

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, March 2, 2023**

**5:00 PM**

**Zoning**

**Commission Chambers**

**A. CALL TO ORDER 5:03 PM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Kristine Zonka

**ZONING STATEMENT**

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Tobia led the assembly in the Pledge of Allegiance.

**F.1. Temporary Site Plan Approval and Approval of Waivers, Re: Space Coast Daily Park Fairgrounds (23SP00006) Applicant: Giles Malone**

The Board approved temporary approval of the Space Coast Daily Park Fairgrounds – Applicant: Giles Malone Site Plan 23SP00006; and approved the associated Waivers, subject to the conditions contained herein for the issuance of Special Event Permits, and in accordance Chapter 10, Article II, of Brevard County Code of Ordinances.

**Result:** Approved

**Mover:** Kristine Zonka

**Seconder:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.1. Lori Ann Halbert (Jason Steele) Requests a Change of Zoning Classification from RU-1-13 to RU-2-15 (22Z00066) (Tax Account 2716292)**

Commissioner Zonka disclosed she had made a phone call today at roughly 3:00 P.M. to the applicant, Jason Steele; she just had a question about the number of units; she just wanted to confirm; and the phone call lasted just a minute. She advised everything else she has

submitted.

Chair Pritchett called for Public Hearing on a request by Lori Ann Halbert for a change of zoning classification from RU-1-13 to RU-2-15.

Jeffrey Ball, Planning and Zoning Manager, stated this Item is Lori Ann Halbert's request to change a zoning classification from RU-1-13 to RU-2-15; the application is 22Z00066, tax account number 2716292; and it is located in District 5.

Jason Steele stated he is representing his wife Lori Halbert, who has a single-family lot that is zoned RU-1-13 at 124 Coral Way; she bought the lot about two and one-half years ago; it was kind of a rushed deal and when they dug into it a little bit, it was determined that the lot was zoned RU-1-13; they looked at the Future Land Use Plan that said the Future Land Use Plan called for RU-2-15; they were not quite sure whether or not they wanted to build a single-family home on the lot because of how the lot was completely swarmed with Australian Pines; the first thing they did was bulldoze those trees at the cost of about \$15,000 to \$20,000; and they determined there were homeless people who were occupying the lot. He continued to say that made them step back and drill down a little deeper; in addition to that, next to the lot, to the west, there was a house in foreclosure that was absolutely trashed beyond words; there were rats coming in and out, dilapidated vehicles, and things of that nature; and they had made the decision right then that they were not going to place a single-family home on that lot because that lot was not particularly suited for that specific area. He mentioned they had looked at all the other zonings that were all along Coral Way on the east side; there are 16 lots that go from A1A to the lot next door to them on the west, and out of the 16 lots, there are three lots that are zoned RU-1-13 and all the other lots are zoned multi-family; they put in the zoning code, they have looked at the staff's recommendations, and one of the things that was of concern to them was that there was no sewer there; they were going to request eight lots, and as a result of there being no sewer there, they determined before they developed or before they found a builder to develop, they would run sewer from A1A to that site and use sewer on it or just develop four units, whichever was the case; and they hired Scott Glovitz and he gave them some estimates of what it would cost to run the sewer there. He added they looked at the staff reports, there were no concurrency issues, there were no other issues that were of major concern to them, so they decided to go in for the RU-2-15 zoning and to put in eight lots. He stated in the interest of time he would be more than happy to answer any questions, however, he thinks the facts speak for themselves; there has not been any development in that area for over a decade; the Future Land Use Plan has been set for two decades for RU-2-15; and as a result of those things mentioned, they would like to put something that is a little more upscale there and bring some growth to a specific area.

Commissioner Zonka stated her only question is, and he answered it on the phone, he could not do 15 units there if he wanted to.

Mr. Steele responded, no.

Commissioner Zonka explained that it would not meet the Code.

Mr. Steele responded affirmatively, and noted that it would be eight.

Commissioner Zonka asked staff to confirm. She stated she knows there were some emails going around talking about 15 units and she just wanted that on the record.

Mr. Steele noted there were several emails going around that they were out-of-town developers and contrary to popular belief, he has lived there 50 years and he is not a developer; and there

are several things that have been going around that have created a lot of havoc.

Commissioner Zonka mentioned he will have a chance to come back up if there are more questions after the speakers.

Scott Dwyer stated he lives down the road from this property; across the board, the neighborhood itself does not feel like this is a good match for the neighborhood; it is mostly single-family homes; it is just that one little section towards A1A that has these condos; it is the only thoroughfare that goes from A1A to Riverside Drive in that area and having this many additional places, even if it is zoned for four, most of the places down there have only four units right now, except for the ones that are right on A1A; and this will be doubling that to put eight, doubling the traffic, whether it is foot traffic or regular traffic. He went on to say as far as the sewer, he does not know about all that; across the board, the whole neighborhood is pretty much against this; they have gotten emails and signatures; they have a concern that those properties that Mr. Steele was talking about to the west, has since been cleaned up quite a bit; there are still Australian Pines there but the place itself has been cleaned up for the most part; the County came in and enforced that; to the east there is a single-family home and then another empty lot; next to that there is another single-family home with a really older woman in it and she has a nurse there all the time, and he does not know how long she is going to make it; and the concern is once this goes, if it does, those others are going to be doing the same thing, and it turns into this condo row instead of a neighborhood.

Stephanie Kierstead stated she lives just about two blocks west of the property being discussed; her concern is that it is going to change the neighborhood quite a bit; she has grown up on Riverside Drive her whole entire life; lived there for over 20 years; nowhere else in that unincorporated area, that she knows of, has a condo on a side street that has more than eight units; the condo directly across from it has four units; and that is changing the structure of the neighborhood. She continued by saying there is also the fact that when people rush, those were his words not hers, in to buy a property, unfortunately, they come across problems that they did not know they had, such as the property to the west that has now been cleaned up and taken care of; it is now getting ready to be sold; the properties to the east are all single-family homes; there is nothing in that area that could suggest it could handle at least eight units; and this is talking about eight to 15, it is said that he could not do 15 on that structure now, but she asked what is to say that in the future, as this precedent changes, that things will not change. She added the concern is the fact that it is a neighborhood, it is not just a small neighborhood, it is also a community; when changing the structure to where it is having these possible condos being developed, now it is going to end up into a condo row and a condo HOA and things like that; she understands the need for moving forward and building, but not in her neighborhood and not in a smaller neighborhood, or community that has been like this for years and years; it is increasing the traffic, the foot traffic to the access on the beach, which has already been narrowed by the other condo that is now being built; it is like a .57 acre lot; talking about eight units, how is that going to go except straight up, then it is straight up next to single-family homes, and a four-unit across the street; it just does not seem plausible; the fact that it is going to affect the water, sewage, and other aspects within the community; there are children walking back and forth, when there is a larger population that is starting to move forward; and that is the community's concern. She noted it is just not feasible for this area; she would like someone to tell her about another area around there that has something like an eight-unit building that is on a side street.

Thomas Green stated he would echo everything that the other two speakers just said; he would add to Mr. Steele's point that bringing much needed growth to the area, that there is already a new hotel going in next to the Crown Plaza; there is also a hotel going in next to the Jungle Market, so there is a lot of growth there; with that growth comes added traffic; it is a

neighborhood of kids; and he also has a hard time believing that the developer of Stuart Terrace, back in the 60's ever intended the east side of the neighborhood to be multi-family condos. He went on to say he does not think it is fair that Mr. Steele should punish the neighborhood for what seems to be buyer's remorse, that he bought something, he was not sure what he was buying, and now he is trying to sell it at the expense of the people who still live in the neighborhood.

Mr. Steele stated he respects all of the people's comments; unfortunately, this has been in the Future Land Use Plan for two decades; if they wanted to do something about changing the Future Land Use Plan, he asked why they have not done it; he noted he is not being disparaging to anybody that is on that road, he wants to live on that road at some point in time, but there is multi-family in every direction; the whole neighborhood character is multi-family; the height limitation there is 35 feet, he cannot go higher than 35 feet, so there is not going to be any high-rise; he does not know where people are getting this information; and it is very simple to place eight townhouses on that lot. He added it would be a very easy thing to do and he would appreciate the Board's consideration. He mentioned the neighborhood is meant for multi-family; the Future Land Use Plan calls for multi-family; and he would ask the Board to please support this issue.

Commissioner Zonka asked with four units, is that what he would put if going with the septic route, but since he is going with the eight unit route, it would require sewer.

Mr. Steele concurred.

Commissioner Zonka noted she just wanted that information pieced together. She noted she thinks it is part of the Future Land Use; she knows it is not always what a neighborhood would want, however, she thinks it goes with the current surrounding neighborhood; she does not think eight units is monumental; she does not think that it is a high-rise; and she thinks the last speaker admitted that there are other things going on in and around the neighborhood such as hotels and another multi-family unit. She mentioned she does not think it is going to be obscene for the neighborhood at all; it is compatible, even looking at the staff report it shows compatibility; and she does not have an issue with it, so she will recommend approval.

There being no further comments or objections, the Board approved the request by Lori Ann Halbert for a change of zoning classification from RU-1-13 to RU-2-15 located in District 5.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.2. Brian and Dana Scholz (Stuart Buchanan) Request a Change of Zoning Classification from AU to RR-1 (22Z00064) (Tax Account 2004785)**

Chair Pritchett called for a public hearing on a request by Brian and Dana Scholz for a change of zoning classification from AU to RR-1, application 22Z00064.

Jeffrey Ball, Planning and Zoning Manager, stated Brian and Dana Scholz request a change of zoning classification from AU to RR-1; the application number is 22Z00064, tax account 2004785; and it is located in District 1.

Stuart Buchanan stated this is a very straightforward request so he will be extremely brief; and he will answer any questions that the Board might have. He went on to say if the Board has

their packet in front of them, there is an aerial; to look at the aerial real quick there is just a couple things he wants to point out; in the staff report, the total acreage is 3.91, so although they are asking to be rezoned to RR-1, they are actually going to be 1.3 acre lots; there is not

enough acreage to make one acre lots, so they will all be 1.3; the Future Land Use has been in place since 1989; and for the last 34 years this has been RES-1, both in the County's Comprehensive Plan and on file with the Regional Planning Council, and the State Planning Agency. He continued by saying the last two things he would like to point out is when these staff reports are prepared, they only look at the adjacent abutting properties, but looking at the aerial, one can see a number of quarter-acre lots that have been creeping down the street, to the west, moving to the east; by approving this rezoning the Board would be actually making it incredibly hard for those quarter-acre lots to go any further into this neighborhood; this would actually put a halt to that because it would be incredibly hard to skip over this and start doing quarter-acre lots again; and the roadway concurrency is at less than 24 percent, so there is no problem there. He noted this is not owned by a developer, it is owned by a retired couple; they are asking for RR-1, but the actual two additional lots will be 1.3 acres each; when this is all done, they will have to go through staff review for the subdivision of the land; and he would be happy to answer any questions.

Chair Pritchett advised she went through this with staff and it is compatible with Future Land Use which made it a little better; and she asked if there is sewer or water out there.

Mr. Buchanan advised there is not, but he wishes there was.

Chair Pritchett noted that makes this a little bit of a complication; this is always a hard thing in this area, increasing density, because of all of these issues that staff is dealing with; and she asked if they are wanting to subdivide it and sell it.

Mr. Buchanan advised they are adding two lots; they have already been contacted by a local Mims contractor who builds custom houses out there; and he is interested.

Chair Pritchett mentioned that is cool; her question is that this is kind of landlocked, which she has been having issues with as well; one of these in the back, and she is not sure, she asked if he plans to build a flag lot to get back there, with the subdivision.

Mr. Buchanan advised it will not be a flag lot, it will be a private drive and that does have to be approved by staff.

Chair Pritchett stated she probably felt a little warm and fuzzy about it until Mr. Buchanan started talking; and she advised she is comfortable approving it if the Board is.

There being no further comments or objections, the Board approved the request by Brian and Dana Scholz for a change of zoning classification from AU to RR-1 on a 3.91 acre parcel located in District 1.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.3. Norman Leigh Sherman, Jr., and Karen Denise Turowski Request a Small Scale Comprehensive Plan Amendment (22S.18) to Change the Future Land Use**

**Designation from AGRIC to RES 1 (22SS00014) (Tax Account 2002089)**

Chair Pritchett called for a public hearing on a request by Norman Leigh Sherman, Jr., and Karen Denise Turowski for a Small Scale Comprehensive Plan Amendment (22S.18) to change

the Future Land Use designation from AG to RES-1.

Jeffrey Ball, Planning and Zoning Manager, stated Norman Leigh Sherman Jr. and Karen Denise Turowski request a Small Scale Comprehensive Plan Amendment, 22S.18, to change the Future Land Use designation from Agricultural to RES-1; the application number is 22SS00014, tax account number 2002089; and it is located in District 1.

Chair Pritchett advised this is a good project; she asked if the Board is okay with tabling it until they can get the description of the property a little bit better; she noted she would be good with it when it comes back.

There being no comments or objections, the Board continued the request by Norman Leigh Sherman, Jr., and Karen Denise Turowski for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from AG to RES-1, until an appropriate description of the property is obtained.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.4. Jerry W. Solomon and Violet Shirley Solomon, Revocable Trust (Richard Bartley Spangler) Request a Change of Zoning Classification from BU-1 to BU-2 (22Z00065) (Tax Account 2102130)**

Chair Pritchett called for a public hearing on a request by Jerry W. Solomon and Violet Shirley Solomon Revocable Trust to change a zoning classification from BU-1 to BU-2.

Jeffrey Ball, Planning and Zoning Manager, stated Jerry W. Solomon and Violet Shirley Solomon Revocable Trust requests a change of zoning classification from BU-1 to BU-2; the application number is 22Z00065, tax account number 2102130; it is located in District 1; and the Planning and Zoning Board recommended approval of all BU-1 uses and the use of recreational vehicle (RV) and boat storage only as part of their recommendation.

Chair Pritchett advised she is comfortable with this if they are comfortable with the Binding Development Plan (BDP).

There being no comments or objections, the Board approved the request by Jerry W. Solomon and Violet Shirley Solomon Revocable Trust for a change of zoning classification from BU-1 to BU-2, with a BDP limiting to BU-1 uses and use of RV and boat storage only.

**Result:** Approved

**Mover:** John Tobia

**Second:** Kristine Zonka

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.5. Edita Realty (James McKnight) Requests a Change of Zoning Classification from**

**BU-1 to RU-2-10 (22Z00049) (Tax Accounts 2302548 & 2302549)**

Chair Pritchett called for a public hearing on a request by Edita Realty to change a zoning classification from BU-1 to RU-2-10.

Jeffrey Ball, Planning and Zoning Manager, stated Edita Realty requests a change of zoning classification from BU-1 to RU-2-10; the application number is 22Z00049 and the tax account numbers are 2302548 and 2302549; and it is also located in District 1.

Julie Benson stated she lives just a couple of houses from where these duplexes are potentially being put in and there is no multi-family use there in Port St. John; to the best of her knowledge there is none anywhere in Port St. John except maybe across U.S. 1; right in the immediate area that is all single-family and commercial; this is property that is right on a corner; there is already a lot of traffic that goes flying around that corner; there are children that play in the road there; and somebody is going to eventually end up being hurt. She mentioned she has a home that is 1,350 square feet on a quarter-acre lot; both of these are much smaller lots and they are putting in twice as much living space, plus all the additional vehicles that will be involved, plus children that will no doubt be there; those children will have no place to play except for in the road; she does not know if the Board takes this stuff into consideration or not; she has been to the Port St. John Library meeting and it is like they listen to the people but they just throw it right out the window; and the same thing with Planning and Zoning, they listen then they throw it right out the window and do whatever the developer wants to do and the heck with the people who actually live there and what they want done. She advised there are a lot of elderly people in the neighborhood that walk that road; there are children that are playing and parents that are walking their kids, and kids with bikes; she commented it is just going to be horrendous if this property is allowed to go in there; that area of Manth Avenue is the only area that is a cut-through to Publix, therefore, it is already full of traffic because so many of the properties to the west have all those speed bumps, so everyone cuts through that little area there; this is going to do nothing but add more traffic to the area that is already there; it is going to do nothing but make people's property values go down; and there are people on that street that have worked their whole lives in order to build the home that they wanted, and that they intended for that to be their home for the rest of their lives. She added they are thinking about possibly selling, some of the best neighbors in the world, but just because of this they are thinking of selling their properties, and to her that is insane. She reiterated there is no multi-use family there; it has not been set up for multi-use family; and she does not know why on earth the Board would approve for it to be multi-use family.

Chair Pritchett stated that right now it is zoned for business and they could have all kinds of businesses going in.

Ms. Benson responded she understands that.

Chair Pritchett continued by saying with this zoning it is actually lowering the density and making it actually a better fit for neighbors close by.

Ms. Benson noted that is what the Board says.

Chair Pritchett noted legally that is what they are allowed to do, so this is actually kinder to the residential to change to this.

Ms. Benson commented they would rather have commercial there.

Chair Pritchett commented Ms. Benson just blew her whole argument right out the window.



Ms. Benson responded no, they feel the commercial would only be there eight hours a day for the most part.

Chair Pritchett commented not necessarily.

Ms. Benson responded she understands that.

Chair Pritchett stated she got Ms. Benson's point; the Board does not just willy-nilly do this, they spend hours on this; they research, they get with staff, and they look over other zonings because the outcome of this is to cause no harm, or the least amount of harm to people; and she advised she is still going to support it.

Commissioner Goodson asked if he was going up north U.S. 1 and Publix is on the left, Kings Highway is further up and there is the parts store and a new Dollar General, where is her street located.

Ms. Benson advised her street is parallel with U.S. 1; if he were to turn to the left by Publix on Palm Street and then to the right on Manth Avenue; and she mentioned the actual area that is being discussed is right at the end of Manth Avenue, before it curves into Avon Street, it is those two lots right there on the corner.

Commissioner Goodson stated when he looked it up he thought so.

Commissioner Zonka stated she thinks Chair Pritchett said it pretty clearly, this is less density, less traffic than a couple residential units, and definitely less traffic than if there was a commercial business there; and to say the kids play in the streets, she would recommend to not allow the children to play in the streets, especially in an area that is zoned commercial.

Chair Pritchett stated she thinks it is kindness to do it as residential.

There being no further comments or objections, the Board approved the request by Edita Realty to change the zoning classification from BU-1 to RU-2-10.

**Result:** Approved

**Mover:** John Tobia

**Seconder:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

#### **K. PUBLIC COMMENTS**

Jalaine Spears stated she lives near Manth Street; at the meeting in February the Port St. John special district board recommended approval to RU-1-7 residential if the applicant wanted to go that way; she is asking the Board to go look at that, and to do the research; that street curves, those lots are very small, and to put multiple families in there, there is going to be no space for children to play in the backyard, it will be full of the tenants cars; this Board has no idea what it is doing to the neighborhood; it is a very small community; and there are no multi-family homes in there. She mentioned the Board keeps talking about Dollar General, O'Reilly's, and the pediatric doctor, but those all face out on U.S. 1 and Kings Highway; Avon Street is an interior road and there is not enough room to put four families in on those lots; they are going to be using the Dollar General store to park their vehicles; and she does not know how the Board can do this with a good conscience. She asked if the Board really researched how small those lots are; she mentioned she has seen two accidents there of people getting run over, there are

going to be sewage issues from all these businesses going in there; that community was not meant to hold as many residents as there are now; Commissioner Pritchett had to help her with her sewer issue a few years back; and she does not know if Chair Pritchett remembers that, but it was because the sewer was too small, it is not being maintained because there is not enough help, and they have done nothing to upgrade the sewers. She noted to add this many people, it is just going to make it really bad; at the last meeting Commissioner Goodson stated how poor the design was on those houses, but yet it is going to allow them to go into a neighborhood that is all single-family homes, shame on the Board; it is out for the builders; and she wonders how much kick-back the Board is getting from them.

Mike Dillon stated this is a terrible idea; the only person that is going to benefit is the greedy; they are going to come into this neighborhood and build tiny houses, devalue the other properties, and leave; they are not going to build them in their own neighborhoods; that is why if anything is done on those lots, it either needs to be one house per lot or make it commercial, that will keep the valuation on their homes; and he is going to lose \$80,000 to \$100,000 on his own valuation. He went on to say if he had known 15 years ago that they were going to change the zoning, he would have never done that; the crime is going to go up, it may not be major crime, but he is going to have to start guarding his mailbox, guarding his gas cap, the boat gas cap; this is really aggravating and it makes no sense; the whole thing has been concocted; this is his third meeting; and he has never been so humiliated and disrespected in his whole life, and it is from his own local government.

Chair Pritchett asked if someone has disrespected him, and who that was.

Mr. Dillon stated they come in there and pour their hearts out to the Board.

Chair Pritchett asked if the Board is not agreeing with the people, that it is disrespecting them.

Mr. Dillon responded yes, absolutely. He commented the Board is either with them or not; he commented this has probably been approved for months; he does not know what to say; this whole thing stinks, and it stinks very badly; he is very upset over this; he already feels like he is living in communist Florida; and he is losing rights by the day.

Commissioner Tobia stated he looked through the packet and Mr. Dillon mentioned he would lose \$80,000 to \$100,000 on his property.

Mr. Dillon replied affirmatively, and stated that 20 to 25 percent of his value is going to be gone but if the Board keeps it commercial it will stay.

Commissioner Tobia asked if Mr. Dillon got a real estate appraiser or if he is a real estate appraiser.

Mr. Dillon commented he is five doors down from where they are going to put tiny houses.

Commissioner Tobia interjected to advise that the Board has to go with expert testimony.

Mr. Dillon continued to say the houses are smaller than two certain trailers.

Commissioner Tobia reiterated he has to go with expert testimony.

Mr. Dillon noted he is no expert.

Commissioner Tobia stated that is all he needed to hear.

Mr. Dillon continued on to say he is just a common-sense kind of guy, and the Board should be too; and he noted this is going way over his head.

Commissioner Zonka noted she thinks Commissioner Tobia asked her question first; Mr. Dillon talked about losing value, and she would be very concerned about a property value going down \$80,000 to \$100,000; she would have definitely contacted a realtor and had somebody say this is what is going to happen to his property; the Board has a balance and she thinks, residential, and she has been down there but not for this item, but she has been in that area, and she wants him to know he has more to benefit from residential than he has from commercial.

Mr. Dillon noted he disagrees.

Commissioner Zonka commented he can disagree with her, but everyone comes up and gives their own opinion and says the Board is full of bad people for doing this, however, the person who has this property has property rights as well; she thinks they are doing this community a favor by reducing the density of what is going to go there; it is okay that Mr. Dillon thinks a little differently; but she is saddened a little by the fact that he assumes that just because they are smaller homes, that it is going to bring all this crime to his neighborhood.

Mr. Dillon responded it will.

Commissioner Zonka stated that is a pretty strong statement.

Mr. Dillon noted it will.

Commissioner Zonka stated again that is without proof and the Board can only go off of the evidence.

Mr. Dillon asked how he is supposed to prove what is coming, how can anyone.

Commissioner Zonka noted he makes some pretty bold statements about what he thinks is coming and he has no proof of that or evidence other than his own opinion; she thinks everybody has property rights; and she thinks this is actually more compatible with the neighborhood.

Mr. Dillon stated go ahead and do the vote and make it unanimous.

Chair Pritchett noted the Board already did; she hates that they are all living in fear of this; right now there is a dog grooming place close by; they could place all kinds of things on the corner of this; there is a Walgreens and a Publix close to this; this could really be almost any huge business; when she saw residential changing over from a business, she thought it was actually better for the neighborhood, and it is; actually all these people live within five houses of a business anyway, so some of the arguments were kind of lost with her when someone stated she was taking kickbacks; and she does not even know this guy. She mentioned she hopes the people get comfortable with this and end up with wonderful neighbors.

#### **J.1. Letter of Support to Malta Inc. for its Proposed Bluefin Energy Storage Project**

Chair Pritchett stated the County Manager, Frank Abbate, went to a meeting with her.

Commissioner Feltner stated this says zero emissions, and he asked if that is solar; and he mentioned he knows that sight and he thinks any change would be good, but he did not read that in the letter.

Chair Pritchett stated she thinks they are putting in some type of storage to store a lot of solar; they explained it is separating the heat from the cold; it was way above her pay grade; and she asked if Mr. Abbate had some ability to have an intelligent conversation, better than what her understanding is.

Mr. Abbate stated this is property owned by Orlando Utility Company (OUC); the property has not been utilized for a number of years; they are looking through an ancillary partnership, looking for some grant opportunities that are out there to do a long duration energy storage; that is typically done through either solar, wind or some natural gas; in this particular case, what they are going to use is their existing transmission lines from various solar locations throughout the State in different areas; they will bring that different energy power over to the site here, if they receive the grant, and build the facility as they are planning to do; and then they will place that electricity into the OUC grid. He continued by saying what they are actually going to be doing then at this point, is they will be leaving some substation that is for combustion, turbine substations, there on the site now; there is a big building and two big stacks that will come down; what they are looking for here is a letter from the Board to support this project; what they have told him is it would be about 250 high-paying jobs during the period of construction for 18 months and then about 50 jobs to maintain the facility over time; and that is what this is about.

Chair Pritchett thanked Mr. Abbate; she stated she knew he would do that impressively; this area has been really ugly up in her area for a very long time; she gets a lot of calls from newspapers asking if there is anything going on; Mr. Sirois actually provoked this and got them moving on it with some grant funds; and if the Board would approve it, she would greatly appreciate it.

The Board of County Commissioners, in regular session on March 2, 2023, approved and authorized the Chair to sign the letter addressed to Benjamin Bollinger, PhD, Vice President of Strategic Initiatives with Malta Inc.

**Result:** Approved

**Mover:** Rob Feltner

**Seconder:** Kristine Zonka

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

#### **L.4 John Tobia, Commissioner District 3, Re: Board Report**

Commissioner Tobia stated the reason he is asking this is because he knows it takes a great deal of time for research as well as the County Attorney for drafting legislation, so he is just asking if the Board is in favor of this conceptually and if it is great, he will move forward, and if not, it saves the County Attorney, as well as his office, quite a bit of time; on Monday, February 27 at the Brevard Zoo, an event was held for Chairman Randy Fine; Chairman Fine is a champion for the zoo, having brought in more than \$1.5 million State dollars with millions of dollars in requests for the aquarium; in light of Monday's events, the Brevard Zoo is reconsidering the zoo policy on event rentals and whether or not political events can be held there; he has an issue with this; for-profit businesses have the luxury of turning away revenue, but it is hard for him to understand how a zoo would turn away revenue and then come to the County for money; and as an entity that receives money from this government, he does not think that they should prohibit political figures from renting their spaces, as long as they remain equitable regardless of party. He added to solve this issue he would suggest a proposal requiring a condition of accepting the Tourist Development Tax (TDT) resources; to provide an idea, since 2006 the zoo has accepted a little over \$7.5 million; the basic policy would be decisions on renting spaces must be content neutral with the exception of hate speech, race

related or otherwise, and speech that incites violence; and just to be clear this proposal is not self-serving, as he has no plans to hold any event at the zoo. He continued by saying first, he is not a fan of animals; secondly, he cannot afford the rental costs that Chairman Fine paid; what he is asking the Board is, as appropriators of money that goes to the zoo, if it is in favor of putting, not restrictions, but conditions on the money that it provides to the zoo.

Commissioner Zonka stated since this is something she has not actually researched, she just happens to know somebody on the zoo board and she knows they plan on discussing it, but she does not know that they are looking at changing their policy; she is wondering if this is getting ahead of a problem that does not exist; she knows there was some controversy and a lot of social media drama, and things like that; she just wants to make sure the Board is not jumping ahead of a problem that is not there; it may have been somebody who requested the discussion, but she does not know that it was Mr. Winsten, the director of the zoo; it is up to the Board, but why get ahead of a problem that does not quite exist at this time; however, if it becomes a problem she does not think the zoo should, but she also does not want to tell a non-profit how to run their business. She commented she does not personally think they should restrict events for anybody; if someone rents the room they should not have a say in it; sponsoring is of course, a different story; and she is interested to see what the Board has to say.

Commissioner Goodson stated he hears both sides of it and can see both sides of it; at the same token, he would agree with Commissioner Tobia; if the Board is going to give money to the zoo, but yet the zoo takes the County's money and restricts people with this area of expertise; and he asked out of curiosity what the zoo charged Randy Fine.

Commissioner Tobia advised he spoke with Chairman Fine and he said it was between \$4,000 and \$5,000 inclusive of catering; and he reiterated it is out of his price range.

Commissioner Goodson commented he can understand that; and he thinks with \$4,000 or \$5,000, this Board needs to at least discuss what its thoughts are on that kind of money because that is pretty ritzy.

Commissioner Feltner asked if Commissioner Tobia is making a motion tonight to do something, or if he just wants to bring this back.

Commissioner Tobia replied he got mad at Chair Pritchett ages ago when he asked all sorts of stuff of the County Attorney and some of the stuff did not make it through; her opinion was very wise counsel so he is taking that into consideration now; if the Board indicates it is not interested in going this direction, he will drop it here; the definition of content neutral and conditions of finances is pretty complicated stuff; if the Board was not interested in going in this direction he would drop it here and save not only his staff, but certainly the County Attorney's staff from drafting that and bringing it forward; he is not asking for the Board to vote for anything, but if this is something that is in the realm of possibility that the Board would like to see formally done, he would move forward with that; however, if the Board is not interested in going forward, this is the last time they will hear it.

Chair Pritchett stated she would like to hear what the zoo would like to do with their board; she would hate to get into micro-managing every entity in the County; she thinks as long as they are not breaking the law and if they have a reason for doing certain policy changes, that would be interesting; they certainly cannot avoid the paper if they do something that is not appropriate anyway; she thinks, right now, it is a hot topic and it might be a little bit of a knee-jerk reaction; she thinks she would rather sit back as Commissioner Zonka mentioned and see what they end up with in their discussions and see if the Board wants to have an opinion with money; but as of

right now, she thinks the zoo has been doing a good job and she does not want to start micro-managing all their business.

Commissioner Zonka stated she thinks Commissioner Tobia really does bring up a valid point; it they are a receiver of tax dollars, they should treat everybody fairly and not bow down to somebody just because they disagree with another's opinion, or majority opinion; she does not know if the Board is getting ahead of a problem that does not quite exist; she does not know if putting staff through the motions of putting everything together if it is not something the Board needs to worry about; she would hate to put staff through it; if they come out with a policy that does restrict, she would be in support of revisiting this; and she reiterated she would just hate to put staff through all the work if they do not need to.

Commissioner Goodson stated the only thing that concerns him about this whole issue is it was the zoo last week, next week it could be Burton Smith Park and somebody may not like a campaign out there, so people better get prepared because in this world today, no one knows what is coming down.

Commissioner Feltner stated he agrees with Commissioner Zonka that he would rather wait until the zoo actually changes something; he understands what they said to the paper, but he does not think they adopted any change yet; he has been to a lot of events out there, investitures and all sorts of things, and that is the first time he has ever seen protesters for an event at the zoo; maybe the zoo will reconsider and the Board will see what they do; he does not think they have done anything yet; and he would rather wait until then. He noted Commissioner Goodson's point is well taken; there are a lot of parks and people can rent a park for all sorts of events; he does not know if the Board wants to be in the business of having to decide every event, but certainly he thinks the zoo will go through the process and figure it out; and the Board will see what they do.

Chair Pritchett stated she agrees with Commissioner Feltner, government should never hinder freedom of speech; and on that note, she does not want to hinder the zoo board coming together and talking about it either.

Commissioner Zonka advised that was going to be her next point; she thinks Mr. Winsten is one of her most favorite people in the County but he is not the board, and the board has not met yet to discuss this; she thinks that him speaking on the issue may be because he has heard some grumblings from potential board members, she does not know; she has not talked to him about it herself; she thinks this Board should address it if it comes; and she thinks by the Board discussing it, word is going to get out pretty quickly how the Board's position is on free speech, and who should or should not be allowed to rent those facilities if they are going to receive tax dollars.

Commissioner Feltner asked if the language would be crafted so it is any entity that receives money from the Tourist Development Council (TDC) or TDT.

Commissioner Tobia mentioned that would be one of the parts of looking into it, but it would be unique to the zoo board taking this action; Commissioner Zonka brought up a very good point, they are probably hearing what the Board is having to say and though it has not made a decision, clearly it is watching one way or another; he was going to ask for a letter, but he thinks they can probably hear it just as easily; as long as the Board does not mind him going back on what he said, if he held back a couple weeks to hear what they have to say and the Board can make a decision after; and if he can reserve the right to bring it up again, he will not ask the County Attorney to do any more drafting or work on this until the Board gets a little bit more information out of the zoo.

Commissioner Feltner replied he thinks that is fair.

Chair Pritchett mentioned Commissioner Feltner brought up a good point; it might be as far as expanding the scope and make it that anybody who receives grant funds from the government cannot pick and choose on any kind of issues like that; and she noted she would support that, as the Board always keeps the freedom of speech element in everything it does.

Commissioner Tobia stated yesterday three of the five Port Commissioners voted to give Captain Murray a \$51,000 annual salary; he noted he read that wrong, a \$51,000 annual raise; they just gave him a 36 percent increase in December of 2021; this man will now make \$561,000; instead of saying disparaging remarks about the three commissioners who are off their rocker when they voted for this increase, he would like to say thank you to the former Fritz VanVolkenberg and the wonderful Admiral Wayne Justice for using common sense when dictating how much an individual should make; if the Captain had any class whatsoever, he would reject the raise and give the money back to the employees, the hundreds of employees that he has laid off; it is absolutely disgusting and he thanks the Florida TODAY for putting that out there in the paper, because people should know just how terrible three of the five Commissioners out there are that voted to increase \$561,000; and this is absolutely insane. He added he hopes Commissioner Zonka will do well, she will not do anywhere near this; he may ask the Governor for the Captain; he understands he can get a captain in box, he looked it up, and go run the Port; and he apologized but he thinks \$561,000 is absolutely ridiculous. He commented he is not asking anything of the Board, other than when going to the Port, to not park there, to take an Uber down there; and he does not care if it cost people more money, they can call him and he will drive people down to the Port so that the parking money does not end up in that man's pocket.

Commissioner Goodson stated Commissioner Tobia did wonderful; he did not bring up Richard Corcoran and he is pleased with that; he did not bring up the other people who seem to be paid more than they are worth in this world; and he did not vote for the gentleman so Commissioner Tobia needs to get him off the stool.

Commissioner Feltner stated for his two friends who were in the legislature, he thinks that sounds like the subject of a bill.


Chair Pritchett asked if it could be.

Commissioner Zonka stated the Board is going to end up losing Frank to the Port because he probably works a lot more hours and a lot harder; and that is crazy money.


Chair Pritchett stated she is thinking about who is going to pay for all this, all these dollars that are being thrown around these days.

Upon consensus of the Board, the meeting adjourned at 6:01p.m.

ATTEST:



RACHEL M. SADOFF, CLERK



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

As approved by Board April 4, 2023