

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 February 2, 2017 at 5:03 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Vice Chairwoman/Commissioner District 1	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Chairman/Commissioner District 4	Present	
Kristine Isnardi	Commissioner District 5	Present	

ZONING STATEMENT

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

INVOCATION

Invocation was given by Chairman Smith.

PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

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ITEM IV.B.8., (16PZ00094) - G.T. MOTORS - (PHIL NOHRR) - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.09) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM NC TO CC, AND A CHANGE OF CLASSIFICATION FROM RU-1-9 TO BU-1 ON 1.4 ACRES, LOCATED ON THE EAST SIDE OF VALENCIA ROAD, APPROXIMATELY 400 FT. NORTH OF W. NEW HAVEN AVENUE. (108 VALENCIA ROAD, MELBOURNE)

Chairman Smith called for a public hearing on Planning and Zoning recommendations of January 9, 2017; PSJ Recommendation of January 11, 2017; NMI Recommendation of January 12, 2017; and LPA Recommendation of January 23, 2017.

Cynthia Fox, Planning and Zoning Manager, stated this request is for a Small Scale Comprehensive Plan Amendment to change the Future Land Use (FLU) from Neighborhood Commercial to Community Commercial; and a change of Zoning Classification for RU-1-9 to BU-1, on 1.04 acres, and this is located in the Melbourne area, along the New Haven corridor.

Chairman Smith inquired if there was a representative present for Philip Nohrr. Cliff Repperger stated he is with Gray Robinson, and they represent the applicant. He added he is pinch hitting for Mr. Nohrr, he had a medical issue and could not attend this evening. He went on to say Ms. Fox did a nice job explaining the Item; this is a request for a Comprehensive Plan Amendment and rezoning; the property is owned by GT Motors, the property is 1.4 acres, and it is located on the east side of Valencia Road, approximately 400 feet north of West New Haven Avenue; the purpose of the request is to allow for the storage of vehicles on the property; it is adjacent to the existing Volvo and Subaru dealership; and that lot has been a dealership for around 35 years. He added they want to try to utilize that property to the north for the parking; as part of this request, there is a binding development plan (BDP) that should be in the packet the Board received; the BDP provides for a fence to be installed along the western and northern boundaries of the property with landscaping; there is also a prohibition of access to that site from Valencia Road to avoid any traffic concerns; and with that being said, he does not have too much more to add. He stated he will gladly open himself up for questioning and would greatly appreciate it if the Board would approve the Comprehensive Plan Amendment and the rezoning.

Chairman Smith inquired if that was the ingress for a tractor trailer bringing cars in; and if that was being used now. Mr. Repperger stated he believes they use it for the existing dealership site, so there are two accesses; there is one to the south and one to the north; and he is not sure which one they are utilizing for that truck traffic, but he believes that is what is occurring now.

Chairman Smith stated what he was thinking was that the northernmost entrance would be the most logical to widen, because either one of those is going to need to be widened to allow a tractor trailer full of cars to get into that lot behind the dealership, so that would be the logical one, because they could pull right in there and gain access to the lot behind; and then they could make a u-turn to go out.

Mr. Repperger stated to go around the dealership; he believes that is what was discussed at the Planning and Zoning Board meeting.

Ted Serboasek, G.T. Motors, owner, stated he understands this is Mr. Repperger's first time working with this case; he has never met him, but they have for years unloaded vehicles on that property; and there is ample room for these trailers to get in and off of those two access points. He added it is a little tight, but they manage to do it; they are pretty good

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drivers; and the zoning request enables them to un-plug their parking lots to give them a little more room to get them in. He went on to explain Valencia is a very narrow road, and it is a problem if they park there; his intent and desire is to have them pull off so they can unload on their property as they have done for years.

Chairman Smith stated he is familiar with the area and the road; that was why he suggested the northernmost entrance to the property, which would be the one most likely to, and he would most likely recommend to widen to allow them access; and then they could pull right in, they would not obstruct the road or disturb the neighbors and they could pull into the back lot, and do a u-turn and come right out on the eastern side of the property to enter U.S. 192 from there.

Mr. Serboasek stated they can certainly look into that.

Commissioner Barfield clarified they are not going to be using Valencia. Mr. Serboasek responded they will not use Valencia; their customers do, because that is one of their entrances.

Commissioner Insnardi stated she went by the site and she wanted to disclose to the Board that she did; and she thinks this is great. She added she read the binding development plan and she thinks it is an acceptable compromise; and what he is asking for makes sense.

David Turkette stated they keep RV's and boats in the lot, which tower over the six-foot fence, and he would like an eight-foot fence to be put up in place of the six-foot fence in the binding development plan; the applicant had brought a paper by the neighbors asking for them to sign it, that there would be an eight-foot fence; he understands it creates some more cost and approval from the Board before that, but that would help; and then they do not have to look at it from their property. He added they said they would use the remotes to lock and unlock the cars, and that there would be flashing lights instead of the alarms, but Subaru's lights do not flash when a person hits the button; there are two Oak trees in front and asked if they would like those to stay there. He went on to say they always unload the semis on Valencia, not in their back lot; they have pictures; and they get stuck.

Chairman Smith stated that is probably why they want to do this. Mr. Turkette stated they are hoping they utilize it, because for six years, they have made issues with the County and nothing has ever been done on their part, until three days before the last meeting; and that is his concern, that they are not going to follow through with this. He added he is worried there will not be maintenance done on the fence and it will look the same way that the wall looks like now; the wall behind the place looks gross and the Board would not want to live next door to it, either.

Chairman Smith inquired if it was a fence or a block wall. Mr. Turkette stated it is a block wall on the back of the property; he would also like them to make sure that if they put gravel in, the gravel does not perk, and that they have something suitable for the used cars they put in there that leak oil, because they are all on a well system there; and anything that it is going into the ground, they will end up drinking sooner or later. He added the flooding is a big problem on their street already; when it rains a lot it floods the front of their houses; and it is close, and would create a lot more issues.

Beverly Samuelson stated she lives right next to the dealership; her grandfather built her house, which is now 60 years old, and everything has always been very good, except for

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this re-zoning; and they would not like to have this re-zoning go in. She added their behavior has not been very good, and she does not think that will change; they have neglected the property ever since they have purchased it; and their neighborhood does not want re-zoning. She pointed out a list of her concerns are the three exterior buildings that have been falling down for several years, nothing has been done to fix them; the parking of these 30 plus cars and trucks and two broken down motor vehicles; the homes and the boat storage that they have there; the employees using it for a parking lot; and the block wall is black with mildew and mold, and it could be cleaned or painted or something. She added the Australian Pines in the back of their lot have been falling down; it is just a mess back there; it falls down on their property, her husband, who is now 85, has been cleaning up this mess for a long time; and the employees use the remotes with the panic alarms to locate the cars at all hours. She noted they also load and unload these huge cars carriers on Valencia, which is very narrow, with no sidewalks, and it is a pretty road, but a short time ago, a semi blocked the entire street for hours; and no one could get in or out, and now they have been using it to try out their vehicles, so it is like a little racetrack in front. She reported the customers and employees try out the vehicles and there are small children, and older children on the street that walk to the end of the street to catch the bus; they have to be careful; there are senior citizens that walk; and it is very dangerous with no sidewalks. She stated with the last couple of years, they have had three beautiful homes built on Valencia, and they do not want or need to have re-zoning.

Chairman Smith thanked Mrs. Samuelson for her comments and stated he hopes he looks as good as them when he is 70.

Ms. Fox stated the applicant has the option to come up for any rebuttal.

Mr. Repperger stated as far as Mr. Turkette's concerns about the surface and any changes to the property itself, if anything, and this plays into Mrs. Sameulson's concerns as well, the binding development plan and what is planned for the property as far as the fencing, shielding and landscaping will beautify the site; there is an existing Code issue with the structures on the property, the applicant has worked with FPL to get the electric out of there; and they are in the process of entering into contracts with the demolition companies to take down the existing structures that are in violation. He added those issues will be resolved as part of this overall zoning; in addition, any surface materials that are put down on the site will be done consistent with the code and what is allowed by staff; and with regard to the panic alarm issue, he will allow the applicant to address that.

Mr. Serboasek stated there were a couple of other points raised that were of concern; one was the panic alarms, and he was not aware until recently that was happening; the store is open roughly 7:00 a.m. to 7:00 p.m., so to his knowledge no one is out there when someone might be sleeping doing that, but he can understand that even during the day that horns honking would be annoying, so they have instructed staff to go out and find the car. He added some cars the lights flash and others do not; there are other cars out there rather than just Subaru's, and it will take a few moments more, but it is not a big deal to go out and find the car; and the easiest way is to hit the clicker and the lights flash and one would know that is the car they are going to, but they endeavor to be good neighbors and will instruct staff to find the car without using the fob. He went on to say as far as cars racing up and down the street, employees are instructed not to do that, and he is pretty sure the road dead ends and it is a very residential road; they do not want cars racing up and down it; and he will reinforce with staff not to do that, and he would be happy to give the neighbors his cell phone number so they can call him if there is an issue and it will be taken care of. He

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explained they would tell the customers not to drive down that road, but when they are out on the test drive, they can sometimes go out on their own, and they cannot prevent them from going down there; and hopefully most of them would heed the instructions on their part; and he cannot swear to the Board or the neighbors that a car will never go up that road.

Commissioner Pritchett stated she read over the BDP and someone brought up drainage; and she is guessing that Ms. Fox has worked through that and there will be adequate drainage for the project they are doing.

Ms. Fox stated any improvements they make on that lot are going to have to meet the current County standards for drainage.

Commissioner Pritchett stated that was always a hot topic in her district.

Commissioner Isnardi stated that is a good point; she looked at it like with these improvements, that is exactly what it would be; the property would be improved because he is sort of using it now; and she has several names there and it is very clear that he not only has the BDP, but that he talked about the six-foot high privacy fence, where he has the signatures from 12 residents on Valencia. She added some of those are pretty close to the dealership; so, she is assuming that he has explained the same things and they understand the very short, easy paragraph that he has there, and she would ask as a courtesy to get the back wall cleaned to appease the neighbors. She added she is sure he would like to be a good neighbor as well.

Mr. Serboasek stated the other fence is PVC so it will not weather like block walls will; and the fences tend to look good over time.

Commissioner Barfield stated there was mention about RV's and boats; and he inquired if they were planning on having RV's and boats there. Mr. Serboasek responded they occasionally take them in on trade; there has been one RV that has been over a period of time that they have kept there because they have used it at certain sales; and the thought is that they may have that one there on occasion, but they can move it perhaps to a different location on the corner so it is not quite as obvious. He added they take boats on trade and then try to get them out of there as quickly as possible; otherwise they may have an employee that asks to store a boat there, but if that is an issue, they can certainly not do it.

Commissioner Barfield stated there was mention of an eight-foot fence; and he inquired if they could do that instead of the six-foot fence. Ms. Fox stated in Section 60-2109, that deals with the County's Code on fences, it does say that if there is a commercial property adjacent to residential, the commercial property owner can put up an eight-foot fence; and if the neighbors are looking for that, he can offer an eight-foot fence instead of a six-foot fence.

Mr. Serboasek stated he does not think they have a huge issue with that one way or the other; sometimes wind loads on eight foot fences are more than wind loads on six-foot fences; he is ambivalent one way of the other; and if the neighbors would rather an eight-foot fence, it tends to look a little more commercial than a six-footer, but he is open to whatever the Board would like to do.

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Commissioner Barfield inquired if he is okay with an eight-foot fence. Mr. Serboasek responded yes, he is; it is not a big deal one way or the other to him.

Chairman Smith inquired if he is requesting that he increase the size of the fence to eight feet. Commissioner Barfield responded yes.

Chairman Smith inquired what Commissioner Isnardi thought, since it is her District. Commissioner Isnardi stated it is another one of those situations where, because one person asked for it, now the Board is putting a larger cost onto the property owner, where an eight-foot fence may actually look worse than a six-foot fence and it is a nice white fence, and the Board is trying to keep everything conducive. She added she does not have any problem with it, if it is the Board's desire to go to eight feet, but there is the wind load issue, and that is the first thing that she thought of, but she will go with the wishes of the Board even though she thinks the six-foot fence is sufficient; and she does not think the difference between six and eight is not sufficient enough to ask the applicant to pay that extra cost.

Commissioner Barfield stated he will defer to her, because it is her District. Commissioner Isnardi stated she still appreciates the input from the Board; and they are all here and all have a say. Commissioner Barfield stated she has seen it, and he has not been there to look at it.

Chairman Smith stated he has also seen it; and he is ambivalent about the six or eight-foot fence as well. He added the one problem with PVC fencing is that it tends to get mildewed, and from time to time he would suggest that if that were to occur that the neighbors should contact someone in the front office about it. He went on to say a squirt bottle with a little Clorox or Clorox Plus or something cleans them right up and they are good to go again.

There being no further comments or objections, the Board approved the change to the Future Land Use designation from NC to CC, and a change of classification from RU-1-9 to BU-1 on 1.4 acres, located on the east side of Valencia Road, approximately 400 feet north of West New Haven Avenue.

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

There being no further comments or objections, the Board adopted Ordinance No. 16-01, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the first Small Scale Plan Amendment of 2017, 16S.09, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

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

ITEM IV.B.1., (16PZ00111) - LUKAS J. & ANNEISE KAMMERMAN - (CARMINE FERRARO) REQUESTS A SMALL SCALE PLAN AMENDMENT (16s.11) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 4 TO CC; AND A CHANGE OF CLASSIFICATION FROM RU-1-9 TO NC AND BU-1-A, ON 0.36 ACRE, LOCATED ON THE NORTHWEST CORNER OF FAY BOULEVARD AND GRISSOM PARKWAY. (5010 FAY BOULEVARD, COCOA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request for a Small Scale Comprehensive Plan Amendment to change a Future Land Use to Neighborhood Commercial, and a re-zoning from RU-1-9 to BU-1-A; this is an amended request, initially the application came in as a BU-1 and a Community Commercial request; and the applicant has amended that to be the lower Neighborhood Commercial and a Restricted Neighborhood Commercial, BU-1-A zoning. She added this property is in with the Port St. John Independent District area and was heard on January 11th; and the board unanimously denied the Item; it was also heard by the LPA on January 23rd, and it was also unanimously denied; and the only other thing that she would like to offer is that the applicant has provided a binding development plan offering to limit the uses on the property in the BU-1-A zoning classification, and she would ask that he come up and explain those to the Board to put them on the record.

Carmine Ferraro stated he was present to ask the Board to consider approving a request for the applicant to re-zone his Residential property to a BU-1-A zoning; he would like to give just a brief history of how they got to where they are tonight; and initially, the applicant was looking at vacating the drainage easement around his property where he owns the corner property, and there is a drainage easement that goes around two sides of his property. He added he then looked at what was involved in that, and because he is interested in selling his property, he no longer desires to live there because the area has become too busy; as a Residential property he thought that he would have a better chance of selling it if he had a Commercial zoning on the property; and he contacted his office to say he wanted to seek a BU-1 zoning, which he told him would be a difficult thing to do in this community based on the history of that property having come before the Board on other occasions, it had been denied. He explained they went to the Port St. John hearing and they presented the case and it was unanimously denied by the Independent Board; they listened very carefully to what the Independent Board said, and he took all of their comments back to the owner and he told him that if he really wanted to re-zone the property that the best he could hope for would be a BU-1-A, and that the vacation of the drainage easement was a very long and expensive process, he should probably abandon that idea as well. He noted initially, he had wanted to take his corner, the drainage easement, and the house he owns adjacent to that and end up with a one-acre corner zoned Commercial; again, because of the unanimous denial from the Port St. John and the community not being supportive of that, he agreed to amend that to a BU-1-A; he really felt like they listened very seriously to the Port St. John Independent District, which is there for the purpose of having that local community input; and they had meetings with neighbors, typically, bringing an application forward, go through the same list that receives the notification and invite those neighbors to meet with them so they can tell them what they are concerned about. He added there were a lot of concerns about the gas station on the corner, and large commercial buildings; he assured the Board

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under the BU-1-A zoning that would not be a possibility because they are now looking at .36 acre; so, the very nature and design of the property in terms of what it can be used for, in terms of providing retention and parking and such would severely limit the amount of larger uses and take them off the table. He explained they also offered a binding development plan and went through a series of different uses; however, the Port St. John board was not really interested at that point in considering that; and if the Board will still be willing to consider this amended petition tonight, then he would request that the Board table the decision, allow them to come back with a full binding development plan that they could present to the Board with the restricted uses. He stated the bottom line is, it is all about fairness, the owner of this property believes that because the property across the street directly to the east already has a BU-1-A zoning that it is fair for him to ask for this same type of zoning; and he has the corner directly adjacent to the west. He advised the fact that he is no longer going for the BU-1, the fact that he is willing to offer a binding development plan, there are going to be further restrictions that can be offered in that plan for fencing, or buffers; however, the very nature of the property and the way the development criteria would lend itself is going to severely limit what is going to go there. He noted there might be a house being converted to a gift shop, possibly some type of a dog grooming, but there would not be any type of large retail uses there; and they would ask that the Board give it serious consideration. He discussed they know that the Independent Board said no; they know that the LPA said no; and they know that there are residents here tonight to speak against this, but they feel, in fairness that since there is already a BU-1-A zoning, they are just asking to be treated the same as the neighbors across the street that has that zoning.

Julie Carroll stated she was present at the last meeting, and other things are going to come up, too, and she has concerns; she stated she is right off that corner and the turnaround driveway, so she does see a lot of traffic come through there; and that intersection is pretty small for the amount of traffic that is going through there already. She advised she is concerned more than anything, and this came up the last time, too, because there are a lot of children; this is a family area; and there are a lot of children that come and go through that intersection. She understood there are crossing guards there, but that is only when school is in session; a lot of kids go through there to get to the Kangaroo down the road; and that is her main concern right now. She added if there is another area there for people to pull in and out of, there are a lot of traffic accidents there, she can hear them from her backyard; and that is her concern, the kids.

Steven Bell stated he has been there since March of 1991; he has seen a lot of development around that area; he is against any kind of development there; and because the Board is talking about the second house, he is right behind it and he can see in his backyard. He added anything that is put there is going to disturb his property and his value and his property, and he is going to be there until he dies. He added he is not going anywhere else, he is going to have his peace and quiet there are people running in and out of the property, businesses and stuff, and he is talking about the property across the street. He explained that just affects one homeowner over there; they have a drainage ditch there, then behind that ditch, there is a drainage ditch behind it, so it does not affect anybody but that one homeowner. He noted if the Board approved this Item, it will affect many because there is no drainage ditch behind it, it is going to affect the whole neighborhood there; and this is a quiet neighborhood, the lady that was up here before about the safety issue of the kids, well that is a school crossing for the kids to go to school and stuff. He went on to say there is a walkway all around that block, too, down to that corner, so people can walk back and forth there; he stated any kind of improvement there, any kind of business a commercial business, it should be left as it is and the homeowner should not have bought

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the corner lot if he did not want it, he should have looked at it before he bought it. He added he is sorry the applicant bought that corner lot, but he should have investigated it a little more to see what the traffic was around that area, he feels sorry for the guy, but he is just going to leave the neighbors hanging with a business there on commercial property. He mentioned this is the third time this has been brought up; it is getting old; and he inquired how many times he is going to keep bringing this up; and if there was anything the Board could do to do away with it. He pointed out he is getting too old to come up here all the time to do this, this is the third time now; twice with this homeowner, but like he said before, he is against anything, and everything; it should stay as it is; and that is what he feels and his neighbors do too.

Shelley Meyers stated he is directly behind the subject property. There is a 20 foot ditch between his backyard and ours. My wife and I have been married 56 years, we've had kids in the house for 55. We will have three still in the house when we die, because we adopted five special needs. I can't see a business going in that yard. He also owns the house next to it, in other words, if you go west, he has both houses there. The one on the corner and behind me, and our kids will still be there because they cannot take a job and can't go anywhere, they're special needs. We have a 55 year old that's never been married that's going to move in and take care of them once my wife and I are gone; and it just doesn't seem right to have a business there. True there is a barber shop across the street and people have trouble getting in and out when they go to the barber shop. Grissom and Fay is one of the busiest intersections you will ever see in your life. They have the kids going to and from school, they even come and go to the ballpark and the basketball courts up the way. There is a Kangaroo, there is a Family Dollar, there's a Subway, there's a Pizza Hut, there's a liquor store, all two blocks away from where this is, so I can't see having any more businesses in that corner that's going to increase more cars, more people coming in and out, and I just don't think it's favorable, and thank you very much for your time.

Chairman Smith inquired if Mr. Ferraro had any feedback. Mr. Ferraro responded yes. He stated he would like to make a couple of brief comments; the Board received an agenda package that, on page 32, he provided it with a traffic count, the traffic count is from a 2007 study for the traffic signal, and that was around 15,526 cars. He pointed out the nearest traffic count to the east is 12,350, and to the west is 12,000, and to the south is 12,740, to the north it is 96; and to the east going into the deeper residential area is 6,460. He advised as a commercial developer, and a person who has been involved in commercial real estate for 25 years, what it shows him is that the denser traffic counts on Grissom, going back toward Fay and U.S. 1, that this is an area in transition; and he is correct, the gentleman that got up and spoke, that there are more commercial uses popping up on Fay Boulevard, so the area is definitely in transition. He added when reading the BU-1-A zoning definition, BU-1-A restricted neighborhood retail commercial zoning classification encompasses land devoted to limited retail and personal services that serve the needs of nearby low density residential neighborhoods; so this type of zoning classification was specifically set for this type of area, we believe in transition; and regarding the traffic pattern at the corner, it is signalized, it is controlled, and if people push the button and cross as told, it is a very safe intersection. He highlighted in the packet, on page 35, an email that they received from staff analyzing the intersection and its traffic accident history; and he will read just the last part of it: "Based on the review of crash history at this intersection, it is determined that there is no indication of high crash experience, or that the intersection is unsafe, however it is busy, and we agree that it is; and it is for that reason that we believe this transitional area is ideal for a BU-1-A zoning classification on this property."

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Ms. Fox inquired if she could add a couple of details that might aid in the Board's discussion; the barbershop that has been mentioned across the street, has been commercial since prior to 1988; if they had a Conditional Use Permit (CUP) for a daycare, and they were also requesting to do a church on that corner, those were all denied, but they did, for the barbershop; and it carried over a BDP that limited him to eight parking spaces, so on the BU-1-A piece, that has the barbershop with the residential Future Land Use, because the commercial has been in place much longer, they did put a Binding Development Plan on a previous request to limit that place to have eight parking spots only. She added there was an attempt at the time, as that property has come in for different uses, to limit the size, the scope, so they limited it to eight parking spaces; and she just wanted the Board to know that that is how that barber shop has evolved on that other corner.

Commissioner Pritchett stated she travels Fay Boulevard quite often, and it is becoming a main road; there is a lot of traffic on it, and she is guessing it almost does not know what it wants to be. She explained there is a lot of residential, there are a lot of businesses on it, and she imagines in the future, it will probably look a lot like U.S. 1; but right now, on that intersection, she listened to it, because it made sense to her, the business is over there, but right at that intersection, where Fay Boulevard changes from four lanes over to two, which gives it a little bit more of a residential feel than the rest of Fay Boulevard. She advised she is not going to support this tonight, because she thinks that does make it a little bit different on the determination, although there are some little businesses up on that road, but she does not think there is the ability to handle the extra traffic load at this time, but she will say, if and when they change the personality of Fay Boulevard on the other side of Grissom, it might be something that the Board might have to consider, because she is not sure how they are going to do it. She stated she knows they are going to have to do it, but it is going to change the personalities of the driveways and front yards, too; but she is not going to support this tonight because of that and she thinks it is not ready yet to become more heavy with businesses on that side of Fay; and Mr. Ferraro is a very nice man.

Commissioner Barfield stated he agrees; his biggest concern definitely was going from the four lanes to the two lanes; and he really believes what Commissioner Pritchett said, too, that if it does go to four lanes, then the Board will need to revisit it.

Commissioner Isnardi stated she knows it is usually not a condition of rezoning, but she thinks she would feel a little bit better about this if there was a better plan; if the applicant said what they are planning on doing there. She added she is pretty certain a barber shop fits nicely in that area, because although there may be traffic, they will not have 200 cars in and out of there a day; and they can still have a small business and have a lot of traffic. She explained perhaps providing something different may change the Board's mind, but as it stands right now, she is not comfortable rezoning.

Chairman Smith inquired if there was a motion. Commissioner Pritchett inquired if it is a motion to deny. Commissioner Smith responded if that is what she would like to do. Commissioner Pritchett motioned to deny the request.

Commissioner Barfield inquired if the Board has to do a Comprehensive Plan Change, and then a separate one for the zoning request. Ms. Fox responded yes, it would be very important for the Board to do two motions, if it chose to deny it.

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Eden Bentley, Deputy County Attorney, inquired if the Board wanted the County Attorney's Office to bring back resolutions, with Findings of Fact relating to the denials. Chairman Smith responded yes.

Ms. Bentley advised the Board will close the public hearing and to direct staff to come back to the Board with the resolutions and Findings of Fact; and she inquired how long it would take to prepare the minutes. Christy Mulligan-Willey, Clerk to the Board, responded two weeks.

Ms. Bentley inquired in March maybe, and what meetings there are in March. Mrs. Mulligan-Willey stated March 2.

Chairman Smith inquired what kind of motion the Board needs now. Ms. Fox responded the Board needs the denials, and then another motion to bring back the Findings of Fact on March 2.

The Board denied the request for a Small Scale Plan Amendment (16s.11), to change the Future Land Use Designation from Residential 4 to CC 0.36 acre, located on the northwest corner of Fay Boulevard and Grissom Parkway.

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

The Board denied the request for a change of classification from FU-1-9 TO NC and BU-1-A, on 0.36 acre, located on the northwest corner of Fay Boulevard and Grissom Parkway.

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

ITEM IV.B.2., (16PZ00098) DAVID & MICHELLE MURPHY - REQUESTS A CHANGE OF CLASSIFICATION FROM RU-1-9 TO RU-1-11 ON 0.94 ACRE, LOCATED ON THE SOUTHEAST CORNER OF IRWIN AVENUE AND OLD DIXIE HIGHWAY. (2485 OLD DIXIE HIGHWAY, MIMS)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the zoning classification from RU-1-9 to RU-1-11 on 0.94 acre, this is located in the Mims area; this rezoning, if approved, will allow the applicant to reconfigure the property to build three single-family homes. This was approved unanimously by the Planning and Zoning Board; overall, the property could yield five total units, but since it looks to be his plan to do the three single-family, the Board may wish to do a Binding Development Plan (BDP) to limit him to the three lots.

David Murphy, applicant, stated he is just going to build two residential homes on that. He advised he was going to position it parallel to the other one facing Old Dixie Highway, because

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of the water line; that is where the water connection is; and he was not going to do three. He noted then he would have to go through the BDP and all that.

Commissioner Barfield inquired if he was only building two. Mr. Murphy stated only one more; there is one existing; and he is only building one more, correct.

Commissioner Barfield stated it will be two total; and he does not need to be approved for three units.

Mr. Murphy stated affirmatively; and that way he does not have to do a BDP; and that runs into \$8,000-\$10,000, because the lot is only worth like \$10,000; and it is not worth it.

Ms. Fox clarified the BDP is not a subdivision, which is what she thinks he means by the \$8,000-\$10,000; and the BDP is just a simple written agreement between the applicant and the Board that limits, or puts a condition on the approval; and it is not the subdivision agreement.

Mr. Murphy stated he spoke to someone in the Building Department and they told him he had to get an attorney involved and he does not want to do that.

Ms. Fox inquired if he is taking the existing property with two homes and reconfiguring to add one additional home. Mr. Murphy responded there is only one home on the property now; and he is adding one more.

Ms. Fox stated it would not be a subdivision because he is not creating more than two.

There being no further comments or objections, the Board approved the request to change the classification from RU-1-9 to RU-1-11 on 0.94 acre, located on the southeast corner of Irwin Avenue and Old Dixie Highway.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.B.3., (16PZ00103) JAMIE & HOLLY K. BUNNELL - REQUESTS A CHANGE OF CLASSIFICATION FROM AU TO RR-1 ON ONE ACRE, LOCATED ON THE NORTH SIDE OF S.R. 524, APPROXIMATELY 0.21 MILE NORTHEAST OF S.R. 520. (6300 HIGHWAY 524, COCOA)

Cynthia Fox, Planning and Zoning Manager stated this is a request to change the zoning classification from AU to RR-1 on one acre in the Cocoa area; this, if approved, will allow the applicant to build a single-family residence; and this was approved unanimously by the Planning and Zoning Board.

There being no further comments or objections, the Board approved the request for a change in zoning classification from AU to RR-1 on one acre, located on the north side of S.R 524, approximately 0.21 mile northeast of S.R. 520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM IV.B.4., (16PZ00106) GARY R. SMITH - (ROBERT E. SMITH) - REQUESTS A SMALL SCALE PLAN AMENDMENT (16S.10) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM AGRICULTURE TO RESIDENTIAL 1; AND A CHANGE OF CLASSIFICATION FROM GU TO RR-1 ON 2.06 ACRES, LOCATED ON THE SOUTH SIDE OF GANDY ROAD, APPROXIMATELY 0.38 MILE EAST OF HOG VALLEY ROAD. (NO ASSIGNED ADDRESS. IN THE MIMS AREA)

Cynthia Fox, Planning and Zoning Manager, stated this Item is a request to change the Future Land Use from agricultural to residential one, and a zoning of GU to RR-1 on 2.06 acres in the Mims area; this is for the purposes of having a single-family residence; and is also in the Mims small area study that was conducted by the Board in 2007, which designated that area with large lot Future Land Use designations. She added right now it is at a one to five acre unit development, but they have seen several little parcels that were less than the five acres that were created before that Future Land Use came into place; and those are the ones they are seeing come in to get the re-zoning to do the single-family residence, but they have to also change the Future Land Use based on what was left after the study in 2007. She noted they need both a Small Scale Plan Amendment, to change the classification from GU to RR-1.

There being no further comments or objections, the Board adopted Ordinance No. 16-02, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the second small scale plan amendment of 2017, 16S.10, to the Future Land Use Map of the Comprehensive Plan: amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled the Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

There being no further comments or objections, the Board approved the request to change the Future Land Use designation from Agriculture to Residential 1; and a change of classification from GU to RR-1 on 2.06 acres, located on the south side of Gandy Road, approximately 0.38 mile east of Hog Valley Road.

ITEM IV.B.6., (16PZ00109) ALL SPACE STORAGE - (VAHEED TEIMOURI) - REQUESTS A CHANGE OF CLASSIFICATION FROM PIP TO BU-2 ON 6.27 ACRES, LOCATED ON THE WEST SIDE OF N. U.S. HIGHWAY 1, APPROXIMATELY 0.34 MILE SOUTH OF CANAVERAL GROVES BOULEVARD. (TAX PARCEL 30 = NO ASSIGNED ADDRESS. IN THE COCOA AREA; AND TAX PARCEL 39 = 3855 N. U.S. HIGHWAY 1, COCOA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the zoning classification from PIP to BU-2 on 6.27 acres in the Cocoa/Canaveral Groves area; the wish to enjoy the smaller setbacks of the BU-2 zoning classification; and for the Board's information, PIP requires a 50-foot front setback, 50-foot side, and 25-foot rear. She added the BU-2 zoning classification would allow them to reduce the front setback to 25-feet, the side to 15 feet, or five if it is next to a commercial property, and 15 feet in the rear.

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There being no further comments or objections, the Board approved the request for a change in classification from PIP to BU-2 on 6.27 acres, located on the west side of North US Highway 1, approximately 0.34 mile south of Canaveral Groves Boulevard.

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

ITEM IV.B.7., (16PZ00104) C&L BAYTREE, LLC - (JIM BARTOE) - REQUESTS A CUP FOR ALCOHOLIC BEVERAGES (FULL LIQUOR) FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH RESTAURANT USE, IN A BU-1 ZONING CLASSIFICATION, ON 7.53 ACRES, LOCATED ON THE NORTH SIDE OF WICKHAM ROAD, APPROXIMATELY 220 FT. EAST OF BAYTREE DR. (NO ASSIGNED ADDRESS. IN THE MELBOURNE AREA)

Cynthia Fox, Planning and Zoning Manager, stated this is a request for a Conditional Use Permit (CUP) for the On-Premises Consumption for Alcohol, full liquor, in conjunction with a restaurant in the BU-1 zoning classification on 7.53 acres; the site has been recently site planned by the County, and they are preparing for approximately a 9,000 square foot restaurant space at this location. She advised the Planning and Zoning Board did recommend unanimous approval and for further clarification, when they come in for their individual alcohol State licenses, staff will get the unit numbers for the restaurant, as this site was newly developed, and did not have those at the time that they applied. She added as they come in for the alcohol sign ups, they will make sure the units are identified.

There being no further comments or objections, the Board approved the request for a CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption in Conjunction with a Restaurant Use, in a BU-1 zoning classification, on 7.53 acres, located on the north side of Wickham Road, approximately 220 feet east of Baytree Drive.

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

ITEM IV.B.9., (16PZ00107) - ROBERT C. & MARION L. BAUMAN - (JOSEPH KILMER) - REQUESTS A CHANGE OF CLASSIFICATION FROM RR-1 AND RU-1-7 TO RU-1-11, ON 1.52 ACRES, LOCATED ON THE EAST SIDE OF WASHINGTON STREET, APPROXIMATELY 0.17 MILE SOUTH OF MILWAUKEE AVENUE. (LOT 12 = NO ASSIGNED ADDRESS. IN THE MELBOURNE AREA. LOT 15 = 2685 WASHINGTON STREET, MELBOURNE)

Cynthia Fox, Planning and Zoning Manager, stated this is a request to change the zoning classification from RR-1 and RU-1-7 to all RU-1-7 on 1.52 acres; this is located in the Melbourne area; and the Planning and Zoning Board recommended approval. She added this is to RU-1-11, not RU-1-7, he amended his request, so the Planning and Zoning Board recommended approval as RU-1-11, just for clarification.

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There being no further comments or objections, the Board approved the request for a change in classification from RR-1 to all RU-1-11, on 1.52 acres located on the east side of Washington Street, approximately 0.17 mile south of Milwaukee Avenue.

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

ITEM IV.B.10., (16PZ00084) - HOME DEPOT USA, INC. - (EDWARD J. ALLEN) - REQUESTS A CUP FOR TRAILER & TRUCK RENTAL SERVICE, IN A BU-1 ZONING CLASSIFICATION ON 9.37 ACRES, LOCATED ON THE EAST SIDE OF N. COURTENAY PARKWAY, APPROXIMATELY 340 FT. NORTH OF S.R. 520. (200 N. COURTENAY PARKWAY, MERRITT ISLAND)

Cynthia Fox, Planning and Zoning Manager, stated this is for the Home Depot on Merritt Island, they requested a Conditional Use Permit (CUP), which is for truck rental, this is in a BU-1 zoning classification on 9.37 acres; the Planning and Zoning Board approved this with conditions that were asked for by Merritt Island Redevelopment Agency (MIRA); and the three conditions were to park all rental equipment with the rental trucks in the area designated on the approved site plan that is to be clearly marked with signage or striping, the second being no more than 10 rental trucks at any given time on the property; and the third after-hour drop-off of vehicles must be in the designated area and any outside this area will be moved to the approval location at the start of Home Depot business. She added that vote was unanimous.

Commissioner Barfield disclosed he has looked at the property walked through it, and looked at everything there.

James Rosich stated he is an agent for Home Depot USA, this is Store Number 234, it is at 200 North Courtenay Parkway; just for clarification, he would like to point out one thing, the staff report mentions it is for truck and trailer, it is only for trucks; and there will be an average of five to six trucks on there at one time; and this is not a storage type of a situation, this is more of a transfer operation for trucks. He explained when a customer rents a truck in the store, or online, it is brought to the store and dropped off in the Home Depot parking lot, and then when the customer brings it back, it is transferred somewhere else; Penske has a regional facility in Orlando, and that is where the trucks will be coming and going from. He noted there is an Assistant District Manager for the Store if there are any questions.

Commissioner Barfield stated he is okay with this, but he would like to add some conditions, to clarify no trailers.

There being no further comments or objections, the Board approved the request for a CUP for Trailer and Truck Rental Service with conditions agreed to by the MIRA Board to park all rental equipment with the rental trucks in the area designated on the approved site plan that is to be clearly marked with signage or striping; no more than 10 rental trucks at any given time on the property, after-hour drop-off of vehicles must be in the designated area and any outside of the area will be moved to the appropriate location at the start of Home Depot business, and that there are no trailers, in a BU-1 zoning classification, on 9.37 acres,

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located on the east side of North Courtenay Parkway, approximately 340 feet north of S.R. 520.

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

ITEM IV.B.11., (16PZ00082) - GERALD CRAYTON, TRUSTEE - (ANTRON COTMAN) - REQUESTS REMOVAL OF AN EXISTING BDP, TO RETAIN ALL BU-1 & BU-2 USES, IN A BU-2 CLASSIFICATION ON 6.07 ACRES, LOCATED ON THE WEST SIDE OF N. COURTENAY PARKWAY, APPROXIMATELY 560 FT. NORTH OF CRISAFULLI ROAD. (NO ASSIGNED ADDRESS FOR PARCELS 751.1 & 798. PARCEL 758 = 6025 N. COURTENAY PARKWAY, MERRITT ISLAND.)

Cynthia Fox, Planning and Zoning Manager, stated they were not sure if the applicant was going to make it; and she added that this is a request for a removal of an existing Binding Development Plan (BDP), to retain all BU-1 and BU-2 uses, in a BU-2 zoning classification, which is listed on the Agenda, on 6.07 acres, located on the west side of North Courtenay Parkway, approximately 560 feet north of Crisafulli Road; and the Board needs someone here that is authorized to act as the applicant.

A representative of Antron Cotman stated he is about five minutes away, he just texted him that he just got off of I-95; and he can address the questions or concerns.

Ms. Fox stated they could move to another Item. Chairman Smith stated there is Item V.A.

Ricardo Jackson stated it was described earlier what they were attempting to do with this property; it is zoned BU-2, they are extended the Binding Development Plan to include all of BU-2 with the exceptions that were listed by the NMI Board; it was strictly boats and boat storage initially, so they have to expand it to the full use of BU-2.

Ms. Fox stated the property owner or authorized person to act as an applicant must be present; and Mr. Jackson is just here on behalf of Mr. Cotman, but they do not have the paperwork signed, so, she is hoping he comes in the door at any minute.

Chairman Smith inquired if he would make it in time if the Board took a five minute break. Mr. Jackson responded yes.

The Board recessed at 6:09 p.m., and reconvened at 6:12 p.m.

Antron Cotman stated he is here in regards to the property at 6025 North Courtenay Parkway; it is a request to extend the BU-2 usage from just boats and boat repair and storage to all BU-2 uses, excluding the items listed in the new Binding Development Plan (BDP).

Commissioner Barfield inquired if he was okay with all of the recommendations from North Merritt Island Board. Mr. Cotman responded yes.

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There being no further comments or the Board approved the request for removal of an existing BDP, to retain all BU-1 and BU-2 uses, in a BU-2 zoning classification with the exception of, cemeteries, mausoleums, crematoriums, railroad motor truck, water freight, passenger stations, testing laboratories, recovered materials processing facility, seafood processing plant, substation/transmission facility, dry cleaning plant, and fertilizer storage/sales; amended the provision that any future development of the property shall comply with the October 2005 North Courtenay Parkway Corridor Study draft, except that the LU-3 dealing with visibility of sheet metal buildings from North Courtenay Parkway shall not apply to the existing sheet metal building on the property; retain provision that a six foot high opaque fence shall be placed on the property 25 feet west of the right-of-way line of S.R.3, and there shall be no storage of boats or trailers on the 20 feet immediately west of the opaque buffer; stacking of boats and trailers over one another so that they may be visible from S.R. 3 shall be prohibited; and that the Owner shall provide additional vegetation planting on the east side of the fence to restrict the visibility from S.R. 3.

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

ITEM V.A., BOARD CONSIDERATION, RE: TIME EXTENSION FOR CFAR TO RELOCATE CAPTIVE WILDLIFE TO FOREVER FLORIDA RESERVE, OSCEOLA COUNTY

Robin DiFabio, Planning and Development Director, stated this is a request for a time extension for the Central Florida Animal Reserve; they are the ones that have the big cats, currently in Canaveral Groves; they have been working with the Board of County Commissioners since they were unable to find a property within Brevard County to relocate the animals; and they have secured property in Osceola County, and have been working diligently to improve that site to make the site ready for the transfer of the animals. She added this has been a rather drawn out process, but she is pleased to hear that the organization has made tremendous progress over the last year; Dr. Thomas Blue has represented to her and shown photographs showing significant improvements to the property; he believes the property will be ready for occupancy for the animals by June; however, summer months are not the optimum time to move the animals, so they are asking for another one-year extension for the beginning of March of 2018 in order to move the animals during the cooler time of the year.

Chairman Smith stated his staff visited the facility recently, but he did not, he was not able to.

Dr. Thomas Blue stated he thinks Mrs. DiFabio represented very well what they had said, and he believes the Board got the letter; and he has spoken with his staff as well. He explained they are making good progress, and they should have it taken care of in the fall when the cool weather strikes again; there are a lot of small items to take care of, but they will not be ready by the deadline this year; and he does not have anything further to say.

The Board granted one-year time extension to March 2, 2018, to CFAR to relocate captive wildlife from 5420 Date Palm Street, Canaveral Groves to Forever Florida Reserve in Osceola County.

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

ITEM VI.D.1., REQUEST TO SCHEDULE EXECUTIVE SESSION, RE: BREVARD COUNTY V. B WEST TOWNHOUSES, LTD., MEADOWBROOK, LLC, TRADEWINDS PLAZA, LLC, CASE NO. 05-2013-CA-025677

Eden Bentley, Deputy County Attorney, stated she has an Item on the Agenda. She added her Item is to advertise for an Executive Session for February 21, 2017, to discuss an condemnation action in Brevard County vs. B West Townhouses, et. al.

The Board approved the cost of advertising for, and the scheduling of, an Executive Session on February 21, 2017, at the conclusion of the Regular meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statutes, for the purpose of discussing litigation strategy and settlement negotiations in the case of Brevard County v. B West Townhouses, Ltd., Meadowbrook, LLC, Tradewinds Plaza, LLC, for Case No. 05-2013-CA-025677.

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

ITEM VIII.C., JIM BARFIELD, DISTRICT 2 COMMISSIONER, RE: REPORT

Commissioner Barfield stated in light of Stockton Whitten, County Manager's resignation today, he inquired if there are past Request for Proposals (RFP) from when the Board looked for a new County Manager before.

Stockton Whitten, County Manager, responded yes, the last time the Board went out on RFP was in 2009, and staff does have that RFP for the Board to mark-up or edit as it sees fit; it is almost ready to go as it is; but it will require some updating. Commissioner Barfield inquired if the Board can get that going, and if it has to make a motion on it.

Chairman Smith inquired what the RFP should entail. Commissioner Barfield stated he would like to go ahead and get that going; and he inquired if a motion had to be made. Commissioner Smith inquired what he would like in the RFP. Commissioner Barfield responded to do a search for a candidate for County Manager.

Motion by Commissioner Barfield, seconded by Commissioner Pritchett for discussion.

Chairman Smith stated the Board is going to put out an RFP to bring County Manager applicants to Brevard County.

Commissioner Barfield clarified the motion is to develop the RFP and bring it back to the Board.

Mr. Whitten stated he would bring it back on Tuesday.

Commissioner Isnardi stated at this point she would like to consider all options before going to RFP; and she inquired if everyone has accepted the resignation and the terms of the resignation. She added it just happened this afternoon, and she would like to take a deep breath and step back from it to discuss more of what the Board expects in the RFP; Mr. Whitten may be able to prepare it, she is sure he is fully competent, but the Board has some time, if it agrees to the terms of the resignation letter.

Commissioner Barfield stated from a time factor he figured Mr. Whitten could go ahead and get this one and the Board can look at it and go from there, whatever the Board wants to do.

Chairman Smith stated he concurred with that because the Board has 90-days, he has been gracious enough to give the Board that amount of time, so he thinks this is an extremely important decision for the Board to make, and he thinks it need to get ahead of it; and it is appropriate to start the RFP process, and all the Board is doing here is approving the idea to bring it back to it on Tuesday, so the Board can discuss it.

The Board authorized the County Manager to bring back to the Board on Tuesday, February 7, 2017, a draft RFP to be developed by the Board for candidates of the available position for County Manager.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Rita Pritchett, Vice Chairwoman/Commissioner District 1
AYES:	Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM VIII.D., JOHN TOBIA, DISTRICT 3 COMMISSIONER, RE: REPORT

Commissioner Tobia stated he has a couple quick motions; Cocoa Expo has come to light, they have filed Chapter 11 Bankruptcy filing the debt to the County in past due taxes; he added with a little bit of research, it looked as though in September 2016 the previous Board took about \$770,000 out of their Binding Development Plan. He noted that he was told that County staff would take care of that, about \$5,000 has already been spent; and he would like to have a motion to request abatement of County spending on that, whatever the remaining portion of that \$770,000 is.

Chairman Smith inquired if that is a motion to do that. Commissioner Tobia responded yes.

Motion by Commissioner Tobia, seconded by Commissioner Isnardi, to put a stop to those excess monies that have not been spent.

Commissioner Barfield stated he would like to hear from John Denninghoff, Public Works Director, regarding the status.

John Denninghoff, Public Works Director, stated at the time that that expenditure was approved by the Board, staff had advised the Board that there was going to be some permitting that was going to be required, and staff had to secure consulting services for that; the permit is principally associated with the FDOT work and the FDOT right-of-way on S.R. 520 and S.R. 524. He

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added that is the only work that has been done on the project, or initiated on the project at this point, there has been no other work besides that permitting effort; the consultant is working on that, staff has paid one invoice on that; and there has been a fair amount of additional work that has been done on the entire task order for that, he believes it is around \$4,950, and that is out of the \$770,000, so the remainder remains completely unspent and unencumbered in any way. He advised upon finding out about the Cocoa Expo situation, he directed his staff immediately to assure there were no other expenditures that were to be taking place; he consulted with the County Attorney's Office to find out what staff's obligations were regarding the proceeding with construction; and until further instructions, he had not planned on doing anything more. He noted he has not told the consultant to discontinue doing work at this point.

Stockton Whitten, County Manager, stated he would like to add to that; he did meet with Mr. Denninghoff on Monday, along with Eden Bentley, Deputy County Attorney, and Scott Knox, County Attorney, to talk about not continuing with the roadways, because of the Bankruptcy; and he would like to clarify that the motion would be, even if he comes out Bankrupt, or something is agreed to, the motion is to, actually, not to go forward, regardless of his bankruptcy situation.

Commissioner Tobia stated that would be the motion, and it appears as though this spending was initially in the BDP, and the Board made the decision to pull it out, and he wished the Cocoa Expo the absolute best, but should they get out of Bankruptcy, and pay the property taxes that they owe the County, then he would certainly welcome them to come up and discuss it; but at this point he would certainly like to request the abatement until they do that.

Commissioner Isnardi inquired if it would be more prudent to put this on hold as opposed to completely stopping it; she does not know the financial situation of that organization, but she knows they filed; she does not know how dire it is; and she is nervous that if they are able to come out of it, if it is going to hinder them. Mr. Whitten responded if he heard Commissioner Tobia correctly, the intent is to put it on hold with an ability for the applicant to come back and request a funding reconsideration if he gets out of his predicament. He added it is on hold, because the Board has not talked about a re-allocation of those dollars, so that would be the way he would look at it.

Commissioner Isnardi inquired of the motion needed to be amended. Chairman Smith responded that would be up to Commissioner Tobia to make the amendment to his motion.

Commissioner Tobia stated he would like to do just the abatement; so in other words, just to stop the future ability for the Cocoa Expo to receive those funds; not a re-allocation because quite frankly, he does not know where they would go; and he just wants to make sure, until they get out of their situation, and until they fully pay their taxes, that they do not have access to any more of that \$770,000. He added they are more than welcome to come to the Board when they do get out of that, but he does not think it would be prudent to use tax dollars on a company that is not paying their property tax; and it is merely an abatement.

Mr. Whitten stated the Board would reserve those dollars that were dedicated to that roadway.

Commissioner Pritchett inquired if the Board was in any danger of this being spent, because of the Bankruptcy. Mr. Denninghoff responded staff does not have a schedule for the start of the construction, so staff was not about to spend it; there are no orders, or any materials that have been ordered, or paid for in any way, shape, or form, other than the permitting effort with the consultant. He added his assumption is that they have future allocations that are available, and can remind the Board that those funds are there being held for that purpose, and the Board could decide if it would like to spend them elsewhere, or continue to hold it for some period of

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time to give Coca Expo and opportunity to come out of the situation they are in. He noted he does not know when that next opportunity would be, but there will be one, he is sure.

Commissioner Pritchett stated she thinks for the Board to have an easier time if something does miraculously happen, she would be more comfortable putting it on hold for now; and bringing it back to the Board at that time; if anything resurrects from the dead on this, but she thinks she would be more comfortable with that right now rather than completely making the change and tying the Board's hands so it cannot move forward if something good were to happen.

Mr. Denninghoff stated based on his understanding of the motion, staff would be holding those funds, basically in reserves, staff could move them into reserves, but staff would not spend the money as far as he is concerned, if the motion passes, and the Board has directed staff not to spend it, so he would only suggest allowing the completion of the consulting services would be a good idea; staff will virtually pay for all of it. He advised he would suggest that the difference between stopping now and letting it finish in value is going to be very, very minimal.

Commissioner Pritchett stated it would be wise to complete the consulting project staff is already involved in.

Mr. Whitten stated he thinks what Commissioner Tobia actually said excluding the permitting expenses; and he believes the Board is fine on that. He added Mr. Denninghoff is saying consulting, but he is talking about the permitting.

Mr. Denninghoff stated yes, that is the permitting effort, correct.

Commissioner Barfield stated ever since he has been on the Board, which is two years going on 10, it seems like Cocoa Expo has come up every time, and it has been a lot of problems however, he does not see Cocoa Expo here, he does not know if they were informed to be here, and in the interest of transparency he believes it is important if the Board is going to do something that affects them, he thinks they need to be informed, and be here. He inquired if it would be an issue if the Board does something like this that impacts them without them even being notified about being here.

Eden Bentley, Deputy County Attorney, responded at the September meeting what the Board did was you moved the funding requirement from the Binding Development Plan; they were required to do it before, now there is not any document requiring the Board to proceed, so it is are not technically required to notify them; but the Board may if it wishes to.

Chairman Smith inquired if Commissioner Tobia would consider offering them an opportunity to come before the Board. Commissioner Tobia responded absolutely, once they pay their property taxes; he finds it very difficult that the Board will give a company the ability to access \$765,000 of taxpayer money when they are in arrears on their own taxes; and whether or not they are here, it just is not prudent. He advised the Board is not taking those resources away; it is still providing the opportunity for that organization to make the required changes, get in the right position; but it is his understanding right now, that Cocoa Expo in arrears to taxes, as well as electric companies, consulting companies, paving companies, and it goes on and on. He remarked they need to fix the concerns they have and then come to the Board to ask for that again, remember in the initial BDP they agreed to cover this expense so it is not changing from the initial BDP; it was pulled out in 2016, but the Board did not have the knowledge; and the reason this happened so quickly is that he wanted to make 100 percent sure to cut off that source of funding because it is his understanding that they have the ability to grab those resources right now.

Chairman Smith states he will take that as a no. Commissioner Tobia stated it is; they can come back late but it is, again, an abatement.

Mr. Whitten clarified the roadway improvements are being made by the County, and so what the Board stopping, is the County from making the roadway improvements.

Chairman Smith stated the monies were not available to Cocoa Expo.

The Board approved the abatement of funding for the roadway work that the County committed to for Cocoa Expo Sports Center.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

Commissioner Tobia stated he has one more motion for the Board to consider; there was a Resolution passed, Resolution No. 2016-007, that pretty much handcuffed future Commissioners, it tapes merely the discussion of CRA's off of the table; and Chairman Smith tasked the newer Commissioners with finding funding sources for transportation, fairness, leadership, and foresight, voted against this Resolution because he wanted the discussions to not be shut down, and he appreciates the leadership that Chairman Smith brought forward, though not in the majority, he voted no, that the Board should have the ability, merely to discuss, this is not the removal or de-funding, or changing of CRA's; this Resolution just handcuffs three new Board members that have not had the ability to discuss this at the meeting, so all he is asking for is a Resolution voiding Resolution No. 2016-007, so the new Board members can bring up CRA's in future meetings, and that is the motion.

Commissioner Barfield stated when this came up originally, every meeting it came up and it was not on the Agenda; it would come up, someone would want to talk about it, and vote on something, and that was the reason for this; and as the Board will notice at the bottom part, it says "or until otherwise directed by a majority vote of the County Commission, the County Manager is hereby directed not to place any item on the County Commission Agenda that addresses the funding of CRA's", so the purpose is to get it put on the Agenda, if he would like to put it on the Agenda, he is fine with putting it on the Agenda to discuss it. He added that is what this is for; if one wants to put it on the Agenda for the next meeting, that is fine with him, but he would like to vote right now to put it on the Agenda.

Commissioner Isnardi stated she agrees with this, because CRA's have always been an issue with her; they do good work in some, and not so good work in others; she was amazed when this happened, and she understood there was some issue with people bringing it up and perhaps it was not at the correct time; she did not know all of the details, but she gets a little nervous when the Board starts enacting ordinances that require the majority of any governing body to shut down the conversation; and she thinks that putting things on the Agenda are the way to go, especially things that are important. She added one does not want to bring up things during Commission business that is big and takes time to think and plan through, so she will be 100 percent behind this as well.

Commissioner Pritchett stated she has been watching the programs for a few years; she lives in Titusville, she supports CRA's, where she is they have been a life saver in her community; and she is not going to hide any of that from anyone, but the problem is that if CRA's are called out every week, they have to change their works schedules, she has a daytime job, she could not get down to the meeting, there was not enough time to get up and speak, and the government

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would have to shut down to try and get here. She advised it became very cumbersome to get day-to-day work done; she would not mind voting down the road to put this on the Agenda; she thinks the Board can do that, but she does not want to be back in that spot again, where CRA's are being pulled around and make them show up to try to defend it; and she would not mind if it was put on the docket later, but she would like to throw this out, there are a lot of changes right now, and the Board is doing the Ethics Workshop, the County Manager is leaving, and she would like to set a time in the future where everyone has time to prepare for the discussion, and maybe go to workshop sometime in March. She added she would not mind that, but she does not think it should be thrown on next week's Agenda; the Board needs to give everyone a couple of weeks, because everyone is going to be scrambling over the next couple weeks to get things together.

Commissioner Barfield stated this is a specific reason why the Board did this; this was not on the Agenda, the public did not know it was going to be discussed; and that is kind of the reason for this. He added it is important that the public knows and can see, and just like Commissioner Pritchett was saying, people would come from all over when the Board would talk about CRA's; they are just like any other issue, they need to have a time to know about it, and to be up to speed to be able to come to it; and he agrees with that. He suggested there is no problem discussing it, but it needs to be on an Agenda so the public has every opportunity to be here and respond to it.

Commissioner Isnardi stated she does not think if it begins to be a little ridiculous, or the Board starts to talk about things that are not included on the Agenda, or are not advertised early enough and it becomes a problem, the Board can re-address it, but this is simply an issue that says that the Commissioners are allowed to put it on the Agenda, or that they are allowed to discuss it; and if it gets silly, and nothing is getting done, and causing a lot of unnecessary difficulty, then the Board is not doing a good job anyway. She noted the Board will be judged on how it reacts, and if the Commissioners are not doing the right things, the votes will be here to stop the discussion again, which she is nervous about, but she does not think the conversation should be stopped, but the Commissioners need to be methodical on how it does things. She added if there is a CRA Item and there is no CRA boards on every Agenda, that would be ridiculous, or it would need a separate meeting for it, and there could be a workshop for that, where the Board dedicates that time for that purpose, but for any governing body to completely disallow the discussion, she just thinks there could have been a better way. She stated perhaps there was not, she watched quite a few meetings, and she understands frustrations, but believed there were frustrations on both ends.

Commissioner Tobia stated this Resolution only allows the Board to discuss CRA's, he did not know, in all honesty, that the Resolution could handcuff future Commissions; and it says in the Resolution as currently composed; there has been 60 percent of the Board switch over, and he agrees, he is certainly not here to waste anyone's time, but Chairman Smith took the leadership role and tasked the new Commissioners with resources that could go to failing infrastructure; and the numbers need to be looked at. He went on to say CRA's come to the tune of \$4.6 million out of the General Revenue budget, so this is a big chunk that the Board needs to investigate to at least find out if it is being spent wisely, correctly, and prioritized, and he thanked Chairman Smith for standing up last year and saying no, the Board should have open discussion, because by keeping this closed, the Board is taking discussion off of the table. He believed this is a very positive way, and if the Board is to do something by way of Resolution in the future, he would imagine it would be noticed in a timely fashion, so the CRA's would have the ability to come and discuss the varied issues; and he would like to be very, very clear, all his resolution does is allow any one of the Board, or the public to put a CRA item on the Agenda. He advised right now, the Board and public does not have that ability, and that is probably not the right way to go; he asked for the Board's continued support, as avenues are investigated to make Brevard County's infrastructure more viable.

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Chairman Smith asked Commissioner Tobia to make a motion.

Commissioner Tobia made a motion to void Resolution No. 2016-007, and allow the County Commission to add CRA items on the Agenda.

Chairman Smith stated there is a motion and a second, and inquired how much notice he is intending, because one of the problems he seen before is he thinks one should be able to bring up a CRA or any other subject; but he does not agree that one should be able to just do it at the last minute and not give anybody enough time to look at it. He suggested timely and maybe one week in advance.

Commissioner Tobia stated there are policies in place for when staff and Commissioners can place items on the Agenda; and he is more than willing to look at the Policy because he does not think we could single out CRA's or anything, if Chairman Smith is interested in changing policy, he has no problem; and he looks forward to him bringing that up and, he will fully support changing policies so the Board gets more of a heads up, but he does not want to single out CRA's, he believes it should be across the board. He noted he would comply with policy, would be in favor of future policy for a week to ten days, or two weeks, as Chairman Smith suggested, it is his pleasure to bring that up, and he would support that. He added the only reason he put these on the Agenda so late was because the bankruptcy just popped up, so he had no forewarning on it, and on this Item, he has been looking at CRA's for quite some time, and he was informed by staff, very recently, that he did not have the ability to put a CRA Item on the Agenda, and this was the only way that he could do it. He stated as quickly as he could, that is what he put on, but again, this does not change CRA's in any singular way from de-creation, for the dissolution, the defunding, but he would like to treat CRA's like everyone else and change that policy, and give people more time; the Board is elected for four year terms, and he has no problem giving people more notice.

Chairman Smith stated he will agree with that; and the deal he will make with Commissioner Tobia is for him to follow up with a policy resolution that would allow more time for the introduction of a future resolution.

Commissioner Tobia thanked Chairman Smith, but he will leave that burden on him; he is working very hard on looking at CRA's as a way to increase transportation funding; he is getting ready for the Ethics Workshop that Chairman Smith was kind enough to vote in favor of; he has a lower staff, because one person left, and also many of his resolutions go down in flames, so he would encourage Chairman Smith to run with that and if it is anything like what he has said, providing more notice, he will have his support, and he looks forward to his leadership as he brings that forward

Commissioner Pritchett stated she would like to see a change of policy for last minute items; she thanked Commissioner Tobia for the suggestion, and if that was in place, it would not be so uncomfortable; the CRA's are getting their reports ready to bring to the Board, soon; she knows she is working on it in District 1, and as the Board moves forward with this, just because the Board is looking at how to dismantle them for more funding, she thinks that the Board needs to give everybody more time to come and present their cause. She added if the Board was going to do this, she would feel more comfortable throwing together another workshop, spending a day and have CRA's come out and talk about all of the things they have going on and listening to everything that they are bringing to the table, and what the Board is looking at instead of having reactions like this. She advised from their end, it got very cumbersome trying to drop everything they were doing to get to the meeting because it was announced Friday afternoon at 12:00 p.m., and that is just hard to do; that is not just CRA's, that is Regular Agenda Items, and that is around 200 people that are affected that have to change their schedule to get to the

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Board meetings. She explained on that, she is not really sure that it is fair, not that Commissioner Tobia is doing that, but if the Board is going to make those kind of changes, she thinks it qualifies for discussions from everybody involved.

Commissioner Isnardi stated if between Commissioner Tobia and Chairman Smith coming up with a policy as far as public notice which is probably where she would lie to; this is just to allow the Board to discuss it because right now it cannot even talk about CRA's, it has to make a motion to repeal this or void this Resolution because it is not even allowed to talk about it at all, which is bizarre to her, she understands everyone's argument for why that happened, but this is not making any decisions at all, and even if she was 100 percent in favor, for example, of changing an existing CRA, or de funding a CRA, and she thought that she had all the facts, she would, herself, given ample opportunity, and she would not feel comfortable moving forward until she heard the entire story; and she would never put that burden on staff or the agency to be expected to come before the Board within five or six days to get all of their financials together, attorneys, and whatever else they would need; and she would allow for that, especially something that large; and it would probably take her a week to research her own information to make sure she was not missing anything. She stated a promise may sound weak, but the Board has a promise from her that she will make sure there is ample time for the Board to make any major decisions on CRA's.

Chairman Smith stated he appreciates that.

Mr. Whitten stated this is probably more appropriate after, there is a motion on the table, but The Board does have operating rules via Resolution and after the motion is dispensed, it is merely direction to staff to amend the Board's Operating Policies to address timely placing of Items on the Agenda.

Chairman Smith inquired if the Board needed a motion for that. Mr. Whitten responded that the Board just needed to give staff direction.

Chairman Smith called for a vote on the motion.

The Board voted in favor of a Motion to void Resolution 2016-007; the Board further authorized Deputy County Attorney Bentley to create a resolution rescinding Resolution No. 2016-007 and present it to the Chairman for execution (that Resolution will be numbered 17-008); and in addition, the Board authorized County Manager Whitten to amend the Board operating Policy, to address timely placement of items on the agenda.

ITEM VIII.F., RITA PRITCHETT, DISTRICT 1 COMMISSIONER/VICE CHAIRWOMAN, RE: REPORT

Commissioner Pritchett stated she understands Stockton Whitten, County Manager, put in his resignation, but she would like the Board to consider offering him a pay raise if he would remain with Brevard County. She added he is such a good County Manager, and the Board does not pay him what he is worth; he came on for an amount at the time, and the Board is not going to find a better one; and she thinks if it would have been a consideration, she thinks it would be a great advantage for the County if he would consider that.

Chairman Smith stated he would agree with that as well.

Commissioner Isnardi stated that is three.

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Stockton Whitten, County Manager, stated he appreciates the support and the effort, but he has made a commitment to Eastern Florida State University; and he appreciated the effort, it has been 20, almost 23 years here, and 26 years in County Government; and he is looking forward to the new challenge that is at Eastern Florida State. He added it allows him an opportunity to still be value added to the community, and not in County Government, but in Education; and he would not be sitting before the Board, and his brothers would not be as successful as they are without a higher education, being the son of a cab driver. He explained he is looking forward to the new challenge; he believed it was time for a new challenge; there are some wonderful and exciting things going on at Eastern Florida State University; and he will do all he can to transition the Board to the new manager coming in, but he feels it is time for the new challenge that awaits him.

Commissioner Pritchett stated he is the Board's champion.

Chairman Smith stated he appreciated all that Mr. Whitten has done; he has been immeasurably helpful to him; and he wished him all the best.

ITEM VIII.G., CURT SMITH, DISTRICT 4 COMMISSIONER/CHAIRMAN, RE: REPORT

Chairman Smith stated he has some information for the Board as a recommendation for a search company; and asked the Board to look it over; and the Board can also come back with recommendations. He explained this is a company that has come highly recommended to him, and wanted to forward the information to the Board. He asked the Board to look it over and, again he would stress that he thinks that the Board should be very, very happy that Stockton Whitten, County Manager, has been kind enough to give the Board 90 days, but 90 days is not a really long time to do something of this caliber, so the sooner the Board gets started, the better it will be. He charged the Board with looking this over and come up with more recommendations, so that Tuesday, the Board can go forward with this.

Upon consensus of the Board, the meeting adjourned at 6:54 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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