

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on September 5, 2019 at 5:03 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 5	Present	

**ZONING STATEMENT**

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

**MOMENT OF SILENCE**

Chair Isnardi called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Commissioner Lober led the assembly in the Pledge of Allegiance.

**ITEM E.1., VIERA SUNTREE LITTLE LEAGUE CHAMPIONS**

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-146, recognizing Viera Suntree Little League Champions.

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Two coaches representing the Viera Suntree Little League expressed their appreciation for the Resolution; and they thanked the community, the parents, and the team.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Curt Smith, Commissioner District 4
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.1., MEMORANDUM OF UNDERSTANDING, RE: EAST CENTRAL FLORIDA REGIONAL RESILIENCES COLLABORATIVE**

The Board executed the Memorandum of Understanding with East Central Florida Regional Resilience Collaborative.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.2., APPOINTMENTS/REAPPOINTMENTS**

The Board appointed/reappointed **Pat Woodard** to the Employee Benefits and Insurance Advisory Committee, with term expiring December 31, 2019; and **Dr. Rochelle A. Kenyon** to the Library Board, with term expiring December 31, 2019.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**PUBLIC COMMENT**

Charles Tovey stated he is glad things are humorous; in 1998 he went out to look for a piece of property to buy and raise his family and his soon to be wife; instead of a 1,000 acres on the side of a mountain in the Philippines he chose a piece of property he thought would be the highlight of his life; it is a highlight but not a good one; he moved from his commercial property to Roberts Road; for five years he did not have a problem; and in 2005, Palm Shores gets etched into his area and surrounds him. He went on by saying he is an island in the middle of Palm Shores; that is when the attacks came; first it was his FEMA trailer, then the 100-year old oak that got his neighbor clearing his property and toppled over; that did not work because he paid his fine and complied; and then they tried to figure out how they could get him. He continued his boat went through all those hurricanes and that stuff and he never had a problem with it; one day he went to register it, which was a couple days before his birthday which falls on a holiday, he had to make sure it was registered before then; he came back and his boat was gone; he asked what happened and was told it was inadvertently taken by Matt Culver and Ernie Brown; and that was okay. He went on to say it was not inadvertently taken, it was deliberately taken so he

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paid the fine and went to get his boat back and they told him to stand back while they put a big hole in it; they were snickering and thought it was funny as well; he paid the fine and got his boat back; and then they placed a lien against his home for the boat they inadvertently took and fined him to put a big hole in it. He stated he complied and fixed the boat, got the trailer for it, and then they tried to burn him out of his house; after that it was the repeat violence from the mayor but that did not work; then came the permanent injunction; and that is now where he stands. He mentioned he was hoping to get five minutes but that is fine; and he stated he appreciates the Clerk of Court for his dedication to the Country and the County and the sacrifice he made, as well as Mr. Charbonneau, God rest his soul.

Commissioner Lober asked the County Attorney if she recalls a conversation he had with her about the removal of Mr. Tovey's boat.

Eden Bentley, County Attorney, responded she does not specifically recall that.

Commissioner Lober advised he just wanted to talk about this because it is not the first time this has been brought to the Board; his recollection is he had a conversation with her about that; from what he was advised, the taking of the boat was not inadvertently, but he does not recall specifically what the circumstances were because it was some months ago; however, he recalls it being an intentional taking as a result of either an issue with Code or Statute. He mentioned that was something that was concerning to him when he heard it the first time; he advised if Mr. Tovey has a question about that to get with staff and they can better advise why what was done was done; he does not think there was necessarily a meeting of the minds when someone is saying something was done with respect to that being inadvertently taken; and he would hate for there to be a misunderstanding because it can cause lingering animosity.

Chair Isnardi advised before moving on to Public Hearings, the County public-noticed this meeting; given the circumstances, the County made every effort and she will allow the Planning and Development Director to go into it a little more about the County's efforts in contacting people who were on the Agenda; and the Board is willing to listen since these people were willing to attend.

Tad Calkins, Planning and Development Director, stated this is a unique circumstance with the County Offices being closed but the meeting continuing; to avoid any confusion staff reached out to all the applicants and informed them that the meeting would be going forward as scheduled; they also reached out to everyone who had submitted a public comment by email; and anyone whom they had email addresses for they let them know the meeting would continue as scheduled. He advised there were some folks who had a petition with a number, but they were not able to reach out to everyone included in that petition, but they did make an effort to contact everybody they could.

**ITEM H.1., JOHN CSANYI REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM GU TO AU (19PZ00069)**

Chair Isnardi called for public hearing on a request by John Csanyi for a change of zoning classification from GU to AU.

Amanda Elmore, Interim Planning and Zoning Manager, stated this is a request for a change of zoning classification from GU to AU on 2.09 acres located on the north side of Date Palm Street just west of Florida Palm Avenue; and this is for the purposes of a nursery and nursery sales.

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There being no comments or objections, the Board approved the request by John Csanyi for a change of zoning classification from GU to AU on 2.09 acres, located on the north side of Dale Palm Street approximately 468 feet west of Florida Palm Avenue.

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

**ITEM H.2., KEVIN S. AND CHRISTINE M. LANGILLE REQUEST A CHANGE OF ZONING CLASSIFICATION FROM RR-1 TO AU (19PZ00078)**

Chair Isnardi called for a public hearing on a request by Kevin S. and Christine M. Langille for a change of zoning classification from RR-1 to AU.

Amanda Elmore, Interim Planning and Zoning Manager, stated this Item is a request for change in zoning classification from RR-1 to AU; the property is 8.88 acres and it is located on the south side of James Road just east of Friday Road; and this is for the purposes of boarding horses and having horses for hire.

There being no comments or objections, the Board approved the request by Kevin S. and Christine M. Langille for a change of zoning classification from RR-1 to AU on 8.88 acres located on the south side of James Road approximately 0.30 mile east of Friday Road.

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

**ITEM H.3., MDP PROPERTIES, LLC; ROJO HOLDINGS OF FLORIDA, LLC; AND RANDALL S. AND KAYE T. BRATCHER REQUEST A CHANGE OF ZONING CLASSIFICATION FROM RU-2-10 AND RU-1-13 TO RU-2-12 (19PZ00079)**

Chair Isnardi called for public hearing on a request by MDP Properties, LLC, ROJO Holdings of Florida, LLC, and Randall S. and Kaye T. Bratcher for change of zoning classification from RU-2-10 and RU-1-13 to RU-2-12.

Amanda Elmore, Interim Planning and Zoning Manager, stated this is MDP Properties, and ROJO Holdings requesting a change in zoning classification from RU-2-10 and RU-1-13 to RU-2-12; and it is located on the east side of Highway U.S. 1, just south of MacArthur Circle in District 1.

Commissioner Pritchett stated she likes the project and she thinks where these items are starting to go are very beautiful; she thinks it is going to be great housing; since the Board will be increasing the density on it, she knows he is going to try to get sewer on it, but it might be a little bit out there; he might have the ability to do 50, therefore, she is requesting that he do the 65 percent removal of load; and she asked the Natural Resources Management Director if that was correct.

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Virginia Barker, Natural Resources Management Director, advised the septic overlay is 65 percent nitrogen removal.

Commissioner Pritchett asked if he would keep it apples to apples; and she stated she thinks if he would move that up from 65 to 70 for the septic tank, if he does that or the sewer, she would be happy to pass this.

Dell Kelley stated that is fine.

Commissioner Pritchett asked if he would mind doing a BDP with the County.

Mr. Kelley stated that is fine and inquired who he would work with on that.

Commissioner Pritchett advised it would be the Natural Resources Management Director.

There being no further comments or objections, the Board approved the request by MDP Properties, LLC, ROLO Holdings of Florida, LLC, and Randall S. and Kaye T. Bratcher for a change in zoning classification from RU-2-10 and RU-1-13 to RU-2-12 with a Binding Development Plan (BDP) to include 70 percent nitrogen removal, on 5.04 acres, located on the east side of north U.S. Highway 1, approximately 213 feet south of MacArthur Circle.

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

**ITEM H.4., MARKER 24 MARINA, LLC; AND MARKER 24 DEVELOPMENT, LLC, REQUEST A CUP FOR MITIGATING A NON-CONFORMING COMMERCIAL MARINA IN AN RU-1-11 ZONING CLASSIFICATION (19PZ00080)**

Chair Isnardi called for a public hearing to consider request by Marker 24 Marina, LLC and Marker 24 Development, LLC, for a Conditional Use Permit (CUP) for mitigating a non-conforming commercial marina in an RU-1-11 zoning classification.

Amanda Elmore, Interim Planning and Zoning Manager, stated this is Marker 24 Marina, LLC and Marker 24 Development, LLC requesting a CUP for mitigating a non-conforming commercial marina in RU-1-11 zoning classification; this is the removal of the residential areas, so it is going from 8.88 acres down to 5.97 acres; and it is located on the west side of Banana River Drive, north of Orris Avenue.

Commissioner Lober advised he has a disclosure on this one; he met with the applicant on two occasions and there may have been a third occasion, on this particular project; he did see there were a small number of folks who submitted concerns to the County; essentially it appears to him they deal with the buffering on the south end of this; and there has been some revised conditions received today for a six-foot masonry wall. He noted he would have to refer to staff on that and if staff feels that is sufficient to address the concerns that have been brought up, then he would be happy with it; however, he does not know what contact staff has had with those folks. He mentioned he would like this to go through, but he does not know what information may have been provided to staff and not to his office.

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Tad Calkins, Planning and Development Director, stated the conditions that were proposed were initiated by staff; he believes the Natural Resources Management Department was looking for some clarification; the wall, he believes came out of the Planning and Zoning meeting; they were going to have a fence on the southern buffer and they asked for a wall; and the applicant had agreed to do that.

Commissioner Lober pointed out the applicant has been great to work with; he has had some concerns that they incorporate a revised CUP including making sure that they maintain the pump house so they do not have folks put their boat there and then the facilities and the boats get discharged into the Lagoon; they modified the CUP that had been included with this, so he is very happy; and he commented he had a good experience working with them and found they were amenable to making changes that will benefit the environment.

Mr. Calkins advised he would suggest the motion include the conditions that were passed out with the yellow highlight.

There being no further comments or objections, the Board approved the request of Marker 24 Marina, LLC and Marker 24 Development, LLC, requesting a CUP for mitigating a non-conforming commercial marina in an RU-1-11 zoning classification, to include the existing south privacy fence be replaced with a six-foot masonry wall; no boat docking shall be permitted on the boardwalk; a new one-lane boat ramp will be constructed next to the marina office; the new boat ramp shall not increase capacity; and it shall not be constructed until after the existing ramp is removed, on 5.97 acres located on the west side of South Banana River Drive, north of Orris Avenue.

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

**ITEM H.5., JSFS LAND TRUST, JACOB AND FAYE SHAPIRO, TRUSTEES (KIM REZANKA) REQUEST A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 4 TO RESIDENTIAL 6 (19PZ00062)**

Chair Isnardi called for a public hearing to consider a request by JSFS Land Trust, and Jacob and Faye Shapiro, Trustees, for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6 on property located on the north side of Ranch Road, west of Grissom Parkway.

Amanda Elmore, Interim Planning and Zoning Manager, stated JSFS Land Trust and Jacob and Faye Shapiro request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6; the property is 9.79 acres and is located on the north side of Ranch Road just west of Grissom Parkway; there is also a companion rezoning; and Ms. Rezanka is in attendance to speak on behalf of her client.

Kim Rezanka, representing the applicants, stated because of the storm she has one applicant in Miami and one in New York so they could not be in attendance; they have asked her to request a continuance; she had spoken with Commissioner Pritchett last week and she had asked her to work on the access issue, but with everything being closed she has not had a chance to do so; and she asked for the continuance for both matters to October.

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There being no further comments, the Board continued request by JSFS Land Trust, and Jacob and Fay Shapiro, Trustees, for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6, on 9.79 acres located on the north side of Ranch Road, west of Grissom Parkway, to the October 3, 2019, Board meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM H.6., JSFS LAND TRUST, AND JACOB AND FAYE SHAPIRO, TRUSTEES, REQUEST A CHANGE OF ZONING CLASSIFICATION FROM RRMH-1 TO RA-2-6 (19PZ00063)**

Chair Isnardi called for a public hearing to consider a request from JSFS Land Trust, and Jacob and Faye Shapiro, Trustees, for a change of zoning classification from RRMH-1 to RA-2-6 on property located on the north side of Ranch Road, west of Grissom Parkway.

There being no comments or objections, the Board continued consideration of request from JSFS Land Trust, and Jacob and Faye Shapiro, Trustees, for a change of zoning classification from Rural Residential Mobile Home (RRMH-1) to Single Family Attached Residential (RA-2-6), on 9.79 acres, located on the north side of Ranch Road, west of Grissom Parkway, to the October 3, 2019, Board meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM H.7., BARBARA J. AND JOSEPH J. TULSKIE, JR. REQUEST AN AMENDMENT TO AN EXISTING BDP IN A BU-2 ZONING CLASSIFICATION (18PZ00159)**

Chair Isnardi called for a public hearing to consider a request from Barbara J. and Joseph J. Tulske, Jr. for an amendment to an existing Binding Development Plan (BDP) in a BU-2 zoning classification for 1.55 acres, located on the southeast corner of Tangerine Avenue and North Tropical Trail.

Amanda Elmore, Interim Planning and Zoning Manager, stated Barbara and Joseph Tulske request an amendment to an existing BDP in a BU-2 zoning classification; this is really to correct an inadvertent omission of the BU-1 uses; she noted this item was before the Board in February; and it is coming back now to make that correction.

There being no further comments or objections, the Board approved request by Barbara J. and Joseph J. Tulske for an amendment to an existing BDP on two parcels zoned BU-2 for the purpose of consignment sales of recreation vehicles (RV), an RV storage yard, and to allow other BU-2 uses in the future on 1.55 acres, located on the southeast corner of Tangerine Avenue and North Tropical Trail.

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

**ITEM H.8., RAY L. COLGIN REQUESTS TRANSMITTAL OF THE 2019-2.1 LARGE SCALE COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 1 TO RESIDENTIAL 2 (19PZ00075)**

Chair Isnardi called for a public hearing to consider transmittal of a Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 2 on property located on the north side of State Road 520, west of the intersection of State Road 524 and State Road 520.

Amanda Elmore, Interim Planning and Zoning Manager, stated this is a request from Ray Colgin for transmittal of a Large Scale Comprehensive Plan amendment to change a Future Land Use designation from Residential 1 to Residential 2; the property is 52.53 acres and is located on the north side of State Road 520, just west of the intersection of state road 524 and 520; and it is in District 1.

Kim Rezanka, representing the applicant, stated she does not have anything to add other than what was said at Planning and Zoning; staff seems to say it is compatible to what is around it, because Residential 2 is behind it; and she would be happy to answer any questions or respond to Mr. Dana's concerns. She noted she believes he has spoken with Beachland's Managers representative and they believe this development will improve his drainage concerns; and obviously, that any new development will apply with County Code regarding flood plains, drainage, and no adverse impacts.

Commissioner Pritchett advised this is just sending through the transmittal; she thinks a lot of the problems that need working out will be done in the engineering portion of the project; and she is fine with this.

There being no further comments, the Board approved transmittal of the 2019-2.1 Large Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1 to Residential 2, on 52.53 acres, located on the north side of State Road 520, west of the intersection of State Road 524 and State Road 520.

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

**ITEM H.9., BREVARD MEDICAL CITY, LLC, REQUESTS TRANSMITTAL OF THE 2019-2.2 LARGE SCALE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL TO COMMUNITY COMMERCIAL (19PZ00086)**

Chair Isnardi called for a public hearing to consider request of Brevard Medical City, LLC, for Transmittal of the 2019-2.2 Large Scale Plan Amendment to change the Future Land Use



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designation from Planned Industrial to Community Commercial, on property located at the intersection of North Wickham Road and Haroon Lane.

Amanda Elmore, Interim Planning and Zoning Manager, stated this Item is a request for transmittal of a Large Scale Comprehensive Plan Amendment for Brevard Medical City, LLC to change the Future Land Use designation from Planned Industrial to Community Commercial; it is located on Wickham Road in District 4; and staff is requesting a tabling as the applicant was not present at the previous meeting.

There being no comments, the Board continued consideration of request of Brevard Medical City, LLC, for transmittal of the 2019-2.2 Large Scale Plan Amendment to change the Future Land Use designation from Planned Industrial to Community Commercial on 16.33 acres, located at the intersection of North Wickham Road and Haroon Lane, to the October 3, 2019, Board meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>SECONDER:</b>	John Tobia, Commissioner District 3
<b>AYES:</b>	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM I.1., INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, CITY OF COCOA, THE U.S. 1 CORRIDOR COMMUNITY REDEVELOPMENT AGENCY (CRA), AND THE DIAMOND SQUARE REDEVELOPMENT AGENCY**

Frank Abbate, County Manager, stated Item I.1. is proposed interlocal agreements with the City of Cocoa for the U.S. 1 Corridor Community Redevelopment Agency and Diamond Square Redevelopment Agency; the County has negotiated with them; they started back in August of 2017; there were three meetings, August 9th, August 24th, and October 18th; and unfortunately while staff sent a draft agreement to the City at that point, they were not able to get a mutual agreement between the parties. He went on to add they continued those efforts; a variety of things happened during 2018; the City modified a pre-Charter CRA, other additional negotiations occurred subsequent to that, and during March 2019 they began having emails and exchanges relating to these two items; the County Attorney and he met with the City Manager in August 2019; and they were successful reaching negotiated agreements to bring before the Board this evening.

Commissioner Lober asked Mr. Abbate if he could give the Board a little bit more information in terms of the last couple of rounds of negotiations, namely what changed where things were left prior to the break in the summer.

Mr. Abbate explained a couple of things happened in the U.S. 1 Corridor agreement, it would be closing two years early, that will provide significant, additional General Fund and some Parks and Recreation in the area, about \$150,000 a year of what otherwise would have been Tax Increment Financing (TIF) money coming back to the Board; on the Diamond Square, a couple of things will be happening; one was that in 2014 there were amendments under this interlocal the County would be utilizing that revised agreement, not amendments, that was developed by the City, that would become the basis moving forward; they changed the membership on the CRA board; and it now includes a County Commissioner. He went on to say they also will have term limits that will apply after the completion of the current term of the current board members; if they have reached the maximum, then this will be their last term; that is in the agreement as well; it does extend the CRA for a 10-year period; that CRA does have a cap on the TIF

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payments the County would pay would be a cap of \$150,000; they are currently around \$80,000; and it is a fairly depressed area, and so compared to other CRAs the amount of TIF payments involved are a lot lower than many of the other municipalities that have agreements. He noted those are a majority of the terms the County was able to get into the agreement. He went on by saying the final one dealt with the cap on the administrative charges that could be used from the County's portion of the TIF dollars; the remainder of those administrative expenses would have to be borne by the City through their TIF dollars; and that is all in the proposed agreement staff has presented to the Board tonight.

Commissioner Lober expressed his appreciation to Mr. Abbate for negotiating to try to get, and successfully getting, that administrative cost capped; that was something that was of great concern; when he came back from the break, it did not look like that was going to be put in place; but whatever he and the County Attorney were able to convey to the City, it certainly did work. He went on to say he was pleased leaving for the break where things were; he was displeased when he got back from the break; and he thinks it is in a spot where it is better overall for all involved now. He pointed out frankly, he did not think it was going to work out when he returned from the break, but he thinks City of Cocoa got a little bit more reasonable; in terms of CRAs from his perspective, in his District, a person can be pro-CRA, anti-CRA, or somewhere in the middle, but if talking about blighted areas or areas that really need a CRA, this is it; if there is an appropriate CRA anywhere in his District, he does not want to say Countywide, there may be something else he is not as familiar with, but certainly in his District, if there is any place to have a CRA this is really the one place; he thinks Cocoa may have misunderstood the County's negotiation for a little while, but thankfully that was rectified; and he moved to approve this Item.

Motion by Commissioner Lober, seconded by Commissioner Pritchett, to authorize staff to sign the approved Interlocal Agreement with City of Cocoa, unless the Chair needs to sign it.

Commissioner Tobia expressed his appreciation to staff for working so hard on this agreement; this initially does sound like a positive; unfortunately, the Board is extending a CRA that has a track record of wasteful spending; an example would be this CRA spent money sending its board members to a resort, Sanibel Harbour Marriott Resort and Spa, a hotel that is designed as total relaxation complete with a princess yacht, multiple cabana bars, and three outdoor swimming pools; this CRA has been an utter failure; and if it was just looking at two CRAs here, this may be a good, equitable deal, but unfortunately the City of Cocoa extended the downtown CRA without gaining any consent from the County costing far more than the amount that will ever be saved by sunseting the U.S. 1 CRA early. He went on by saying the Board unanimously voted to ask this CRA to shut down early, and yet they extended anyway; again, he appreciates staff working so hard on this; this may be better than what it has right now; however, extending an utter failure of a CRA that has had 20 years to deal with this situation and has yet made no measurable difference, he does not think is a positive way to go, so he will be voting no on this Item.

Commissioner Lober stated he appreciates the reference to the total relaxation; not to try to detract from that, but he has gone to conferences at the Marriott because that is simply where they hold the conference; he is not there for the relaxation, he is there to do his business and get out; he does not know that any of them were charging massages or pay per view movies from their rooms onto the CRA; and if that is the case, he would be more concerned; if it makes Commissioner Tobia more comfortable, and this is something that will bring him onboard in supporting it, he does not mind modifying his motion to include that there would also be a provision saying that they cannot have any travel expenses for board members, because he does not think it is an inappropriate request.

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Commissioner Tobia stated he fully supports Commissioner Lober using his hard earned dollars to go to any resort; his issue is using tax dollars, specifically County tax dollars; again, he does not think it is a fair reference to say him going to visit these types of things; that certainly would be a step in the right direction; however, the Board is dealing with folks who extended the downtown CRA; they do not need consent because it was prior to the Charter; but to put it in perspective, that will cost taxpayers about \$7.5 million over the next 30 years, so if the Board is looking at savings here, yes, there will be a couple of dollars of savings here; however, what Cocoa has done to County taxpayers is inexcusable. He noted again, he will be voting this down.

Commissioner Lober stated he does agree with Commissioner Tobia's sentiments regarding the downtown CRA, he does not like what they have done with that; but he tries to work with the cities and municipalities where he can and when he can; and that essentially for him, he does not want to say it is water under the bridge, but it is something that the Board should treat that way in order to have a productive relationship with them. He reiterated that could have been handled much better on the City's behalf, but that said, he is looking at what is before the Board today with respect to sunseting the U.S. 1 CRA quite a bit earlier and basically taking one of the smallest CRAs in the County and extending that, given again that it is truly a blighted area, he does not think anyone has come and argued otherwise; and he will go ahead, even if this does not bring Commissioner Tobia onboard, he doubts it will but the Board will see, and modify his original motion to authorize the Chair and or County staff to execute this with the addendum of there being a requirement that the CRA does not expend any funds to have any board member, or to just say prohibit travel expenses by any board member.

Commissioner Pritchett asked if Commissioner Lober is serving on this board.

Commissioner Lober replied realistically what he had originally sought to do is to get someone he could designate on the board; he wanted to have a designee instead of putting himself on there, he thought it would be a bit cleaner; but his understanding is the Statute may specifically require either someone that resides in the District or alternatively the Commissioner.

Commissioner Pritchett advised she thinks him as District Commissioner would be appropriate on it.

Commissioner Lober noted given the restriction, he is happy to do it; he will tell her there are other folks who he thinks could do a good job; but one of the items he and Mr. Abbate left off at the end in terms of one of the discussion points that was not truly critical was to have them permit a designee of the Commissioner if it is permitted by Statute; and he thinks his designee would have to live in that CRA area, so if a Commissioner has to do it he is happy to, but if someone else wants to do it, he is happy to let someone else do it.

Commissioner Pritchett asked for the tax base right now on this area, it is small, is it not.

Mr. Abbate responded yes, that is why it is only the \$80,000; and the County has some CRAs that are significantly higher than this one.

Commissioner Pritchett stated what will happen is the Board will do this and hopefully with Commissioner Lober on the board, they will start doing the right type of development; the County will never get less than the amount it is getting right now, the only thing that is going to happen is to increase this; and if the Board takes a very blighted area and they start doing well, it is good for the County, because it helps reduce the crime rate and gets people working, so she thinks it will be a good project, and she is glad Commissioner Lober is involved in it. She pointed out they are capping it at \$150,000, which is good; if they become very focused in what they are doing, the Board will only be giving \$150,000 to it every year; she thinks it was a good

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negotiation; and she think forming CRAs in the future is not going to happen, they will have to figure out some way to do it. She added if the Board had one CRA in the County to work on, this is it.

Commissioner Lober stated prior to the storm missing Brevard County, there were some vacant buildings in that area, and he thought to himself, it might actually improve the ascetics of the area if the storm had to selectively pick what buildings to take, there were some really rough buildings that were hurting the properties; it is an area that will require some time to improve; the fact the U.S. 1 CRA is being sunset brings a lot of weight with him; and without that happening, it would have been somewhere between unlikely and impossible to have him in support of extending this one at all.

Chair Isnardi stated she understands what Commissioner Lober is trying to do, but he cannot undo the 20 years where they did not do anything in this area, and it is unfortunate; she has the greatest heartburn with the extension of the CRA for the 10 years; again, she thinks it is a compelling case for a CRA; however, as much as she is against them this is probably the most compelling case; and extending it after doing nothing for 20 years is a bad idea and it sends a bad message. She advised she will not be supporting this, but she appreciates Commissioner Lober's efforts. She called for a vote on the motion.

The Board authorized the County Manager to execute the approved Interlocal Agreement with the City of Cocoa for the U.S. 1 Corridor Community Redevelopment Agency; and directed a provision for the Diamond Square Redevelopment Agency to not extend any TIF funds for travel expenses

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Curt Smith
<b>NAYS:</b>	John Tobia, Kristine Isnardi

#### **ITEM I.2., DISCUSSION, RE: ADVISORY BOARD TERM LENGTHS**

Commissioner Lober stated this is an Item he put forth to try to make things a little bit more manageable for Commissioners and employees on these particular committees that have been outlined on the second page of this Item; he is happy to do this essentially in the aggregate where the Board moved to set the duration of term length to two years by reference to all of these, or he can do them individually if someone has one or more he or she would like to pull out that there is particular concern with; but although he supports term limits that are reasonable in length, this is kind of the other extreme where it becomes bad where there are folks who serve on a board just long enough to become a little bit skilled at it, or moderately skilled at it, and then they are off already; something like Investment Committee, Local Planning Agency, Planning and Zoning, to have someone for a one-year term and then to say thanks for their service, he just does not know if that is the most efficient thing for them or for the Board; and depending on what folks thoughts are, he will make a motion accordingly.

The Board approved changing Advisory Board Term Lengths to two-year terms for Citizen Budget Review Committee, Investment Committee, Melbourne Beach Public Library Advisory Board, Mims/Scottsmoor Public Library Advisory Board, Suntree/Viera Public Library Advisory Board, Marine Advisory Council, Cocoa West Recreational Complex Advisory Committee,

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Building and Construction Advisory Committee, Local Planning Agency, Planning and Zoning Board, Contractor's Licensing Board, and Board of Adjustment.

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

### **ITEM I.3., POLICY ON BOARD OPERATING PROCEDURES AND AO-23**

Eden Bentley, County Attorney, stated this is the Policy on Board Operating Procedures and Administrative Order No. 23; the Board previously had a Board Policy 55 and a Resolution that addressed Board procedures; this is a consolidation of the Board Policy and the Resolution; for the most part, it simply combines them; there are a few areas where there are changes, and those areas are speakers times, the Agenda Request process, and electronic presentations; and it is up to the Board whether they adopt this Item or leave everything as the status quo.

Chair Isnardi asked if there is any input from the Board or did everybody have a chance to review this; and she stated she will entertain a motion if there is no discussion.

The Board approved and executed Policy BCC-97, Board Operating Procedures; and approved and executed Administrative Order No. 23.

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Curt Smith, Commissioner District 4
<b>AYES:</b>	Rita Pritchett, Curt Smith, Kristine Isnardi
<b>NAYS:</b>	Bryan Lober, John Tobia

### **ITEM K.1., BOARD REPORT, RE: FRANK ABBATE, COUNTY MANAGER**

Frank Abbate, County Manager, stated he wants to speak on the preparation that staff was undertaking for the residents and County for the anticipated arrival of Hurricane Dorian; as a major hurricane near their coast they opened 14 evacuation centers with 350 County employees, and activated the Emergency Operations Center (EOC) to Level 1 lockdown with another 100-plus employees, in addition to County Commissioners who also participate in it; staff is grateful they were able to stay in communication with all five Commissioners and he or she's active involvement as this storm proceeded; fortunately, the County was spared the harshest impacts on this; but had that not occurred, he felt confident that the County employees, alongside with representatives from a host of other local State and federal agencies who were embedded with them at the EOC, were ready to promptly respond and immediately begin recovery efforts. He expressed his deepest gratitude to each and every County employee who participated in providing essential services to the County and the residents before, during, and after the storm by either working out in the field, supporting their evacuations and sheltering efforts, or for their involvement in the EOC-related activities. He pointed out they do have some very preliminary numbers in terms of damage assessments, and while the County was spared a lot of damage, Parks and Recreation has already identified nearly \$800,000 worth of damage that will have to be dealt with; they still have three parks that the water level is too high for them to further evaluate those numbers; from a beach erosion standpoint, staff has gotten very, very

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preliminary numbers; they believe it may be in the area of \$3 million to \$5 million in the South Beaches and possibly \$4 million to \$5 million in the Mid-Reach area, but those are very preliminary numbers; for emergency protective services, that includes the Board, School Board, which the County is responsible under the State's interpretation of the Statute and Regulations for the School Board, and then the County would get reimbursed if Federal Emergency Management Agency (FEMA) provides reimbursement; and hospitals, and the cities do their own reimbursement, but the Sheriff, School Board, and Board is one. He noted those total emergency protective costs are estimated nearly \$6 million in terms of what that would be, so they are seeking, and believe they will be able to get, through the State and FEMA, to be involved in that based on the numbers; there are certain thresholds that need to be met; but they do believe they are moving in that direction.

Chair Isnardi advised there has been some question, having been with Mr. Abbate in the EOC and trying to figure out a way to best plan to the offices being open, he did everything in his power to try to get the County offices open today; and she asked him to explain to everyone why the County was not able to have all government offices open and how there were employees working 24-hour shifts, and that sort of stuff.

Mr. Abbate explained they had 350 employees who were on lock down at various shelters, that means they were working at least 24 hours through yesterday; when the decision was made, many employers made decisions a lot earlier than the County did, some of the larger employers were out through Thursday or Friday; they were consistent with the State, School Board, and a part of what it was doing in addition to those 350 employees, there were 100-plus employees and others that were on lockdown at the EOC through yesterday morning; and the day before, he did not make the decision early, but when they got to Wednesday morning, they thought it best to make that decision so people can plan and know what to do. He pointed out that was his responsibility and his decision; he did seek input through the Policy Group and others there; and those are the primary reasons they did what they did.

**ITEM K.3., BOARD REPORT, RE: RITA PRITCHETT, COMMISSIONER DISTRICT 1**

Commissioner Pritchett expressed her thanks that this storm did not come up Brevard County's coast; this would have been a really bad situation for the County; and she thanked the Lord for blessing the County and protecting it the way he did. She went on to say there were minimal winds, and it was not looking good for a while. She continued by expressing her appreciation to Chair Isnardi for camping out the whole time in the Emergency Operations Center (EOC).

Chair Isnardi advised Commissioner Tobia was there as well.

Commissioner Pritchett expressed her appreciation to Commissioner Tobia, County staff, and first responders for all they did; she stated everybody was storm-ready; she is impressed with the community and how prepared they were; there were good moods and kindness in the community; and she is proud of Brevard County and how it handled a situation that could have potentially been horrible. She expressed her thanks to the County Commission; she stated she thinks each Member is wonderful; and she had a very thankful weekend.

**ITEM K.4., BOARD REPORT, RE: BRYAN LOBER, COMMISSIONER DISTRICT 2, VICE CHAIR**

Commissioner Lober expressed his appreciation to his staff, Fritz VanVolkenburgh and Kika Golan; Fritz certainly did his part in working the shelters; Kika was over at the Viera Community Center, not too far from Viera; for the situation and for what it was, it was about as good as

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could be expected; it is one of those things that people like sleeping in their own beds, but when that option is unavailable or it is unsafe, all things considered it was a pretty good set up; and the County did as much as it could with the limited resources available. He went on to add just as the County was lucky, fortunate, and blessed not to have the storm have the impacts that he certainly anticipated it would have here, the Bahamas were not in the same level of being fortunate; Melbourne City Council and Paul Alfrey reached out to him not terribly long ago, a couple of days back, to try to help them publicize the initiative that has quite a few different entities, including the City of Cape Canaveral, Cocoa Beach Regional Chamber of Commerce, and he will not list every single one of them, essentially they are doing a supply drive to get supplies together for folks who have been impacted; it will be held Saturday, September 7th, from 9:00 a.m. to 3:00 p.m.; they are looking to get any of the following: water, canned goods, manual can openers, MRE's, non-perishable dry goods, baby formula, juice, food, cereal, first aid supplies, water filtration devices, mosquito repellent, which is an amazingly good deal, flash lights, batteries, hygiene products, diapers, and baby wipes; they are doing it at several locations, Rocket Town Church, Titusville, City of Cape Canaveral City Hall, City of Satellite Beach City Hall, Cocoa Beach Chamber of Commerce at two locations, both on Fortenberry Road in Merritt Island, and also Colonnade Avenue in Melbourne; and if folks are ready to help out in any way there, he would certainly encourage that, or if there are any other entities that are doing that, to make him aware so he can share it with everyone he knows. He expressed his thanks to everyone for his or her help with the situation; and it was handled as well as possible.

**ITEM K.6., BOARD REPORT, RE: CURT SMITH, COMMISSIONER DISTRICT 4**

Commissioner Smith stated he echoes the sentiments of Commissioner Pritchett thanking the gracious God for protecting the State and steering Dorian away from the coast; he expressed his appreciation to everyone in the County for the sacrifice of their time and comfort, like Chair Isnardi, for the benefit of the citizens; and the citizens benefit from all these good folks that give of themselves and step up in times of difficulty.

**ITEM K.7., BOARD REPORT, RE: KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, CHAIR**

Chair Isnardi stated she would love to mention all of the people she had fun with and was able to do things with, but she would worry she would miss somebody in thanking he or she for all of the hard work they do; she expressed her appreciation to Frank Abbate, County Manager, since he is the top of the food chain; she expressed her thanks to staff for making her feel useful as a Commissioner coming in there and not being part of Finance, Public Works, or any major Department; and they at least found things for her to do to make her feel useful. She advised it is kind of mind-blowing the amount of work that they do, she did not fully understand the work that goes into managing an emergency and all of the resources; Maria Stahl, Director of the Health Department, watching her not just manage her staff but the shelters, special needs, and working with Ian Golden, Housing and Human Services Director, making sure those shelters were properly manned, and the special needs shelters were run properly; and she thinks the County has amazing staff who does amazing things. She stated she wishes the public could see all of those amazing things; and it is great to be a part of it. She expressed her appreciation to Commissioner Tobia; she stated he does not like any praise or recognition; but he was there hunkered down in the EOC with them, helping make telephone calls to help get employees to where they needed to be for the storm.

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Upon consensus of the Board, the meeting adjourned at 5:58 p.m.

ATTEST:

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SCOTT ELLIS, CLERK

\_\_\_\_\_  
KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA