

August 5, 2021

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, August 5, 2021

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:07 PM

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

Absent: Commissioner District 3 John Tobia

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.

B. PLEDGE OF ALLEGIANCE

Commissioner Lober led the assembly in the Pledge of Allegiance.

G. PUBLIC COMMENTS

Kevin Panik stated he has been a Brevard County resident since 1976; he is in attendance, as can be seen on the chart, he comes every year and there are images of himself, and the action is for routine moving over the roadside litter; it is the fifth anniversary going into year six; where he left off last year was to ask the Board to study the problem, and not to try to solve the problem, and the Board's action was no action at all; and he asked why there was no Board action, and stated he thinks it is pretty clear from the comments recorded in 2019, that he is the only one with a problem. He continued by saying going back to the technical content of the requested action was to assign County staff, or Keep Brevard Beautiful (KBB) to make 66 phone calls, record the answer to the phone calls, essentially it is to all the other counties in the State because it has to be determined whether this is a State problem or County problem, and this is how to find out; specific technical Content and schedule is to compile the data, place it on the website within 90 days of today's date, and ask does this action meet general project

management principles for a true action; is there an assignee, yes, KBB or County staff, technical content documented, yes, and is the due date and presentation method documented, yes; and the answer is yes, Brevard County does mow over roadside litter as a standard course of business. He went on to say please begin to study, it only takes one Commissioner; the act now button is interesting and he would like to read a prepared statement that he has; and he read, "With my remaining time I would like to pose a rhetorical question based on two salient points. Let me pose the question first, is it best for the citizens being governed or for the governing body. Again, is it in the best interest of the citizen or those governing the citizens. Point number one, my asking for action now at the end of my presentation today cannot be satisfied, why, process procedure. As we know when we read the Agenda, with the exception of emergency items the Board will take no action under the public comment section, but can refer the matter to another meeting." He continued on to say, "In the best interest of the citizen or the Board. Point number two, prior to 2019, a citizen with proper lead time and County Administrative..."

Chair Pritchett stated his time is up and he can continue to call the Board Members offices like he does.

Sandra Sullivan stated from a zoning perspective, she has been reading comprehensive plans and has learned that in the interest of inter-government aspects that this is detailed as far as zoning issues go; in unincorporated there is a zoning issue that impacts the life and safety of the residents in the unincorporated; she further learned that the issue with evacuation is further compounded in that if a storm comes with rain in advance of the storm, and the west side is flooded, that was part of the concern that it would exasperate the evacuation issue in getting everybody safely off the barrier island, which is at a critical deficiency for evacuation; the zoning on the property across the street from the Hightower conservation lands, which are State and Federally designated conservation lands, is exceeding the zoning that it has at five units per acre; there is no TDR, per records request there is no document giving that said developer more than the density intensity that is being developed; and she is requesting from the County, based on those inter-government specifications that are in the comprehensive plan, that staff work with the City and to protect the lives of the people who live in unincorporated and the other residents beachside, so there is not a situation like surfside, where people die and then there are litigations against the entities who did not take action, based on the very well documented deficiency for evacuation. She continued by saying the Air Force also plays a part because, although the Pelican Coast Concept Plan expired after seven years, she wants to bring it to the Board's attention that the developer has put in his application to St. Johns River Water Management District (SJRWMD) now that they intend to use the outfall, which goes to the beach on that preserve which the County documents indicate that was out near the end of service 20 years ago; Florida Department of Transportation (FDOT) indicates may be collapsed and may have to dig up the conservation lands to put in a new one; and that is another issue in that it is not permissible under EPA and other regulations. She asked that the County take appropriate action to protect the lives beachside.

Chair Pritchett stated the Board is about to move into Public Hearings and she would like to remind everyone to address the Chair and not to ask individuals questions; the Board members will take notes and if there is something that one of them can answer at the end, he or she will try to do so; she also asked that no one be personal with anything, the Board is going to stick to County business; and she asked that everyone keep their comments directed towards the business of the evening.

H. PUBLIC HEARINGS

Commissioner Lober stated he wanted to highlight real briefly on the disclosure list, there is a slight addition to what he had most recently provide the Clerk's Office prior to this meeting; and he added if anyone on the Item wants him to go through, he will happily go through every disclosure, but the Item he added was a final bullet point referencing today, just indicating that he spoke with the applicant here prior to the meeting.

Chair Pritchett advised she emails all of hers to the County and everyone else has done the same.

Commissioner Zonka advised usually there is an abundance, but the only one she can find through email is for Item H.9. and it was an email from Robin Sylvia who had a lot of questions, and she believes the Commissioner for District 2 responded; and she noted her office did not respond because it was not directed toward her staff.

Commissioner Smith stated his office just received it just before he came down and he has not read it yet.

Chair Pritchett inquired if the Board Members have to resubmit those or if the County Attorney already has those for public record.

Abigail Jorandby, Assistant County Attorney, responded they already have the emails and they are submitted before the meeting.

Chair Pritchett inquired that if they are already public, if the Board has to resubmit emails.

Attorney Jorandby commented she thought they already uploaded them to a website so they already have those.

Chair Pritchett responded that is what she thought; and her office does not typically do that because they are already in the pot.

Commissioner Lober mentioned he just wants to understand, and he knows it can be read a couple different ways; and he asked if she means the email the Board receives or the Board emails indicating the disclosures.

Chair Pritchett commented she thinks when the Board Members receive emails she thinks they automatically become public record.

Attorney Jorandby responded affirmatively.

Chair Pritchett explained so she has not sent them up; and she was just double checking.

Attorney Jorandby stated she has made the disclosure and she has submitted so that is fine.

Chair Pritchett noted any conversations they have, they always do.

H.1. CBH Properties Melbourne, LLC (Bruce Moia) Requests a Change of Zoning Classification from BU-1, with an Existing BDP, to BU-2 and an Amendment to the Existing BDP (21Z00012) (Tax Account 3022324)

Chair Pritchett called for public hearing on a request by CBH Properties Melbourne, LLC, for a change of zoning classification from BU-1, with an existing Binding Development Plan (BDP), to BU-2 and an amendment to the existing BDP.

George Ritchie, Planning and Development Planner, advised Item H.1. is CBH Properties Melbourne, LLC, represented by Bruce Moia; they are requesting a change of zoning classification from BU-1, with an existing BDP, to BU-2 with an amendment to the existing BDP; it is Zoning Item 21Z00012, tax account number 3022324; and it is located in District 4.

Bruce Moia stated he has a presentation, but hopefully the Item is clear; it is a very small request to just modify and add a BDP because there is a part of their service that they do, where they like to replace, not repair, engines and transmissions very simply which is not allowed in BU-1; therefore they added the BDP to be just very specific, that is all they want to do; this is a nationwide company; and they do this at all of their locations. He continued by saying they found that this was a snafu in the zoning and they are asking for that little bit of a correction; he does not want to drag it out; but if there are any questions he is there and the company's representative is in attendance as well.

There being no further comments or objections, the Board approved the change in zoning classification from BU-1 to BU-2 with an amendment to the existing BDP.

Result: Approved

Mover: Curt Smith

Secunder: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

H.2. Joshua E. Motta and Virginia L. Rymer Request a Change of Zoning Classification from GU to AU (21Z00017) (Tax Account 2314015)

Chair Pritchett called for public hearing on a request by Joshua E. Motta and Virginia L. Rymer for a change in zoning classification for GU to AU.

George Ritchie, Planning and Development Planner, stated Item H.2. is Joshua E. Motta and Virginia L. Rymer requesting a change in zoning classification from GU to AU zoning; the Zoning Action number is 21Z00017, tax account number 2314015; and this is located in District 1.

Chair Pritchett advised she is good with it.

There being no further comments or questions, the Board approved the request by Joshua E. Motts and Virginia L. Rymer for a change in zoning classification from GU to AU.

Result: Approved
Mover: Bryan Lober
Seconder: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka
Absent: Tobia

H.3. Schwab Construction Group, Inc. (Daniel Lee Schwab) Requests a Change of Zoning Classification from BU-1 to RU-2-15 (21Z00015) (Tax Account 2426535)

Chair Pritchett called for public hearing on a request by Schwab Construction Group for a change of zoning classification from BU-1 to RU-2-15.

George Ritchie, Planning and Development Planner, stated Item H.3. is Schwab Construction Group, Inc., represented by Daniel Lee Schwab, requests a change of zoning classification from BU-1 to RU-2-15; it is zoning item 21Z00015; tax account number is 2426535; and it is located in District 2.

There being no further comments or objections, the Board approved the request by Schwab Construction Group, Inc. for change in zoning classification from BU-1 to RU-2-15.

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

H.4. Gary E. and Joanna L. Mills Request a Change of Zoning Classification from AU To RR-1. (21Z00013) (Tax Account 2001899)

Chair Pritchett called for public hearing on a request from Gary E. and Joanna L. Mills for a change of zoning classification from AU to RR-1.

George Ritchie, Planning and Development Planner, stated Gary E. and Joanna L. Mills request a change of zoning classification from AU to RR-1 zoning; the Item number is 21Z00013; it is tax account number 2001899; and it is located in District 1.

There being no further comments or objections, the Board approved the change of zoning classification form AU to RR-1 requested by Gary E. and Joanna L. Mills.

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

H.5. 4090 Aurora Pines, LLC (Bruce Moia) Requests a Small Scale Comprehensive Plan Amendment to Change the Future Land Use Designation from RES 4 to RES 6 (21PZ00030) (Tax Account 2702879)

Chair Pritchett called for public hearing on a request by 4090 Aurora Pines, LLC for a Small

Scale Comprehensive Plan Amendment to change the future land use designation from RES 4 to RES 6.

George Richie, Planning and Development Planner, stated Item H.5. and H.6. are companion applications; Item H.5. is for land use application, 4090 Aurora Pines, LLC represented by Bruce Moia requesting a Small Scale Comprehensive Plan Amendment to change the future land use designation from RES 4 to RES 6; it is zoning number 21PZ00030, tax account number 2702879, located in District 5; H.6., is the zoning companion for 4090 Aurora Pines, LLC, requesting a change in zoning from TR-3 to TR-1-A; the zoning number is 21Z00016, tax account number 2702879; and it is located in District 5.

Commissioner Zonka inquired if there needs to be separate motions.

Abigail Jorandby, Assistant County Attorney, responded separate motions, one for the Small Scale and one for the rezoning.

Commissioner Zonka stated she has no issue with it and she does not have any comments or emails from it.

Chair Pritchett asked if the motion is with the waiver.

Tad Calkins responded he wants to make sure the waiver is included in the motion.

There being no further comments or objections, the Board adopted Ordinance No. 21-17, setting forth the fourth Small Scale Plan Amendment of 2021, 21S.04, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI, entitled The Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date; changing future land use designation from RES 4 to RES 6 with inclusion of the applicants waiver.

Result: Adopted

Mover: Kristine Zonka

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

H.6. 4090 Aurora Pines, LLC (Bruce Moia) Requests a Change of Zoning Classification from TR-3 to TR-1-A (21Z00016) (Tax Account 2702879)

Chair Pritchett called for public hearing on a request by 4090 Aurora Pines, LLC, for a change of zoning classification from TR-3 to TR-1-A.

There being no further comments or objections, the Board approved a request by 4090 Aurora Pines, LLC, for a change of zoning classification from TR-3 to TR-1-A.

Result: Approved
Mover: Kristine Zonka
Second: Bryan Lober
Ayes: Pritchett, Lober, Smith, and Zonka
Absent: Tobia

H.7. Timothy and Diane Lystlund Request a Small Scale Comprehensive Plan Amendment (21S.03) to Change the Future Land Use Designation from RES 1 to RES 2 (21PZ00026) (Tax Account 30009665)

Chair Pritchett called for public hearing on a request by Timothy and Diane Lystlund for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 2.

George Ritchie, Planning and Development Planner, stated this is a land use amendment; this is Timothy and Diane Lystlund requesting a Small Scale Comprehensive Plan Amendment (21S.03) to change the future land use designation from RES 1 to RES 2; it is zoning action number 21PZ00026; the tax account number is 3009665; and Item H.8., is a request for zoning classification from RU-1-7 to SR zoning, with zoning action number 21Z00014, and tax account number 3009665.

Chair Pritchett asked if Mr. Lystlund was in attendance; she briefed staff earlier and Commissioner Tobia is not in attendance; staff advises that if Mr. Lystlund is willing to sign the waiver, it would be possible to approve it; but if he is not, they are asking the Board to table it.

Timothy Lystlund stated the conversation he had with the State about this matter and Brevard County not being in compliance with the new law, he is going to table it because no one can answer the question.

Commissioner Lober interjected for a motion to table.

Mr. Lystlund continued by saying if he is in the middle of building his house and the State says he has to stop, then he has a mess; therefore, he wants to table it until November; November 4 is the meeting where Brevard County will be compliant with the State; and then he will not have anything to worry about.

There being no further comments or objections, the Board tabled the request by Timothy and Diane Lystlund for a Small Scale Comprehensive Plan Amendment to change the future land use from RES 1 to RES 2, until the November 4, Zoning meeting.

Result: Continued
Mover: Bryan Lober
Second: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka
Absent: Tobia

H.8. Timothy and Diane Lystlund Request a Change of Zoning Classification from RU-1-7 to SR (21Z00014) (Tax Account 3009665)

Chair Pritchett called for public hearing on a request by Timothy and Diane Lystlund for a change of zoning classification from RU-1-7 to SR.

There being no further comments or objections, the Board tabled the request for change of

zoning classification from RU-1-7 to SR, to the November 4, Zoning meeting.

Result: Continued

Mover: Bryan Lober

Seconded: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

H.9. 395 East, LLC (Alex Berkovich) Requests a Change of Zoning Classification from SEU to EU (21Z00018) (Tax Account 2511450)

Chair Pritchett called for public hearing on a request by 395 East, LLC for a change of zoning classification from SEU to EU.

George Ritchie, Planning and Development Planner, stated this is 395 East, LLC, represented by Alex Berkovich, requesting a change of zoning classification from SEU to EU; the zoning number is 21Z00018, tax account number is 2511450; and this is located on District 2.

Chair Pritchett advised she has five cards on this Item.

Commissioner Lober asked Chair Pritchett to give him about 30 seconds, he is going to try to pull up an email that has the exact Binding Development Plan (BDP) conditions that were discussed; he thinks if he can get them on the front end before they start the applicant's time and just get them on the record indicating he is aware of the BDP conditions and that he has agreed to them; he can have his time; and hopefully he will discuss the differences between what this was.

Chair Pritchett asked if that is new data in the BDP.

Commissioner Lober advised it may be new to the Board, but it is not new to Mr. Berkovich.

Chair Pritchett asked if the Board has the data for the BDP.

Commissioner Lober commented staff should have it as well.

Tad Calkins, Planning and Development Director, stated at the Planning and Zoning meeting they approved it subject to some conditions that Mr. Berkovich agreed to; and what he believes Commissioner Lober is looking for is the most specific language that he may have agreed to with the applicant or the application from him.

Commissioner Lober advised he has it. He stated he is going to read straight from the email that he sent him so that everyone is on the same page; and he asked that the Chair not start Mr. Berkovich's time yet. He went on to say the BDP conditions that were proposed from his office to Mr. Berkovich were, there shall be a maximum of four single-family homes, no guest houses shall be permitted, no home or portion thereof shall exceed 35 feet in total height, the fourth is all homes must connect to sewer if available at the time of permitting, or if sewer is unavailable at the time of permitting, all homes must be plumbed to advance septic systems providing no less than 65 percent nitrogen removal which is standard percentage for high efficiency or advanced septic systems, ingress or egress by way of Curry Dell Lane shall be expressly prohibited, and ingress and egress must be provided by direct connection of a newly constructed driveway to both South Tropical Trail and South Courtenay Parkway; and he just

wants Mr. Berkovich on the record saying he understands and is amenable to them, he thinks that will do a lot to assuage the concerns of those who put in cards.

Alex Berkovich noted he agrees with the conditions that Planning and Zoning discussed at the meeting last month.

Commissioner Lober stated he knows there might be a difference in verbiage, and he asked if Mr. Berkovich is good with what he just read.

Mr. Berkovich responded affirmatively.

Chair Pritchett asked Commissioner Lober to repeat the conditions; the first one was four lot subdivision; and she asked him to start with number two.

Commissioner Lober stated maximum of four single-family homes; the second is no guest houses shall be permitted; the third is no home or portion thereof shall exceed 35 feet in total height; the fourth is all must connect the sewer if it is available at the time of permitting, if it is not available, the alternative is that all homes have to be plumbed to advanced septic systems that provide no less than 65 percent nitrogen removal which is County standard; the fifth is ingress and egress to the north by way of Curry Dell Lane is expressly prohibited; and the last is the ingress and egress have to be provided by direct connection of a newly constructed driveway to both South Tropical Trail and South Courtenay Parkway, so it splits to the east and the west.

Chair Pritchett asked Mr. Berkovich if he wanted to add anything else or save his time to the end.

Mr. Berkovich stated he wants to thank the staff at the County Attorney's Office, they have been really helpful guiding him through this entire process; the Board may remember approximately a year ago, the same issue came to the Board; the only difference is he is currently in contract with the seller Mr. McGuire and the initial proposition was 11 homes on that site; and he believes the residents have opposed that type of planned development; he suggested to the residents that it be a four home maximum on that site and reached out to about 99 percent of the residents, which are abutting property, and he received support from every one of them that is literally next to that particular property; and if there is an issue or a mistake on the chart he will definitely be happy to address the Board and explain his communications with the owners next door.

Bill Jefferson stated all of the adjoining property neighbors do not approve of this; he spoke with Phil Barnes this morning and he does not approve; he himself does not approve; Judy Gustafson does not approve; not five years ago, not 10 years ago, last year this Board said that this property was suitable for two homes, and now suddenly it is suitable for 100 percent more; he does not see how this is working, this is not what he was looking for; and he advised what the property owners are looking for is the Board to stand by the decision it made less than one year ago. He mentioned his property abuts three acres of this land; it is going to be a driveway from Courtenay to South Tropical Trail; they do not know how long it is going to take to build these houses, and it is going to be under development for who knows how long; they do not agree with it; and what they did agree with was the decision that the Board made last year and that is what they would like to see maintained. He stated he has been in this County for 60 years and most of his neighbors have been there 40 to 60 years paying taxes and voting; they would like simply for the Board of County Commissioners to stand by the ruling that they made last year, which he does not have problem with; and there is no consensus of approval for what

is being proposed.

Robin Silvea stated she lives on the northeast, on the Banana River side so her property abuts the two acres on the Banana River; she likes what was suggested but she does not agree it; she is a property owner who abuts the property and she is not in favor of it; the first reason is that the Board approved something, money, attorney's fees, logistics, people's lives; people come to the Board with concerns and the Board made a ruling that they felt was really fair last year; the Board put a lot of thought and effort into it; and now less than a year later, people are there again because the property keeps changing hands; she has a slight issue with the fact that the original owner, based on the ruling this Board made, the original price was much less than it was listed for based on the two house ruling; now the property has tripled in value contingent on what this Board decides today; she feels she has no interest in this at all and that is not fair to the original property owner, and it is because rulings this Board made, sales were made, and now the Board makes another ruling and profits were made; and she does not agree with that. She continued by saying on a more technical issue, Mr. Berkovich will have to apply for variances to get those four homes in there; this Board is approving something that Mr. Berkovich then has to turn back around and go to staff to get variances on to fit that driveway; this is not even doable yet and that is a technical issue; she is a little concerned about subdividing and if it will have an impact on the two acres of wetlands, of 100 percent wetlands, that are on the Banana River side; she knows that is not his intent right now, but she is slightly concerned about it; and she is concerned that every six months any other buyer, if four is not enough, can keep coming back at this and people are making financial decisions based on the Board's decisions, like redoing a driveway or adding a pool because the resident where told that only two houses were going to be there. She continued on by saying maybe someone did not list their house because they could live with the Board's decision, but then it changes; she does not think that is good practice; the Board did address septic tanks, and that was a huge issue last year, why is that not a problem for a County that takes the septic tank usage and additional septic tanks very seriously, especially on South Merritt Island, where the waterways are a gem for the entire community; she asked why someone who is just new to the County has more say, more rights, and more interest to this Board than the taxpayers who have been here, who went to high school here; and she asked the Board to consider how the homeowners feel, the technical issues involved, the fact that they were very happy with the decision last year which they thought was very fair, and the original sellers, how does the Board even process that, they sold the property for nothing, and now the Board makes this decision and the property could be sold for three times as much, it does not ring right to her.

Russell Doucet stated Scott Price could not be there, he is on the telecom, but is muted; what they really want to say is they have been working this issue; they have litigation with that road for a long time; they are still there and have met with Mr. Berkovich; they are okay with what is happening if that BDP is approved, filed, and enforced; he is not sure how that is enforced, where it is filed, and how to keep it lined up from here; and he asked for a little insight.

Chair Pritchett advised the Board will address that later; and she advised Mr. Doucet to provide all of his communication.

Mr. Doucet responded that is pretty much all he has; there are nine of them who have been meeting on it constantly; they know it is going to get developed but hey hope it is developed in the proper way; and he noted they really want to maintain the beauty of the area.

Judy Gustafson stated she has two concerns and one has already been addressed; that is the septic tanks and the number of septic tanks; this is directly over an aquifer that serves both rivers; if two septic tanks is barely acceptable, three is stretching it; the residents need to be

very careful of the water, people have destroyed as much as it can, so the septic tanks really concern her; and the second concern is the egress and ingress off of Tropical Trail on both the north and the south sides there is a long slow curve. She noted by the time the driver gets to that place where they would be egressing and ingressing, a lot of the cars cannot see what is coming and going; to have a lot of traffic there is really difficult and it is a very narrow place that could be a very dangerous situation; and she thinks that needs to be looked at.

Mr. Berkovich stated he would like to address two issues here; he never personally met Mr. Bill Jefferson, but he has seen him on the video last year and he saw him at the Planning and Zoning meeting; he does not want to be rude to Mr. Jefferson, but he wants the Board to understand that Mr. Jefferson's statements are inaccurate at best; he kept making statements on record that he is directly abutting the property that he is buying; and he explained looking at the property outlines, Mr. Jefferson's property is not abutting the property that he is buying.

Chair Pritchett advised she does not want any talking from the audience.

Mr. Berkovich continued by saying his concern is the Commission took Mr. Jefferson at his word without really having a map; Planning and Zoning also took Mr. Jefferson's position, and now today the Board is taking his position; he pointed out Mr. Jefferson's statements are inaccurate; he noted it may be a mistake on Mr. Jefferson's part, but looking at the property, Mr. Jefferson's property is 46; he pointed out Mr. and Mrs. Tumbler's property; he commented they have approved support of his four homes; he pointed out the driveway of the flag lot which is number 48, and that Mr. Jefferson is 46; and as far as Mr. Murray and Mr. Barnes, he and Mr. Barnes spoke last evening and he was in support of the project. He went on to say if Mr.

Jefferson has another opinion, he said he spoke with Mr. Barnes this morning and he changed his mind, that is possible, but as of last evening, Mr. Barnes was in full support of the four homes that were discussed; initially he was not last year, but at the Planning and Zoning meeting it was explained to Mr. Barnes what the project is; he also believes the association, which has the majority stake here, he believes there was a letter sent that will support the four homes; and he also spoke with Mr. Burnett and he is not sure if his position has changed, but he believes he was also in support of the four homes. He noted he agrees that 11 homes was excessive and impossible to squeeze into that five or six acres; he believes he has a majority of support; as far as Ms. Silvea, she is in 31 and across the street from the development and he does not see how that will impact her in any way, shape, or form; he is planning to do a little boardwalk, kayak stand, and keep that as a natural preserve for the future of the use.

Commissioner Zonka stated she cannot see from where she is and she wants to clarify how many properties are on that lot directly, on the south side of what he is planning for.

Mr. Berkovich responded there is Mr. Barnett and Mr. Tumbler.

Commissioner Zonka noted there is two, but it looks like there is four lots; and she asked if that is correct.

Mr. Berkovich explained that Mr. Reinhard and Mr. Jefferson are between the flag lots.

Commissioner Zonka explained she is not suggesting that they literally abut, but there are four houses.

Mr. Berkovich responded yes, there is four lots, the only difference is a 10 foot difference between the width of the lots versus his lots.

Commissioner Zonka inquired how many homes are to the north of that.

Mr. Berkovich responded there are nine homes there; he noted he is not asking for anything out of the ordinary; the only thing he may be coming back to the Board for, if this gets approved today, is possibly some waivers for some width issues; and that is the only thing he would see in the future.

Commissioner Smith commented he is concerned that he is hearing that the Board approved two houses last year; he does not remember this issue; maybe if the gentleman was in front of him he would recognize him and it would ring a bell; and personally he would like to maybe go back to that meeting and watch it.

Chair Pritchett commented she thinks it was three.

Commissioner Smith asked if it was three meetings.

Chair Pritchett advised she thinks it was approved for up to three houses; she thinks the Board had a lot of discussion on septic tanks at that time as well; and she is sure Commissioner Lober can help them out.

Commissioner Smith stated obviously he is very sensitive to septic systems and that particular area of proximity to the water; and he would defer to County staff and their expertise.

Commissioner Lober stated he may run down to the board to illustrate a point.

Chair Pritchett noted maybe it could be brought to Commissioner Lober so he can do it on camera.

Commissioner Lober stated before they do that he has a few things; what was proposed the last time they had this was 11 and he thinks everyone would agree that is ridiculous; septic tanks were an issue because they were talking about 11 of them; he does not always agree with Commissioner Zonka but her questions are really good questions with respect to how many properties were to the south and how many to the north to get an idea for purposes of considering consistency and compatibility whether or not what is proposed actually fits in; people could say there is two or four to the south, and to the north it is far more dense than what is being discussed; and what is being proposed most recently is four, 11 was proposed last year. He mentioned, ideally, what he would like there, is there not to be a house to the east which the lot was just sold and he is going to lose his river view on that side, but it is not his lot; he wishes it would not go up, but he has no right to tell them not to put it up; it is going to be another septic system closer to the Lagoon than this property is; the question really comes down to a few things and he thinks the biggest is consistency, compatibility, and what the Board is allowed to consider and what factors go toward that; and with respect to the gentleman that discussed the BDP, if the BDP is not signed and it does not come back in 120 days he does not get the zoning, so the zoning is contingent on him actually going through and signing the paper. He added he would not be willing to rezone it if that did not happen and he would not support it if that did not happen; he is not going to give legal advice but from what he can tell having never looked at any of the pleadings in the case, if there is litigation regarding Curry Dell Lane and he is waiving his right to use it as ingress or egress, he is not going to draw the conclusion, but he is feeding the necessary information to read between the lines with so he stays out of trouble with giving legal advice; there are cases where he is happy, if it is marginal, to do what nearby landowners want if he can articulate how something is not consistent or compatible; he has no problem as an attorney or as a Commissioner with being sued if there is a meritorious defense; if there is something like this looking at what is to the south and to the north, he does not think there is a prayer that the Board could say what is being proposed is not consistent compatible; and he mentioned he cannot consider who votes

or who pays taxes because none of those things goes toward consistency or compatibility. He continued by saying the feelings of homeowners does not go towards consistency or compatibility; he feels for folks who are in a position where they are going to face a change that they do not necessarily want; he is in that position himself with the house going to his east, he absolutely does not want it but he never went to the City of Rockledge and said not to allow them to put it there because it is consistent and compatible, so he does not have a choice; the same goes for Mr. Berkovich's newness to the County, whether he loves having folks come to Brevard, that cannot be considered a factor toward consistency and compatibility; and the Board is not legally allowed to consider it. He went on to say he does not like the septic aspect and he thinks one septic is too many, but there is an element of reasonableness that comes to this; when looking to the north and seeing houses that are substantially all, if not all, of which do not have advanced septic systems but regular septic systems and those are some that are upset that the Board is talking about putting a fraction of the density of what they are in with a far more efficient septic system, it just does not really come across with the same level of credibility as if someone had a lot and did not develop their own lot simply because they were concerned about the environmental aspects; and he does not begrudge the folks that lived to the north either for living there because it was permitted at the time. He noted he will address the concern that this may come back in six months; he advised Mr. Berkovich that he would have an inordinately difficult time convincing him to allow more than what he is seeking to do now, in six months, a year, or whenever; this really is it for him; his willingness to go with four was dependent on a lot of these BDP conditions that were agreed upon which serve to mitigate any sort of adverse impact to the homeowners that are nearby; as far as the length of the development that one of the first two speakers mentioned, with the duration being a factor, the Board is not allowed to consider it; if it takes them six months, a year, or a year and one-half to build the house, the duration of construction does not go to consistency or compatibility; and to his east he is going to have to deal with construction, but does he want to, it is his only ingress and egress and he has to pass it and may very well get flat tires, but he does not have a right to preclude because of that. He commented he may not like it, but it is something he has to live with; he thinks another important thing to realize, and he does not know that a lot of people are necessarily on board with this, but this application is for the entire area that is red on the map; zooming in on the map, he mentioned they are talking about four lots on there; the sketch was very preliminary that was not submitted for permitting purposes at this point, but to give the Board a conceptual idea of what might be submitted for permitting, had all four between the two roadways between Courtenay and Tropical; and the BDP is limiting Mr. Berkovich to four single-family homes in the red and that is all of the red. He went on to explain if Mr. Berkovich has four in the center, he is not going to be able to place a home on the spot labeled 31 to the east of Courtenay; it is something where the density is even potentially less than what it might come across at, at first; he does not know a way to get around granting this and have any chance defending litigation; he is not remotely skittish; he loves going to the courthouse; going to the courthouse paid for him to build his house; if the Board has no meritorious defense that is potential, he does not know that he would be keeping his fiduciary duty to the taxpayers or his constituents if he were to just make the folks happy; all it will do is delay the inevitable and he is going to get it at the end of the day anyway; if anyone has retained an attorney on this and they still have contact, they may want to discuss that because he is not just saying it to placate it, he really means it; and he has discussed it with staff, and the County Attorney and Mr. Calkins would never sit there and say go ahead with it if they thought it was a losing case. He stated he does not think the Board would prevent this from happening; he thinks the conditions that were agreed upon are reasonable conditions; as far as non-compliance with the BDP, if there is non-compliance, from his perspective, he is willing to do whatever ability he has to do, whether it is filing a lawsuit and adjoining him from continuing construction, whatever the case may be, he is fine hammering him into the ground if he violates the BDP; however he would like to provide him the opportunity to at least be judged based on his actions, not what he

perceives his actions might be; he feels for the people but he believes it is consistent and compatible; and he is going to move to approve it contingent on those BDP conditions that Mr. Berkovich has agreed to on record. He reiterated if within 120 days it does not come back with ink on paper with those conditions, Mr. Berkovich is not going to get the rezoning.

Commissioner Zonka stated she will be quick because she does not want to belabor the issue; she thinks one thing people forget and she does not expect residents to figure it out either, and with the exception of one or two comments, people need to stay on the facts; emotion is much bigger often times than facts that are presented; she did not hear any facts as to why the Board should not allow Mr. Berkovich to do this; the reason why she brought up the number of lots to the north is because Mr. Berkovich was not even asking for half that amount; and he came to the Board knowing in order to get the support of the Commissioner in that District. She stated welcome to Brevard County; she apologized if it appeared that he was not wanted there; that is not the sentiment of the Board by the sounds of the comments; people move to Brevard County all the time and she does not want somebody to feel like they are not welcome here; she does not want anyone to ever feel like their voice does not matter because it does; she thanked Mr. Berkovich for investing in the community; and she advised she is happy to support it.

There being no further comments or objections, the Board approved the request by 395 East, LLC, for a change of zoning classification from SEU to EU; and approved a BDP, including but limited to the following conditions: development shall be limited to a maximum of four single-family residences; guest houses shall be prohibited; maximum height of structures not to exceed 35 feet; single-family residences shall connect to sewer at time of permitting, if sewer is unavailable at the time of permitting, all homes shall utilize the advanced septic systems providing no less than 65 percent nitrogen removal; ingress and egress from Curry Dell Lane shall be prohibited; and Ingress and egress shall be by a newly constructed driveway to both S. Tropical Trail and N. Courtenay Parkway.

Result: Approved

Mover: Bryan Lober

Secunder: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

H.10. Code Amendment, Re: Chapter 98, Article IV, Port St. John Dependent Special District Board, Section 98-105

Chair Pritchett called for a public hearing on a Code amendment for Chapter 98, Article IV, Port St. John Dependent Special District Board, Section 98-105.

Tad Calkins, Planning and Development Director, stated this is a request by the Board of County Commissioners to conduct a public hearing to consider proposed amendments to Brevard County Code of Ordinance, Chapter 98, Article IV, Port St. John Dependent Special District, Section 98-05; essentially, this section of Code revision will allow items that go before the Port St. John Special District to continue to the Board whether there is or is not a quorum; and if the Board has any questions he would be happy to answer them.

Chair Pritchett stated what she would like to do is just adopt the Code for now, keep it the same and adopt it.

Mr. Calkins inquired if she is asking what has been proposed or what the Port St. John Board recommended.

Chair Pritchett informed what is proposed; she is not ready to do alternates yet, she is waiting for COVID-19 to calm down a bit.

Mr. Calkins responded okay.

There being no further comments or objections, the Board adopted Ordinance No. 21-18, amending Brevard County Code of Ordinances, Article IV, Port St. John Dependent Special District, Section 98-105, Powers, Functions, and Duties to address Board review procedures, providing for severability, conflicts, area encompassed, providing for an effective date and inclusion in Code.

Result: Adopted

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

H.11. Code Amendment, Re: Chapter 98, Article V, North Merritt Island Dependent Special District Board, Section 98-145

Chair Pritchett called for public hearing on a Code amendment for Chapter 98, Article V, North Merritt Island Dependent Special District Board, Section 98-145.

Commissioner Lober inquired if there were any public comment cards.

Chair Pritchett advised there are some cards.

Commissioner Lober asked if Chair Pritchett would give him a couple minutes after staff introduces it, he thinks he may be able to address some concerns.

Chair Pritchett responded affirmatively.

Tad Calkins, Planning and Development Director, stated this is a request for the Board to conduct a public hearing to consider the amendment to Brevard County Code of Ordinance, Chapter 98, Article V, North Merritt Island Dependent Special, Section 98-45; and this Code Section and this proposed amendment would allow the matters to come to the Board whether the Special District did or did not have a quorum. He added if the Board has any questions he would be happy to answer them.

Commissioner Lober stated he will give the very quick recap, he is not in favor of what was proposed as far as changing the Ordinance outright; he would like to keep what is there; there were four bulleted items that were suggestions that were requested, it appears, by the Dependent Special District; he is comfortable doing a modification of the first one where it reads, Section 2, (4), the addition of a force majeure clause in the event the dependent special district does not provide a recommendation due to a force majeure, an item may be scheduled to the next available meeting, where it says force majeure he would like it to say a storm event because with COVID-19, he does not know that someone could not make an argument that COVID-19 is a force Majeure, and there may be another two or three years that it is technically floating out there; and he thinks if it is defined with some specificity what a force majeure is, and he would be comfortable with something saying a storm event, because he thinks that is what people are really worried about, namely a hurricane, tropical storm, or a tornado. He added if staff has a better way to say it, if there is a particular advisory that comes in or ties it to

a local state of emergency, or if there is a particular way to phrase it, either that from the people who put in comment cards have in mind or the staff has in mind, he is happy to go that way; he has looked at this at great length and there is no way he would go for the second bullet point just to say basically it is one freebie; the third one he thinks is problematic and he discussed that with staff; and he does not want to go with the change as proposed, he thinks it would end up denigrating the Dependent Special District where it basically puts them subservient in a way that they should not be. He noted the difference between this one and Port St. John is that these people are elected and not appointed and that carries some weight with him; and he hopes, even if this is not exactly what is being looked for, it gives a better idea in terms of where he is coming from.

Chair Pritchett stated to summarize Commissioner Lober is in favor of only the first bullet, and changing force majeure.

Commissioner Lober responded affirmatively.

Tad Calkins asked for clarification on Commissioner Lober's position because he thought he heard him say he is interested in modifying the force majeure language but he was not interested in adopting the proposed amendment to the Code.

Commissioner Lober stated that is correct, he wants to keep the Code as it is with the sole exception of adopting language that goes along with the first bullet, and changing force majeure to define a storm event; therefore, as a result of a storm event, and he would like to plug in there what storm events count, hurricanes, tropical storms, and tornados.

Mr. Calkins stated so to simplify what he thinks is on the table here, they are rejecting the Code amendment that staff brought forth, but Commissioner Lober is directing staff to add that language, that he read into the record, as a code amendment to replace this one.

Commissioner Lober responded affirmatively.

Jack Ratterman stated he had not had all that information and he thinks that is a good change; maybe mandatory evacuation storm would solve that because he thinks Commissioner Lober is right and that COVID-19 is going to be around for a while; by his calculations they have missed one time in 20 years, so that is pretty good attendance; this was sponsored way back in the day by Commissioner Randy O'Brien; it is an elected board, by the State; and he thinks it gives the community that voice because they have such a large portion of land still wanting to be developed. He noted he is in favor of Commissioner Lober's changes to it.

Commissioner Lober stated he likes that; he asked if staff can add to his and supplement it with and/or any event causing mandatory evacuation, he thinks that would be good, whether or not it is storm related, they are telling people to get off the island; and he thinks that is a legitimate basis.

Darlene Hunt stated the North Merritt Island Dependent Special District, which is referred to as an advisory board, was established in 1998; local citizens and the then District 2 Commissioner and a unanimous vote by the Board of County Commissioners authorized this issue to be placed on an election ballot by the Supervisor of Elections for voting precinct 15, which covers the area from the barge canal to the Kennedy Space Center; 75 percent of the precinct voters voted yes for the creation of the north Merritt Island Advisory Board; it would consist of seven elected representatives from that area, serving four year terms; the Ordinance allowed for zoning issues that affect North Merritt Island to go before the advisory board and then proceed to

Board of County Commissioners; only zonings affecting Comprehensive Plan and future land use would be heard by the local planning agency; and all the rest would go directly to the Board of County Commissioners. She continued on by saying the original Ordinance was to sunset in two years and at the end of that two years it was approved by the Board of County Commissioners to remain in place, in other words it passed the trial period; during the past 23 years the advisory board has been in place, the issue about a lack of quorum occurred one time, November 9, 2017; it was resolved by postponing the meeting to the following week on November 16 when there was a quorum; and it then went to the Board of County Commissioners on the originally scheduled date, December 7, 2017. She went on to say in that case the zoning experienced a hiccup, but it was still accomplished by the exact scheduled hearing date; it is kind of bewildering to her why the time and energy is being spent on trying to resolve a problem that does not even exist for the North Merritt Island Dependent Special District; she asked that the Board not pass the ordinance which changes North Merritt Island's function requiring rezoning issues be reviewed by the Planning and Zoning board; and to let it remain the elected board that makes the zoning recommendations to this elected Board of County Commissioners.

Michael Yauch stated he is a resident of Merritt Island and Vice President of the North Merritt Island HOA; he is opposed to any amendment that limits the current powers of the North Merritt Island Dependent Special District Board; because they are unincorporated they lacked representation that other cities in Brevard County have; nevertheless North Merritt Island represents a large group of voters and there are at least 3,600 addresses in the community; if they were incorporated they would be the fourth largest city in Brevard County as far as population; and Merritt Island clearly has defined boundaries with rivers to the east and west, the Space Center to the north, and the barge canal to the south. He noted looking at North Merritt Island on a map, it is the largest area in District 2; it is important to the residents to continue to receive the representation provided by the Dependent Special District Board; the current members are elected to the Board and are unpaid, therefore, there is minimal costs to the County to continue to operate the board; and he noted once again he is opposed to any changes in the current powers of the Dependent Special Board.

Mary Hillberg stated she is the chair of the Merritt Island Special Advisory Board right now and has been for several years; she has been on the board for 13 years; all the times she has been on the board they have never missed having a quorum except that one time in November 2017, in which it was a misunderstanding because someone thought someone else was going to be there; that was resolved in one week and it did not interfere with anything else; she would appreciate it if the Board would allow the board to stay as it is and she would agree with the force majeure wording that is appropriate to be added.

Commissioner Lober stated Abby Jorandby, Assistant County Attorney, has done a wonderful job putting some specific language together and if she will go ahead and read it into the record, he thinks that will be his motion.

Attorney Jorandby stated just for the record, everything will stay the same, they will take out all the changes in Sections one, two, and three; and in Section four she will revise the language to read, "In the event the Dependent Special District does not provide a recommendation on an item noticed for a regularly scheduled meeting of the Dependent Special District due to a hurricane, tropical storm, or tornado, and/or any event that causes a mandatory evacuation, an item may be rescheduled to the next available meeting of the Dependent Special District." There being no further comments or objections, the Board adopted Ordinance No. 21-18, amending Code of Ordinances, Chapter 98, Article V, North Merritt Island Dependent Special District, Section 98-145, Powers, Functions, and Duties, to address Board review procedures,

providing for severability, conflicts, area encompassed, and providing for an effective date and inclusion in Code.

Result: Adopted

Mover: Bryan Lober

Seconded: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

L.4. Bryan Lober, Commissioner District 2

Commissioner Lober stated he has been trying to pawn off some bananas that he grew in his back yard, if anyone wants some please feel free, otherwise, they are not going to get eaten.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith stated he has recently talked to numerous businesses in the County, including hoteliers and the zoo that have told him they have really rebounded since COVID-19 started; the zoo set attendance records in May, June, and July; several others mentioned they are putting up record numbers of business numbers, income, and etcetera; and the zoo is offering free admission to children during August and September, therefore if anyone has kids and wants to go to the zoo, now is a good time to go because only adults have to pay. He went on to say very shortly the Board's appointees will be attending the Charter Review and he would like the Board to consider making a change in the Charter Review with regard to the Consumer Price Index (CPI); the CPI is a manipulated number and anyone who pays attention knows it is not even close to being accurate; the CPI has other defects, namely the fact that it is based on the cost of household goods like eggs, lettuce, and bread, whereas the County funds large purchases like ambulances, buses, and fire trucks that cost hundreds of thousands of dollars as opposed to \$10 or \$12; he has already talked to his appointees and they are on board, but he would like the Board to consider it as well; and he thinks it would put the County in a much better place going forward. He added he would really like to see the County start to tackle some things like capacity; the County has not been able to do that and he thinks this is a way to do it without having another tax referendum on the ballot; and that is something for the rest of the Board to think about.

Commissioner Zonka commented she likes it.

Commissioner Lober added he thinks the Board did something substantially identical to that with respect to Utilities; the fact is the Board is not trying to make money as a County but when there is cost, they have to be passed along somehow; he thinks it makes sense; and he would be happy to look at it.

L.7. Kristine Zonka, Commissioner District 5, Vice Chair

Commissioner Zonka noted she just wants to thank staff, there was a builder's round table right before the zoning meeting; staff put in a lot of time and effort; she believes a lot of people that develop and build in this community feel like they are being listened to; and she thinks staff has done a great job addressing the things from the last meeting they had. She added she looks forward to the next meeting, staff did a great job, there was a lot of staff there and she appreciates them having that dialogue; it went very well, not much finger-pointing, and more of how can they make this easier; she looks forward to bringing things before the Board when Board approval is needed; and staff needs to let her know if they need a push for certain things to make their job easier. She mentioned she went to an Economic Development Commission

(EDC) event and she thought it was pretty cool; Commissioner Smith was there; one of the things that they do, and people hear about all the economic development stuff and they try to get new business to the area, they have launched this pretty cool program called launchers and loggers; they got with a lot of big space companies in the area and basically hooked them up with these breweries, as most of these guys who run these breweries and own them are engineers; Just check it out, search it on Google; and she might post something about tomorrow on her Commission page. She added it is a neat little initiative that gets people excited about the Space Coast because one thing that is lacking, and it is not just in the service industry like is heard often times in the news, they lack a talented workforce; there are all these companies coming to Brevard and doing amazing things like SpaceX, but the County lacks in lower level and higher level talent; she thinks the County needs to do whatever it can to make sure that they are welcoming people and make them want to live in Brevard County; and make businesses want to come here as well.

Commissioner Smith commented along that same line, it was mentioned that people might see some of these microbreweries have their products launched on one of these future space missions; they may be popping brews at the space station with local micro-brewery products; and that would be pretty cool too.

Commissioner Zonka stated she thinks it is really great what they have done; it probably leads into where she may try to use her \$2 million toward workforce development, scholarships, or Science, Technology, Engineering, and Mathematics (STEM); she is not sure where but she wants to invest in the future because there is a definite lack in the workforce; and COVID-19 has made it much worse.

Chair Pritchett added they need more in the medical community.

Commissioner Zonka noted also in the trades, it is one of those forgotten things, but the community needs welders.

Chair Pritchett added there is a need for plumbers and electricians.

Commissioner Zonka stated there is a need for high-tech, manufacturing, and a lot of other stuff; and she is going to find a creative way to do that, not to make staff's life miserable, but let someone else manage it.

L.3. Rita Pritchett, Commissioner District 1, Chair

Chair Pritchett stated she talked about this at the last meeting, about extending the surveys for four more weeks, otherwise it would have ended today, and she wanted to provide the data; out of 3,346 homes, she has received 766 yes votes which is only 22.8 percent of all of the people that have water in Mims, that would be voting yes; she worded it in such a way, and she had someone on staff, who lives there, tell her that he knew he did not have to mail it back in, and she agreed, because she put in there that there has to be a two-thirds super majority of all Mims customers voting yes to place this back in the water; and she knows the Board's thoughts on a lot of things as far as what is done with the community. She added none of the Board would ever vote for mandatory COVID-19 vaccines because it is forcing medication into people's bodies; that is really what this is; the Federal Drug Administration (FDA) calls it an unapproved drug and this is an unapproved drug that is being put in the water; and if people want it, then it is good, but not when it is forced. She explained if it is even one third of the community that have something they do not want, she does not think it is fair; she threw out the gauntlet there and they had to go out and get 2,228 votes to convince her to bring it back to the Board; they have fallen short so far; there is a lot of bad data and rumors going on Facebook

right now, they are saying she did it because the votes are not going in her direction; she certainly does and she could call it quits right now and it could just be done; she thought in all fairness, because she has had some people calling that they had lost their cards, so she extended it to give people more time; she does not know that they will get another 1,400 votes but she will give it a shot and if they want it then she will definitely look at that; and she wants to say publicly that there is a little company out there called US Water, it is not Brevard County water, so if anyone in Mims has that water they will not be able to do this because they are not getting County water as well. She mentioned she only has 32 percent of the survey cards back in and there is more yes than no votes, but in all fairness it is still only 22 percent of all the service customers saying they want it in, so she does not feel good about it; but she will wait to see what happens in the next four weeks. She noted she does want to talk to the Board about moving forward and having staff work on a policy; she has realized the years the Board has been there, she has learned that only the Board Members can really take care of what it does as a Board; staff cannot really say yes or no to things; she thinks everyone is pretty settled in their offices right now as far as salaries, and what she would like to do is put a cap on the salaries; take the office with the highest amount of salaries right now, and she is not sure who that is, but they could take the office, add up all the salaries, throw travel in there as well, and make that the Board's cap right now; if a Board member wants to go above that, they would have to come before the Board; she thinks it is a substantial amount of money and the Commissioners are all settled in as far as staff goes; and she reiterated take the most amount as far as support staff and what they are using for travel allowance, out-of-State and overnight. She noted if there is an office that decides to raise one of their staff up double what the other Commissioners' is, it might be fine, but she thinks that needs to be discussed at this point.

Commissioner Lober stated to his understanding, and he is not trying to brag, but he thinks he has had the lowest overall staff expenditures out of any of the District offices; he has started and kept the fewest full-time employees of everyone; he is not criticizing anyone else; he is not saying they are not doing it the right way, it just works for District 2, at least with him there; he would appreciate if Chair Pritchett would allow this to go to the next meeting so he has a chance to talk with someone.

Chair Pritchett stated she would like for staff to come back with a proposal for the Board, it is not being voted on right now.

Commissioner Lober asked if she is not limiting it to what it is right now.

Chair Pritchett advised she does not want to vote on it right now, she wants staff to come back and show the Board what it would look like; she thinks that would give Commissioner Lober time to look at numbers; she thinks it gives the Board a lot of room to move around.

Commissioner Lober advised he does not think what Chair Pritchett is asking for would cause an issue with this, but part of the way that he is able to get away with the fewest full-time employees is because he hired the best people he possible could; he has one that has more degrees than it seems almost than letters are in the alphabet; and he makes, by a government standard, a very good salary, but he puts in the work and he has a ton of qualifications; and he just wants to make sure that each Commissioner would still retain the discretion to divvy up the salaries from the overall pot.

Chair Pritchett responded affirmatively. She added Commissioner Lober still has a substantial amount of money he could still play with considering the highest office right now.

Commissioner Lober continued by saying he thinks his office is still the lowest, he knows that

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Commissioner Smith had Pat leave the office so he may be at or below his level now.

Chair Pritchett stated she thinks he has room; she thinks all the Board Members are responsible; and she realized moving forward this is something the Board should put into policy.

Commissioner Lober stated as far as the Consumer Price Index (CPI) does Chair Pritchett want to give some direction either for cost of living, etcetera.

Chair Pritchett advised if they give raises that will be considered, that is nothing the Board is doing; she explained if she wants to hire a fifth person and bring them in for a substantial amount, she should bring it back to the Board saying she is adding another staff member and raising her budget by 15 percent; she thinks that should be a discussion after hitting the highest level office.

Commissioner Lober stated okay.

Commissioner Pritchett advised he look at the numbers and see that there is a lot of room to maneuver.

Commissioner Lober advised if this is just getting staff to come back he will support her on it.

Chair Pritchett asked the County Manager if that makes sense.

Frank Abbate, County Manager, stated he understands what she is saying and staff will put something together.

Upon the consensus of the Board, the meeting adjourned at 6:26 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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