthday party, enjoy their television, or sit with their doors and windows open with the gunfire; this has been a nuisance for years and it needs to be addressed; and if it is not addressed here, then it is going to have to be addressed in court. He stated he is asking for the last time, because it violates his fourteenth amendment right; it is cruel and unusual punishment which violates his eighth amendment right; it is also a health hazard because there are people in his community that work at night and they cannot sleep in the daytime due to the gunfire; and there is a solution, the elected officials can withdraw from the resolution 108-2015, enclose the gun range area that cost \$15 million for a cheap metal building, or build a wall around the gunfire area for \$1.3 million, it is up to the Board.

**ITEM IV.A., FIRST PUBLIC HEARING, RE: CODE AMENDMENT TO CHAPTER 62, ARTICLE VI, ZONING REGULATIONS (PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES)**

Chair Pritchett called for public hearing on the Code amendment to Chapter 62, Article VI, Zoning Regulation for pharmacies and medical marijuana treatment center dispensing facilities.

Tad Calkins, Planning and Development Director, stated this Item is a request for the Board to conduct a public hearing to allow pharmacy, drug and sundry stores, and medical Marijuana treatment facilities as a permitted use with conditions in BU-1-A, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1, and TU-2 zoning districts; the conditions set forth in this ordinance is the dispensaries shall meet the requirements set forth in Florida Statute 381.986, they shall be located on parcels that have direct access to collector or higher level roadways, they shall not be permitted on parcels that only access local roadways, they shall be in an area that has sanitary sewer and water utility available, while dispensing facilities and pharmacies approved prior to this ordinance's effective date will not be subject to the aforementioned criteria; this is the first of two public hearings; if the Board approved this ordinance it would be back on March 6, 2018; and the matter was heard by LPA yesterday and it was approved with two modifications. He noted the conditions are the BU-1-A classification for medical marijuana treatment dispensing facilities be considered a conditional use and all the others could go forward as a permitted use with conditions; and that the criteria for sewer and water states they shall connect to public utilities.

Commissioner Tobia inquired why there are restrictions being proposed on certain types of roads, and septic usage.

Mr. Calkins explained the roadways is through conversations that the Board has had on this matter; there was a concern about the compatibility with it being internal to neighborhoods, so the roadway at the collector level and the arterial level are higher volume roadways, which are not internal to subdivisions and it would take them out of those residential areas; the water and sewer areas brings it into more of an urbanized location; therefore, it goes back to the

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compatibility aspect of the surrounding land uses. He continued the changes he read into the record were from the LPA's recommendation.

Commissioner Tobia inquired how many total properties would be affected by these two restrictions.

Mr. Calkins stated there are about 3,500 properties that would be available for medical marijuana treatment facilities that meet just a State requirement for locations; add the collector or higher level of roadway, it drops to about 2,400 properties; and it is not really possible for him to do a determination on the effect of water and sewer availability because that information is contained by cities and other utility providers, that he does not have access to.

Commissioner Tobia stated he understands this will decrease the value of at least 1,100 properties probably far more.

Mr. Calkins stated when a use is removed he believes it potentially has that effect, but he does not know that he qualifies to make that 100 percent determination; he thinks there is a lot of side criteria that would go into that and some other determinations; however, it would be limiting or affecting those properties.

Commissioner Tobia inquired if property taxes on those commercial parcels on local roads or septic decreases proportionally.

Mr. Calkins responded he would not know the answer to that.

Commissioner Tobia asked if it would be fair to say that if the value of the property were to decrease then most likely the property taxes collected from those properties would decrease.

Mr. Calkins responded he thinks that would be a fair assessment, but he believes it would also be associated with the development potential of those properties.

Commissioner Tobia mentioned Mr. Calkins said there are about 1,100 that would decrease because of road restrictions and he asked if that is proportional among all five Districts or if that would disadvantage one District over the others; he stated he knows Mr. Calkins cannot answer that because he has no idea how the sewer is going to impact it, but based on his knowledge of sewer access he would like him to take a guess at how that will impact certain Districts.

Mr. Calkins replied he thinks it would be greatly affected by water and sewer, and that would be in the rural Districts; and the more urbanized Districts would have more water and sewer availability.

Chair Pritchett stated she would like a follow-up by the County Attorney because she asked him of the possible risks of the property values from the pharmaceuticals and he stated the risks were low; and she asked him to elaborate on that.

Scott Knox, County Attorney, stated there is legislation called the Bert J. Harris Act that provides compensation for reduction in values, if there is an inordinate burden caused by the change in regulation such as this one; the way that Statute works is even if there was an inordinate burden on a particular piece of property, they would have to come to the County first and make a claim; the County would have an opportunity to revise its regulations accordingly; and that is a way to handle that type of situation.

Chair Pritchett inquired if the Board could change it on an individual basis.

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Attorney Knox stated the legislation effectively allows the Board to make accommodations in order to avoid that situation.

Commissioner Isnardi stated she does not know if it is responsible to have a property owner have to appeal for a remedy of their property values dropping, and she does not know if a potential buyer of a property is going to go through the trouble; her concern is what will happen to certain neighborhoods because it cannot be quantified by the effects of the sewer; in her opinion, she does not believe the Board should be adding these restrictions; her concern is the Board would then be limiting commercial pharmacies as well; and she thinks once people get past the fear that these treatment centers are going to open up all over the County, she thinks the Board could have an intelligent discussion because there are only 27 dispensing locations in the entire State, and five of those are in Miami. She noted once the Board can get past that and have a real discussion on what it means as a dispensary center, as opposed to some place where people are going to be smoking marijuana outside, she thinks it would be more of a fair discussion to all, not just to the companies coming in and not limit the access to people who are in need of this medication. She continued what she had warned would happen, is exactly what is happening; when government starts trying to over regulate these things the State is going to come in and either ban them altogether or give them the same rights as a pharmacy; she does not think the answer is further restricting zoning classifications for pharmacies; and she would support removing the two restrictions because she thinks it unfairly affects property values, but also future growth and expansions for pharmacies.

Commissioner Barfield stated he thinks Bert Harris is going to be too much of a liability to the County; he agrees with Commissioner Isnardi's comments; and he thinks the Board is either going to have to make a decision to either ban the dispensaries or allow them.

Commissioner Smith inquired if Commissioner Isnardi's comment was there are 27 locations.

Commissioner Isnardi repeated there are 27 in the entire State.

Commissioner Smith inquired if each one can do 13.

Mr. Calkins further explained there are 13 companies that can have up to 25 dispensing facilities Statewide and currently 27 have been constructed in the State of Florida.

Commissioner Smith inquired what the total possibility would be.

Mr. Calkins responded he thinks it is 325 now, but once they reach 100,000 registered users then that number would go up by five per licensed medical marijuana treatment centers, which are the folks who are allowed to grow, process, and deliver.

Commissioner Smith noted that is more than 300, not 27. He stated he knows the voters voted for this; he would like to give them the opportunity to access the product; he knows the Cities of Satellite Beach, Palm Bay, and Titusville have agreed to it; and he inquired how many each one of those cities can have.

Mr. Calkins replied the number of dispensing facilities allowed is based on the region; there is a formula that looks at the number of registered users, the population in the region, and then they come up with a number that is allowed in that region; and that makes it very difficult to know how many can be in Brevard County because a region is more like seven counties.

Commissioner Smith stated the County knows there will be at least three.

Mr. Calkins responded potentially each one of them could have one.

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Commissioner Smith noted the users can order it; his big problem is unintended consequences; and he is going to let Commissioner Isnardi lead the charge on this one because he does not have any answers.

Commissioner Isnardi stated she thinks the Board should do everything it can to allow people access to this alternative form of treatment because she has seen the other side of opioid abuse and other medications; she thinks this is honestly giving people some relief; although it may not be for her, she has seen it benefit people; and she asked Mr. Calkins to expand a little on what the facilities look like and how they are regulated.

Mr. Calkins stated the facilities are completely regulated by the State and all the activity that goes into them; there are several things such as video surveillance, and everyone has to be registered with local law enforcement; what they have allowed for the County to do is to basically just look at them from a building permit or fire safety standpoint and determine if it would want them in its jurisdiction or not; and if it does want them, they should be treated the same as pharmacies.

Michael Patterson stated he is the CEO of US Cannabis Pharmaceutical Research and Development and the face of a marijuana business owner; he has lived in Brevard County for over 20 years; his company advises federal, state, local governments, sovereign nations, and private industry on the specifics of marijuana law, zoning and regulations, and the future of the legal cannabis industry; his professional background includes running a \$200 million skilled nursing home chain with a location in Brevard County; he has ran pharmacies, labs, home health companies, and assisted living facilities; he is a Florida licensed Occupational Therapist and nursing home administrator; and he knew this Board would put a moratorium on dispensaries because it is a new program with a bad reputation and a lot of fear mongering about how the country will be destroyed via the decrease in property values and the increase in crime for allowing these dispensaries. He continued to say he would like to discuss what has happened since this Board decided last year to place a moratorium on medical marijuana dispensaries; as of Friday, February 16, 2018, there are almost 80,000 patients who have signed up in the Florida Medical Marijuana Registry; the number is growing at a rate of 2,500 patients per week and will continue to increase for many years; it is projected that by 2020 half of the medical marijuana patients in the United States will reside in the State of Florida; there are currently 27 dispensaries open and operating in the State, and not one has had any incident of criminal activity whatsoever; and a study was released in September 2017 by the University of Wisconsin detailing property values increased in the vicinity of medical marijuana facilities. He added in another study released by the University of California Riverside back in January 2018, showed a decrease in crime in neighborhoods that had a medical marijuana facility; in November 2017, Orange County, Florida, approved allowing medical marijuana dispensaries; last month Wellington and Sarasota approved dispensary zoning; and other municipalities, including Titusville, continued to approve dispensaries across the State. He went on to say the number of Brevard County residents who qualify for medical marijuana continues to increase daily; the fact that these patients have no store within 60 miles to access medicine is extremely discriminatory; he hears a lot of people bring up that patients can get the medicine delivered to them, which is true but not realistic; many patients would not seek medicine if they could not get to a store to talk to someone and get answers to their questions; if these people qualified for opioids they could walk into any Brevard County pharmacy and have their prescription filled within minutes of leaving the doctor's office; the reason dispensaries need to be allowed in Brevard relates to tourism, economic development, and the quality of life; and Brevard is currently in the midst of an economic boom with the space and defense industry leading the way. He noted there are thousands of people moving to Brevard County to work or retire from all over the country; and with medical marijuana legal in 29 other states, people who are current medical marijuana patients will move here or they will bring their aging parents who are using medical marijuana and expect access to stores in order to purchase their medicine. He stated

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he would like to squash the argument that states there are already cities in Brevard County that have approved medical marijuana dispensaries so the companies can put their stores in those cities; the problem with that logic is that it encourages the bunching of multiple dispensaries in a small area of the County; this causes patients to have to travel longer distances to access medicine as well as potentially bringing the stigma to those cities that is unwarranted and unnecessary; with dispensaries allowed in the County it will achieve access of medical marijuana across the entire County which will decrease the need for multiple marijuana dispensaries in one city or area of the County; and it will decrease the stigma of medical marijuana in general. He continued last year this Board made the right decision to wait on zoning; and he asked the Board to make the right decision now and allow it to move forward.

Anita Unrath thanked Commissioner Isnardi because she gets it and she hopes after hearing some of the speakers, the other Board members will get it too; she is glad this has been brought up now instead of in June or July; she is active in the National Multiple Sclerosis (MS) Society; her and her husband were just in Tallahassee this past week advocating for a healthcare bill; it sailed through the Senate, SB 98; and HB 199 they hope will come before the Health and Human Services Committee this week. She noted it is a bill about getting rid of the fail first medication; it is called fail first because the insurance companies say a person must fail on a medication before they can get one that works; her husband has Multiple Sclerosis and has had it for fourteen and a half years; she has watched him suffer; and she is not saying that if these dispensaries were here in Brevard County that she or her husband would necessarily need them, but her husband suffers from a lot of pain. She continued Multiple Sclerosis can be terribly painful; to her this is access to something that is not opioids; she stated she does not believe she would be a candidate for it, but she suffers from Sciatica and it is very, very painful; she has found a medication that helps her, but if she could take something that was not dangerous to take away the Sciatica pain, she would do it in a heartbeat; and she mentioned if the Board denies access in the County, it is sending people elsewhere. She went on to say she thinks the Board should make this available; she knows there will not be tax on the medical marijuana but the people who come to Brevard County, who buy their gas here will pay taxes; they will not have to go to Orange County or Miami to get this; they will stop for lunch and run some other errands; they will purchase things other than their medical marijuana; she likes to go out and do several errands at once to save on gas and save the environment; and she thinks the County would see a tax increase in property values if they were allowed in Brevard County. She stated in yesterday's newspaper it talked about how the Board is concerned with a \$12 million shortfall in taxes; she thinks the Board Members should open their minds and see this could be a very good thing; the Board would be helping patients; and it would not be the drug addicts because it costs \$500 to register with the State and another \$200 to go to a doctor, therefore, people have to have money to be able to even be on the list of people who are eligible for medical marijuana. She continued she thinks the people who could afford it will be the people who will bring their other business to Brevard County as well.

Tom Unrath stated he has been to Board meetings before, sometimes to lead the invocation, other times to talk about environmental issues and such; today he would like to provide a face; he does not know if medical marijuana was available to him right now, if he would use it; he has MS and it is one of the things on the list that would qualify for medical marijuana; several years ago the first thing that happened to him was the left side of his face went numb back in 2001; it was the first indication that something was going on and later he was diagnosed with MS; a couple years ago that numbness, which never really has completely gone away, advanced to where it was so bad he could not even eat or talk; and he went to the neurologist and was given a prescription for opioids. He continued to say he did not take them because fortunately it got a little better; he is now on some medication that if he took it at the level that was prescribed it would be toxic; it is not an opioid and not addictive, it will just kill him; he would like to have this, not just for him but there are about 170,000 in Florida just with MS and he is not talking about any other diseases; that is a lot of people who could gain benefit from this; this is about a

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medication controlled, prescribed, and responsibly distributed in places that would be a benefit to the community; and he stated it might help him.

Chair Pritchett stated she is going to vote this through today; there is not a large amount of people allowed to use medical marijuana right now; there is a little over 47,000 from the 71,000 that have applied; she voted to approve this for medical use when the ballot came through; she has not heard any Commissioner have any kind of problem with people using medical marijuana to help them do better, although there are a lot of words being spread around the community; she thinks people need a good quality of life; and she gets a little confused, because when her mother was still around she was given Meritol, which is liquid marijuana, to help her with her appetite and her mood. She does not think withholding any medication is a good idea; her concerns would be traffic and placing them in residential areas; she does not believe these would go in residential areas nor does she believe pharmacies should be in residential areas; she likes the criteria of the higher volume roadway because she does not think that will affect anything; and she believes the pharmacies should be the same. She added Scott Knox, County Attorney, told her the risks of that would be potentially low, but if there was a suitable place, they could come to the Board and the Board could approve it; and she did have the concern of this going down a path of being more recreational, but that would be a whole new zoning but they are two different animals. She stated it is still not legal on the federal level, therefore, the cash cannot be put in the bank leaving large volumes of cash around; and she thinks one thing that needs to be put in the ordinance is an appropriate guideline, until the federal government makes it legal, so people can make bank deposits along with the rest of the pharmaceuticals.

Commissioner Isnardi stated as it stands now, the County already regulates so pharmacies do not end up in the middle of residential neighborhoods, unless it is Community Commercial.

Mr. Calkins responded if it is community commercial it is BU-1-A zoning and could be allowed.

Commissioner Isnardi stated correct, so it cannot pop up in the middle of PUD or a subdivision so that argument is mute; her concern is the Board would not only be restricting where these can go, but now it would also be putting restrictions on pharmacies and she does not believe that is fair; legislation stated either ban them or give them the same restrictions as pharmacies; she does not see dropping property values or putting additional restrictions on future commercial pharmacies as a wise move; and she reiterated she will support this with the removal of the collector roadway provision and the sanitary water and sewage provision.

Commissioner Tobia asked if that was a motion to remove those two items from the ordinance.

Commissioner Isnardi responded affirmatively.

Mr. Calkins stated if the motion is to remove the conditions then the desire would be to allow them as a permitted use, which makes this ordinance unwarranted.

Commissioner Isnardi clarified her motion is to allow medical marijuana as a permitted use.

Chair Pritchett inquired if there are criteria already keeping pharmacies from being in residential areas, then why was an ordinance written.

Mr. Calkins responded the BU-1 is a neighborhood use for zoning so they could be located there; the areas where they become problematic is in Port St. John, where there may be some internal BU-1-A zoning or there could be some in the Merritt Island where there is a mixture; it is further off the collector of roadway and it may have access to a local roadway; it was just a safeguard when they put the ordinance together; and he stated they looked at all of the zoning Districts that were allowable for pharmacies because those would be the ones that they would

have to affect and since a pharmacy could go there they would have to include that in the ordinance.

The Board conducted a public hearing to consider an ordinance to allow pharmacies, drug and sundry stores, and medical marijuana treatment center dispensing facilities as a Permitted Use with Conditions in BU-1-A, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1, and TU-2 Zoning Classifications; the Board denied the ordinance; and the Board approved removing the conditions to allow Medical Marijuana Dispensaries as a Permitted Use upon the temporary moratorium sunseting on March 9, 2018.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.A., FIRST PUBLIC HEARING, RE: CODE AMENDMENT TO CHAPTER 62, ARTICLE VI, ZONING REGULATIONS (PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES)**

Mr. Calkins asked for clarification if that means this ordinance did not get approved, the moratorium would sunset on March 9, 2018, with end of session, and it would be okay with a permitted use.

Chair Pritchett replied affirmatively.

**ITEM VI.A.1., WAIVER OF SUBDIVISION ACCESS, RE: 4710 SUGAR CREEK DRIVE - 17WV00020 - JEROME WRIGHT**

Tad Calkins, Planning and Development Director, stated this Item is a request to waive Code, Section 62-2887(c) and 62-2897 of the subdivision requirements, to allow a driveway to be located on an exterior roadway to the subdivision and to allow a common use lot to be used for a purpose other than what it was originally platted for; and he would be happy to answer any questions.

Commissioner Isnardi stated she does not see the applicant; this issue came to her office probably a month after taking office; basically the property owner is in a dilemma between the homeowners association versus access to his property; she is not sure why the property owner is not in attendance because she knows this is extremely important to him; and she would like to table this until the next meeting. She went on to say she will reach out to the applicant to see if he can be in attendance, and maybe in the interim they can come up with a solution.

Mr. Calkins inquired if she would like to table the Item or if she wants to hear if the Board is willing.

Commissioner Isnardi stated she wants to see if the Board is okay with her making a motion to table this because she is unsure why the applicant is not in attendance; and she has not spoken with him in a while, but she is sure it would be pretty important for him to be here because he has been trying to sell this property for a long time.

Mr. Calkins noted the applicant was informed that it would be on the Agenda for today.

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The Board tabled the waiver of Code Sections 62-2887(c) and 62-2897 of subdivision access for 4710 Sugar Creek Drive - 17WV00020 by Jerome Wright.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VI.A.2., REQUEST TO REDUCE AMOUNT FOR VIERA DEVELOPMENT OF REGIONAL IMPACT (VIERA DRI) LETTER OF CREDIT, RE: BARNES BOULEVARD WORK DUE UNDER RESOLUTION NO. 14-120**

John Denninghoff, Assistant County Manager, stated this is a draw down request on the letter of credit for the Barnes Boulevard widening contributions they have been making; staff has reviewed it and find it acceptable; there have been several of these; and he anticipates this will be the last time, except for when it goes to \$0.

The Board executed and approved Letter of Credit reduction in the amount of \$21,986.10 for Viera DRI of the Barnes Boulevard work due under Resolution No. 14-120.

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

**ITEM VI.D.1., APPOINTMENT, RE: DEPUTY COUNTY ATTORNEY, EDEN BENTLEY, AS INTERIM COUNTY ATTORNEY**

Scott Knox, County Attorney, stated he is recommending that Eden Bentley, Deputy County Attorney in his office, be appointed as the interim pending the elections in November; she is very qualified and eminently capable; as the Board knows, he will not be with the County as of April 1, 2018; and someone needs to do it.

Commissioner Isnardi stated she is more than confident that Ms. Bentley is qualified to sit in as the interim; her concern is the length of time the Board is waiting to go out; she welcomes Ms. Bentley and encourages her to apply for the position, but she thinks waiting for the next November election, where the Commission will change by one or two Commissioners, does not do this Commission justice; and she would like to ask the Board to consider doing a search through Human Resources because she is hesitant to hire a firm given the Board's last experience when they did have an internal candidate. She went on to say, she would encourage anyone from the County Attorney's Office who is qualified to apply; and reiterated she thinks it is too long of a time to wait to fill this permanent position because it is an important position.

Commissioner Tobia stated maybe there is a middle ground if the Commission got together and set up some suggestions for minimum qualifications; maybe the Board could begin the search for the new County Attorney and narrow it down or at least have the list of candidates ready for after the election, so it would not have to go through the advertising process; while he is sure the qualifications could change with the new Commission he does not know that they would change substantially enough to warrant the Board waiting that much longer; and when the

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Board gets the list together of certain qualifications it can give it to Human Services so they can be discussed at a future Commission meeting in the public.

Commissioner Smith stated he has not given a great deal of thought to this; he has no objection to waiting, but he did not think about it being a long-term thing; he knows Ms. Bentley has been very capable as she has sat in for Attorney Knox; he understands what Commissioner Tobia and Commissioner Isnardi are saying; he stated maybe the Board could put some suggestions together; he does not know about doing it today, but he likes the idea of moving forward; and he suggested maybe the Board could set a date of July, August, or September 1, or whatever the Board thinks is a more appropriate time. He added he does not want to speculate if he is re-elected or not, but they could have two extra people on the Board so he thinks, from that standpoint it might be a good idea to wait, so they could have a say in it. He noted whatever the Board wants to do because he can see both sides.

Chair Pritchett stated she is very comfortable with Ms. Bentley; she thinks she is going to step in flawlessly and it will be a smooth transition when the County loses Attorney Knox; she thinks it may be appropriate to go ahead and start putting in what the Board is looking for in the next County Attorney and maybe look towards doing some advertising so that people throughout the community can put in applications; and she inquired if Commissioner Smith recommended August or September as the time period.

Commissioner Smith stated that would be his thought; the Board would have a better idea of the election; and if the Commission feels it is necessary to wait then it can or if the Commission feels confident that it has a great candidate then it will not have to wait.

Commissioner Isnardi stated her concern is that it is six or seven months, then it gets close to election time, and the Board will automatically default to waiting; it is no reflection on Ms. Bentley, she is wonderful and may end up being the sitting County Attorney; but she thinks it does the Board a disservice if it seems like everyone is close to retirement or has their foot out the door, and that is the reality of it; and she would like the Board to talk about the criteria and start moving forward on it because they may not find anybody in the first round. She reiterated she does not think waiting six or seven months to maybe have one change in the Commission. She noted she wants someone who is here and staying, someone who is committed to the job, who the Board has had a chance to vet; she thinks this Board can handle it because it went through the wringer to find a County Manager and he was right under the nose; and that could happen in this case, but she would like the Board to move forward on it.

Commissioner Barfield stated he would like to be in on the decision being he has spent plenty of time with this Board and understanding what is required and what the County needs.

Commissioner Isnardi stated Commissioner Barfield is qualified to do that given what he does in the private sector.

Commissioner Tobia stated the Human Resources Director is eminently qualified potentially for that position; he believes Mr. Visco is a licensed attorney; and inquired if he is correct in that statement.

Jerry Visco, Human Resources Director, stated he is an attorney.

Commissioner Tobia inquired if Mr. Visco would be crazy enough to apply for this position.

Mr. Visco stated he will put Commissioner Tobia's mind at ease, he is not a member of the Florida Bar.

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Commissioner Tobia suggested to the Board that it give its suggestions to Mr. Visco who has formal legal training and a great deal of human resource experience, at least before it potentially looks to outsource it.

Chair Pritchett stated she would not mind having it advertised though; she stated she is not the best person to determine what the best qualifications should be for the job, and would like some input from Attorney Knox; and what she is hearing is that the Board should get on this in the next couple of months.

Commissioner Smith agreed with Chair Pritchett; he stated he thinks the Board should just start moving forward today; and it will get to a point moving forward where it feels comfortable with it.

Chair Pritchett stated the word will get out and maybe it will spark some interest in the County.

Mr. Visco stated what he is hearing is he could start an open-ended recruitment process; start the advertising; and keep it open for an extended period of time.

Frank Abbate, County Manager, stated before they do that they will come back before the Board to bring a current description with any recommended changes and they will make sure to get any changes to the specifics of what it is looking for; they will internally develop a recruitment brochure which they do for high level positions; at that point, with the Board's approval, they will move forward with the recruitment; that process will take a few months; and that is how the County will proceed.

The Board appointed Eden Bentley, Deputy County Attorney, as Interim County Attorney upon the County Attorney's retirement on March 30, 2018, until the selection of a new County Attorney by the Board.

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

#### **ITEM VI.F.1., RESOLUTION, RE: SUPPORTING THE PASSAGE OF SB 1714**

Commissioner Tobia stated House Bill 3 passed the legislature on a bi-partisan vote, 87:20; there is a Senate version that is similar yet it does not provide the same amount of transparency safeguards as in the House Bill, yet it does provide some meaningful reform for economic development agencies; he has a resolution supporting the passage of Senate Bill 1714, during the 2018 session of the Florida Senate; and he asked to the read the resolution.

Chair Pritchett replied affirmatively.

Commissioner Tobia read the proposed resolution into the record, and motioned to send the Resolution to the Senate delegation.

Commissioner Isnardi stated she will second for discussion. She mentioned she had received a letter from the Economic Development Committee (EDC) and she reviewed the bill; she understands their concerns but it is not going to have an impact on the things they do not want disclosed to the public such as trade secrets and that sort of thing; she thinks by the time these

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bills get through the senate they are more reasonable; and she will give a second to support this.

Commissioner Smith stated while he does not oppose transparency, his overriding objection to Senate Bill 1714 comes from comments he has read in various publications and on the internet from the principals involved; to him it comes down to Home Rule; he finds it very interesting that conservative republicans who wish for smaller government are looking to eliminate Home Rule; he has also heard in those discussions that some of the leaders in Tallahassee are upset at how liberal counties are doing things that these particular individuals do not like; and while he agrees with the thought process, what will happen when the Democrats take over Tallahassee and come to Brevard County and take away what they do not like. He added this will allow Home Rule to go away and the liberals can impose their thoughts on the County because of it. He noted he will not support this.

Commissioner Barfield stated he received an email that the bill will not make it through the Senate before the end of session and he does not know why it is even being discussed, if it is not going to be up for a vote.

Commissioner Tobia stated he received the same email from Kathryn Rudloff and holding her as an expert of what happens with legislature is making him an expert on SpaceX because he launched rockets in junior high school; Senate Bill 4.3 states, the Senate may, at the discretion of the President, take up messages from the House at any time; the Senate as well as the House takes up many things in the 11th hour; there is a mechanism for this to go forward; and items like this in his tenure certainly went forward. He noted while he respects the opinion of not wanting transparency with the ability to give the public the opportunity to watch these types of meetings, he cannot say this should not be done because of a technicality. He went on to say this Commission, at the discretion of Chairman Smith at the time, sent up a resolution to Congress dealing with fire arms; certainly the Board has done this before; there is an opportunity to do this and he does not see how it has anything to do with Home Rule or limiting Home Rule; and stating this bill is dead is factually incorrect.

Chair Pritchett stated her concern is still with Home Rule; if the County has a transparency problem she thinks the Board needs to work through it for a solution; she thinks keeping government as close to local government is more appropriate; she would fight for the State to be able to make changes that the Federal Government will not allow; and she is not going to vote to support this. She commented she appreciates Commissioner Tobia's work and she knows he has been at the House level and may have a different understanding than she does, but where she is at right now she will not support it.

Commissioner Barfield stated he cannot support it because the bill is another attempt to shift oversight from the local level where the funds are originated and invested to the State level; which again is eliminating Home Rule; he believes Home Rule is a foundational principle of this country because local leaders are so much better equipped to understand the needs of their constituents; and the bigger and further away the government entity the more out of touch it will be.

The Board denied resolution supporting the passage of SB1714.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	John Tobia, Commissioner District 3
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	John Tobia, Kristine Isnardi
<b>NAYS:</b>	Rita Pritchett, Jim Barfield, Curt Smith

**ITEM VI.F.2., CITIZEN REQUEST BY CHRIS KANE, RE: RESOLUTION SUPPORTING FL H6039 AND S1014**

Christine Kane stated she is here to ask the Board to support House Bill 6039 and Senate Bill 1014 relating to recyclable materials, amending Senate 403.7033, deleting a preemption of local law relating to regulation of auxiliary containers, wrappings, or disposable plastic bags providing an effective date presented by legislator Richardson and co-introduced by other legislators; sadly there are no State legislators representing Brevard County on that list, although she did contact them requesting they co-sponsor it; she believes the Board is familiar with the history; the State referred this issue to the Department of Environmental Conservation and the Department returned its recommendation to the legislature in 2010; according to previous Statutes, municipalities are prohibited from adopting any rule, etc. regarding this issue until the State adopts the recommendations of the Department; and here it is eight years later. She continued legislation has been presented by various legislators over the years and it never makes its way out of committee; she is hoping this time will be different; it has come to the point where it has been said that humans are conducting a singular, uncontrolled experiment on a global scale in which billions of tons of material will accumulate across all major terrestrial and aquatic ecosystems on the planet; people have stood idly by while marine is being poisoned, disrupting people's health, destroying the landscapes, littering the beloved beaches, clogging the waste streams and landfills, and the list goes on; this must stop; and she finds it ironic that the State when it originally requested the analysis of the issue by the Department of Environmental Protection, it stated, "Prudent regulation of recyclable materials is crucial to the on-going welfare of Florida's ecology and economy." She stated actions speak louder than words and according to the non-action by the legislature it appears that the ecology and economy of the State of Florida is not a priority; that inaction is what has precipitated legislation being presented year after year; while the State may not recognize the necessity of protecting the welfare of Florida's ecology and economy, the residents certainly do; the Board has supported her request for this legislation in the past; it is time that the counties of this state be given the right to handle this issue the way they see fit; these bills eradicate the preemption of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; and it is about time the counties be given the ability to govern their communities on their own without the interference of a State that chooses to do nothing on this subject. She asked the Board to consider supporting this legislation. She went on to say the subject of the matter is non-partisan cooperation between the County, the State of Florida, and the United States Congress; the Declaration of Independence, a document which is revered by this country clearly states in part, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by the Creator with certain and unalienable Rights, that among those are Life, Liberty and the pursuit of Happiness;" in 1772 the Bill of Rights was adopted; The Bill of Rights, Amendment Two stated, "A well-regulated militia being necessary to the security of a free state the right of the people to keep and bear arms shall not be infringed;" several years later Congress approved that inclusion of Parts of the Bill of Rights and among them was the original Amendment two to the Bill of Rights; and the pint is the Declaration of Independence gave the country a foundation of what it would become, and the Bill of Rights and the Constitution gave the road map to get there. She noted it is her opinion that the people have relegated their right to life to those who believe that the Second Amendment written in the 1700's gives permission

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for citizens to carry automatic assault weapons; the time has come for all branches of government to cross the isle and come together for the benefit of the citizens; and she asked that the Board formally request that all representatives of Brevard County both State and Federal do their jobs and come together to pass meaningful legislation to protect the citizen's, their children, and their grandchildren from an further horrific acts of violence.

Commissioner Barfield stated this issue came up early on; people came to the Board to discuss the control of styrofoam and plastic bags; the issue is not the actual bags themselves; this is truly an issue with Home Rule; legislators took away the ability for counties and cities to even make a decision of what they wanted to do with any type of issue concerning plastic bags; and he is going to support this because he believes the government should let the cities and counties, the ones closest to the issues, make that decision.

Chair Pritchett stated she supports it also.

Commissioner Tobia asked if the Board keeps humming the drum on Home Rule, that it vote that way; she stated on a couple of occasions he has asked that Parks, located in cities, be turned over to Parks and many times the Board has decided those are better held with County Agencies instead of parks; while he respects the idea of Home Rule, and he thinks it is only fair that it is used all the time and not just when it meets someone's ideologies one way or another. He thanked Ms. Kane for coming forward; he stated although he disagrees with this, he greatly respects her for not only bringing this to the Board but for taking it to the various representatives and Senators in Brevard County; there was representative in front of the Board talking about texting while driving; he voted it down, but she was able to get 20 or 30 County Commissions to pass resolutions, including this one; and he is pretty sure that is going to become a State Statute. He noted it starts with individuals and he asked that she not be discouraged by his no vote, because his ideology is just a little different than hers.

Commissioner Smith stated the Board is not making a decision amongst itself, whether it is going to support disposable plastic bags or not, this simply allows the Board to have that ability; and any future Commission if it decides to take up this issue; and he thinks it is important.

Commissioner Isnardi stated the Board should not use Home Rule when it suits an argument; while she appreciates Ms. Kane bringing this forward, it is the cities, counties, and communities that elect the State representatives, so she does not like to paint them in a negative light, although she does not agree with everything it does; at the same time the Board cannot dislike everything they do; and the last Item everyone was arguing Home Rule on was completely a stretch in her opinion. She added this one may be a little more clear; the Board can pick apart every bill that goes through the House and the Senate and use the Home Rule argument to try to make it sound good, but to her this is not a Home Rule issue, it is a business rights issue for her; and she will not be supporting it.

The Board adopted Resolution No. 18-023, supporting Florida HB6039 and SB1014, as requested by Citizen Chris Kane.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Curt Smith, Commissioner District 4
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Jim Barfield, Curt Smith
<b>NAYS:</b>	John Tobia, Kristine Isnardi

**ITEM VI.A.1., WAIVER OF SUBDIVISION ACCESS, RE: 4710 SUGAR CREEK DRIVE - 17WV00020 - JEROME WRIGHT (CONTINUED)**

Chair Pritchett stated she would like to entertain a motion to un-table Item VI.A.1, for discussion.

The Board granted re-opening Item VI.A.1, for discussion.

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

Tad Calkins, Planning and Development Director, stated this is a request to waive Code Section 62-2887(c) and 62-2897 of the subdivision and requirements to allow the driveway to be located on an exterior roadway of a subdivision and to allow a common lot to be used in a purpose other than what is was originally platted for.

Commissioner Isnardi stated this is difficult to explain unless driving Brandywine and see exactly where this property is located; she sympathizes with the applicant and sympathizes less with the home owners association (HOA); the applicant has a right to his property; within that what is more dangerous, a gentleman backing out of his driveway at the beginning of a turn into a subdivision or there is already an existing driveway on Brandywine that they could place another driveway right next to it; that is a decision for the Board to make; that turn lane is very long and visible; and she does not think there have been a problem with accidents where the existing driveway is. She noted this is a very complicated situation, however she thinks there is a middle ground without destroying the HOA's entrance but also allowing this property owner to have a driveway which he should legally be allowed to do; she thinks perhaps the safety issue could be overstated because it is not something that is usually done; and she can see it both ways.

Chair Pritchett inquired what Commissioner Isnardi is recommending.

Commissioner Isnardi stated to look at the entrance to Brandywine, there is quite an extensive landscape and for Mr. Wright to place his driveway in the entrance of the Brandywine subdivision probably makes it more dangerous because people are constantly making that right into the subdivision more so than him pulling out.

Jerome Wright stated the visibility from the north to south on Brandywine Lane is a lot more accessible than the community's visibility coming in and out of the estate.

Commissioner Isnardi stated she feel for the applicant; she had told him to come to the Board a year ago to plead his case; the County does not allow a driveway to be placed at the beginning of a turn lane; she knows people on Brandywine that believe the applicant has a right to access his property; and where she is conflicted is giving that access to the driveway may be more dangerous than giving him access on Brandywine Lane.

Mr. Wright stated he concurs.

Commissioner Isnardi stated without an extensive traffic study she could ask staff's opinion on the matter; but she stated there is a lot of visibility on the turn lane into Brandywine Lane and it is a very long stretch.

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Mr. Wright stated the picture she has is showing a driveway that already exists and what he is trying to do is have the driveway relocated right next to the existing driveway; he understands the HOA's issue with traffic safety and maintaining the landscape; he has lived in the community for over 12 years and he respects their opinion; from his perspective, he feels it would be safer and more effective if it was relocated onto Brandywine Lane; and he noted he has been trying to sell the property for over three years with numerous offers, the only thing holding it up is the driveway. He went on to say right now he has a driveway contingency offer on the property; and if they can all agree that relocating the driveway onto Brandywine Lane makes much more sense, then he can put this to bed.

Commissioner Isnardi commented she can ask staff but they are going to say it is a safety issue, but she wonders if it is creating a bigger safety issue into Brandywine.

Andy Holmes, Public Works Director, stated the traffic speeds on Brandywine are much higher than in the subdivision streets immediately after the people have turned in, so he believes the entrance onto Brandywine is less safe than the entrance into the subdivision.

Commissioner Isnardi stated that is the standard answer and she gets it, she would not even consider it if she did not see how long that entrance lane is going in; the way the road curves there is plenty of time to see; and she is more concerned with Mr. Wright trying to pull out and someone coming into that subdivision.

Mr. Wright explained some of the pictures depict the obstruction of trees and foliage at the entrance of the Brandywine Estates community; he stated he has also submitted pictures of the north and south visuals of Brandywine Lane; the speed limit in Brandywine States is 20 mph, but a lot of times the individuals coming into the community do not adhere to that; that may cause a bit of a traffic hazard; and he understands the County saying the speed limit on Brandywine is higher, but there are two driveways already there and they have complete access, so he does not know why it would be an issue for a third driveway to be placed there.

Commissioner Isnardi inquired if there have been accidents at those driveways. She stated she knows there have been accidents on Brandywine and other issues.

Mr. Holmes stated he does not have any specific accident history at those driveways; he would add, if the Board is inclined to approve this, that it would add a restriction that the cars will not back out onto Brandywine because that would certainly be a significant improvement over an unrestricted access.

Commissioner Isnardi commented maybe that the driveway be right next to the other two driveways because she believes his property is right up next to the existing driveway.

Mr. Wright replied affirmatively. He stated that is the intention of the prospective buyer.

Commissioner Isnardi advised the Board she tried to get special permission from the property owners to use the existing driveway, but it did not work out. She stated she does not have a problem with it; she believes it is more dangerous with people making that right into the blind subdivision with all the foliage; and she inquired if staff would write something up.

Mr. Wright stated he will place that into the contract with the buyer that they must not back out onto Brandywine Lane.

The Board granted the waiver of Code Sections 62-2887(c) and 62-2897 of subdivision access requirements for 4710 Sugar Creek Drive - 17WV00020 by Jerome Wright, allowing for a driveway to be constructed onto Brandywine Lane, to be located as close to the existing

driveway as possible on the exterior of Brandywine Estates, subject to the owner not backing out onto Brandywine Lane; driveway access shall be designed so that a vehicle can turn around within the property and exit facing Brandywine Lane; and backing a vehicle from the driveway onto Brandywine Lane is prohibited.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM VIII.D., BOARD REPORTS, RE: JOHN TOBIA, DISTRICT 3 COMMISSIONER**

Commissioner Tobia stated Madam Chair alluded to the loss of a Brevard County Sheriff Deputy, and it is probably on everyone's agenda to present a resolution for his service to Brevard County, so he inquired if Chair Pritchett would be willing to do it.

Chair Pritchett stated she would be honored to do it; they are family friends; and the service is at her home church.

Commissioner Tobia stated to bring a resolution to the Board in the near future to commemorate his service not only to the community but to his family.

**ITEM VIII.E., BOARD REPORTS, RE: CURT SMITH, DISTRICT 4 COMMISSIONER**

Commissioner Smith stated the entire community is mourning the loss of Deputy Kevin Stanton; it was a tragic accident that occurred and unfortunately it took his life; the Brevard County Sheriff's Department (BCSO) is heartbroken; and he offered his condolences to everyone.

**ITEM VIII.F., BOARD REPORTS, RE: KRISTINE ISNARDI, DISTRICT 5 COMMISSIONER/VICE CHAIR**

Commissioner Isnardi stated she concurs with Commissioner's Tobia and Smith; he heart goes out to his work family; seeing the Sheriff try to keep him emotions in check makes it hit home to everyone; she thinks about the violence these officers come face-to-face with every day, without thinking about how much traveling they do and how much danger is on the road; and she prays for his family and the community to heal.

**ITEM VIII.G., BOARD REPORTS, RE: RITA PRITCHETT, DISTRICT 1 COMMISSIONER/CHAIR**

Chair Pritchett stated she agrees with all of statements; he was a wonderful person; the family is a great asset to the community; he was young, kind, and a wonderful person; and she hopes everyone gets the opportunity to come out and honor him and show support for his family.

Upon consensus of the Board, the meeting adjourned at 10:52 a.m.

February 20, 2018

ATTEST:



*Scott Ellis*

SCOTT ELLIS, CLERK



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

As approved by Board March 20, 2018