

December 2, 2021

# Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## Minutes

**Thursday, December 2, 2021**

**5:00 PM**

**Zoning**

**Commission Chambers**

**A. CALL TO ORDER 5:00 PM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

**ZONING STATEMENT**

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

**C. PLEDGE OF ALLEGIANCE**

Chair Zonka led the assembly in the Pledge of Allegiance.

**E.1. Presentation by Rachel M. Sadoff, Clerk of Court, Re: Appreciation for Financial Assistance Provided to the Clerk's Office in August 2020**

Rachel Sadoff, Clerk of the Circuit Court and Comptroller, stated she has staff from different locations with her; they are in attendance because she is giving back the \$500,000 that the Board graciously gave to the Clerk's Office; she read, "Madam Chair and Commissioners I wanted to come and personally thank each of you for voting to assist the Clerk of Courts financially when we were faced with a fourth quarter cut in our budget. As you can imagine, this cut was not only crippling to our organization, but could have severely impacted the court system and our constituents, not to mention the impact it would have had to our staff financially and possibly causing a loss of experienced deputy clerks to other organizations."; she continued by saying when thinking of the Clerk's Office, she likes to explain it as being the hub, everybody receives information from the Clerk's Office or it provides information to others, if it is from a DD214 being filed for the official records, to a death certificate, to a will, to a new homeowner with their deed; the Property Appraiser receives her information from the Clerk's Office, as does the Public Defender and the State Attorney, as they file as well and that is what provides the Register of Actions to the court; and law enforcement files their arrest warrants and search warrants with the Clerk's Office and that cannot be completed, nor can those arrests be completed and put in National Crime Information Center (NCIC) until it is officially

with the Clerk's Office. She noted Clerk of Court employees are the backbone to the courts; deputy clerk's duties include, but are not limited to: customer service, court clerking, data entry, collection and compliance, research, jury, redaction, and many other daily functions; an example of a court clerk is the official record keeper to all criminal proceedings including but not limited to: injunctions, small claims, foreclosure, and any other day-to-day proceedings that are heard by the court; our deputies take years of training education and, most importantly, their dedication to the job; and without these employees, the Clerk's Office would not be able to complete those duties that it is entrusted to complete, including the Clerk to the Board of County Commissioners employees. She continued by saying with the money that the Clerk's Office was provided, it allowed the Clerk's Office to continue the service to the public and to its colleagues in a timely and efficient manor; the Clerk's Office ran multiple courtrooms out of the County jail for the courts during COVID-19, so that transport of inmates could not happen, which doubled the amount of court clerks that were needed; she speaks for everyone when she thanks the Board; she made this one of her first goals as Clerk, to not only receive and ask for the money from the Board but also to repay it; repaying the money back to the County and the citizens was a top priority; she thanked her management team for assisting her and understanding the goal and making it happen; and she noted this was completed without causing any hindrance to the day-to-day operation or to any of the employees. She went on to say she is pretty sure the money has been transferred over or the button is just ready to be pushed; she asked that the Board consider reallocating this money into the Government Center in Titusville, also known as the six-story; the building is in need of updating and repairs; some of her fellow constitutional officers have also tried to make some of those repairs with their budget, but the constitutional officers just cannot do it all; and she thanked the County Manager, Frank Abbate. She stated Mr. Abbate has been an amazing person during this time; he was the first person she contacted regarding the need for financial assistance; and throughout her first year he is someone she has grown to appreciate and has provided her guidance. She asked that her clerks stand up and noted that every one of these clerks, in some way, was affected by the money that the Board provided to keep people employed.

Chair Zonka thanked Clerk Sadoff for the great job she is doing; she expressed her appreciation; and instructed her to call her office to set up a meeting to discuss the needs that the Clerk's Office has.

Commissioner Lober asked if the Board would be okay with Mr. Abbate, or his designee, speak with Clerk Sadoff regarding the six-story when they are both ready, and to bring something back to the Board.

Clerk Sadoff advised that Mr. Abbate has come to the six-story; she asked him to come for a meeting but she would not tell him what it was about; he showed up and took a tour; he has worked very hard to help with some of the issues; she does recognize the financial burden that it can cause; and she thought that maybe some of the money, that he was not expecting to receive back, could be used for that.

Commissioner Lober asked if Clerk Sadoff did not think the rodents had character.

Clerk Sadoff noted a rodent actually took off with a bag from a donut shop and there are pictures; she mentioned there was one that was removed that looked like a raccoon, that is how big it was; and she reiterated that Mr. Abbate came and took the whole tour and she really appreciated it, as did staff.

Commissioner Tobia stated to be clear he did not vote for that.

Clerk Sadoff advised she knows he did not vote for it.

Commissioner Tobia went on to say he has never seen a presentation of a repayment of a loan and then to ask the Board to spend the money that was borrowed; and he thinks that is crazy. Clerk Sadoff commented there is always a first.

Commissioner Tobia continued by saying he is just waiting for a large check to be handed to them; he thanked his staff for the job they do and in deciding where the capital expense goes; while he appreciates the job Clerk Sadoff does, it took a lot of gall to come to the podium and expect kudos for repaying a loan, which he is guessing is without interest; he appreciates all that but the Board does not increase taxes here, or they try not to; they run a balanced budget and by the grace of three other people, she received the \$500,000, but to ask that is absolutely ridiculous and it needs to be said; staff never asks for a thank you, but it allocates the money; and the Board votes for it and it is very thankful for the job that staff does, so he thinks they are the people who need the thank you, not necessarily the Clerk's Office for returning the money. He mentioned he expected it and he assumes the other people expected it; he is sorry to rain on the parade...

Clerk Sadoff interjected by saying he is not raining on her parade, but she does not think County employees need to walk in with rats at their desks, she does not think the courts and the deputies need to worry about chasing rats down the hallway when being concerned about criminals being transported, she does not think it works well when not all of the elevators are working in the six-story; yes, the Board loaned the money; she wanted to make an effort to pay it back, and she did; it was not like she had to pay it back; all she is saying is if the Board could reallocate it to the buildings that the Board is responsible for taking care of, that is what she would do; the County does not have to do it, the staff can continue to open their drawers and see rats, that is fine; there can be non-functioning elevators in the six-story; that is fine as well, however, the customers and constituents do not have elevators to go the Property Appraiser's Office or the Tax Collector's Office; and that happens to hurt those individuals who are in wheelchairs or those who cannot go up the steps.

Commissioner Pritchett stated she thinks Clerk Sadoff has done a great job; she is very frugal; that is located up in the north end and it does need a lot of love; she has watched everyone apply their own elbows to it trying to get things done and working very hard there; she appreciates that; she thanked Clerk Sadoff for bringing back the money; she noted Clerk Sadoff should not even have to designate and ask if the Board will let her have it for the building; she needs to let the Board know what is needed and it needs to work with her on that; and if things come up and the Board has the ability to work with her, she is with her, she gets it. She added especially the courthouses they need it.

Commissioner Lober stated he may not agree with Clerk Sadoff on everything and he may not agree with Commissioner Tobia on everything, but this is one where he happens to agree with her; he has heard horror stories from other folks, having nothing to do with her, about what happens at the six-story; the courthouse is just across the way; he has heard everything from rodents being stuck in the coils in the back of a refrigerator and being cooked to people having mold or mildew allergies and having to get steroids because they are having issues as a result of that in the building; if she came here to ask for travertine or marble and do something that is luxurious or excessive, he would probably be with Commissioner Tobia on it; however, if she is asking to render it where it is a little bit more habitable than it is, he does not see that as abusive. He went on to say Commissioner Tobia may have expected to have the money back; if that is the case he has a better crystal ball than he does because he did not expect that; if any of the other constitutional officers wanted to borrow money and they were similarly justified where they have three-quarters in support of it, to turn around and come back in short order, a zero percent loan is miniscule in the schemes of opportunity costs, when talking that short of a

duration, for the compelling need that Clerk Sadoff articulated; and he mentioned he did not vote on that because he wanted to avoid the appearance of impropriety, but he has no qualms saying in terms of what she is doing now is unquestionably the right thing. He continued by saying he appreciates it and it sounds like a majority of the Board certainly does too; and he thanked her.

Commissioner Zonka asked Clerk Sadoff to get with her office; she is sure Mr. Abbate has been wonderful; Clerk Sadoff has told her that personally and she knows this is not a show; she knows he has been very helpful to Clerk Sadoff over her needs; and if Clerk Sadoff, as an elected Constitutional Officer, has needs, she wants her to come to the Board and ask, it is responsible for that budget and the Board gives direction to the County Manager; and she advised although Mr. Abbate manages the facilities, he takes his direction from the Board.

### **Disclosures**

Commissioner Lober asked if Chair Zonka would rather have disclosures up front or on the back end.

Chair Zonka responded whatever gives him the most comfort.

Commissioner Lober responded that he would rather do it on the front end so he does not forget something down the road.

Chair Zonka noted she would prefer if it is a long list of items that it would be sent to Sally and added as part of the Agenda packet rather than spending a lengthy amount of time during the meeting because then it is still public and it is still part of the Agenda.

Commissioner Lober advised the concern is even part of the communications are right before the meetings and there is just no ability to do it with that; but he can rattle them through pretty quick.

Chair Zonka agreed.

Commissioner Lober disclosed he has three different Items with disclosures on; H.3. is one, but he spoke with the applicant and they have agreed to table it to January 11, 2022, if the Board is amenable to that; he believes the applicant's representative has actually stepped out based on him having indicated that he would move to table it; with that, he has two disclosures; on December 2, Mr. Moia emailed and texted him with comments pertaining to the adjacent property owners and the Binding Development Plan (BDP); and prior to the meeting starting he spoke with him regarding the same Item. He noted for Item H.5., on November 26, Ruth Sorrell of Mims emailed regarding some objections; on December 1 and today he had discussed the proposal with attorney Kim Rezanka; also today he had exchanged some emails with Laurilee Thompson; and on H.9. the final Item, on November 27, Mary Collins and Amy Seidel of Indialantic emailed objections to it. He continued by saying on November 29, Alena and Denis Christian Knoepfler, James and Beryl Thacker, Michelle Tishler, all from Indialantic, emailed their objections; on November 30, Charles Sigmund, Jan Herndon, and Gladie Eliassen from Indialantic also emailed objections; on December 1, Beth Carver from Indialantic expressed her approval for the proposal; same day, he received an email from Diane Burnette with objections, along with neighbors signatures; both today and yesterday he discussed the Item with Attorney Kim Rezanka; and lastly on December 1, Joseph Russo, Noelle Cohen, Janice Rasberry Darling, and Roger Sinigoi, all of Indialantic, emailed their objections to the proposal.

Chair Zonka advised she believes the rest of the Board submitted theirs to be a part of the Agenda Packet; and she has some disclosures but she will wait for the Agenda Item.

**H.1. Public Hearing, Re: Comprehensive Plan Text Amendment Adoption to include a Property Rights Element as required by House Bill 59**

Chair Zonka called for public hearing on a Comprehensive Plan text amendment adoption to include a private property rights element as required by House Bill 59.

Jeff Ball, Planning and Zoning Manager, introduced himself and stated he holds the certification of an AICP; and with that being said, Item H.1. is a public hearing for a Comprehensive Plan text amendment adoption to include a private property rights element as required by House Bill 59.

There being no further comments or objections, the Board conducted the public hearing and adopted Ordinance No. 21-26, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County to include a Property Rights Element, as required by House Bill 59.

**Result:** Adopted

**Mover:** Bryan Lober

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.2. Scott Minnick Requests a Change of Zoning Classification from AU to RR-1 (21Z00025) (Tax Account 2102550)**

Chair Zonka called for public hearing on a request by Scott Minnick for a change of Zoning classification from AU to RR-1.

Jeff Ball, Planning and Zoning Manager, stated Scott Minnick requests a change of Zoning classification from AU to RR-1, application number 21Z00025 and tax account number 2102550, located in District 1; and this application is being requested to be tabled to February 3, 2022, as the applicant did not appear in front of the Planning and Zoning board.

There being no further comments or objections, the Board continued the request by Scott Minnick for change of Zoning classification from AU to RR-1, to the February 3, 2022, Zoning Meeting.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.3. DeRosa Holdings, LLC (Bruce Moia) Requests an Amendment to an Existing BDP in a RU-2-12 Zoning Classification (21PZ00059) (Tax Account 2534267)**

Chair Zonka called for public hearing on a request by DeRosa Holdings, LLC for an amendment to an existing BDP in a RU-2-12 Zoning classification.

Jeff Ball, Planning and Zoning Manager, stated DeRosa Holdings, LLC requests an amendment to an existing Binding Development Plan (BDP) in a RU-2-12 Zoning classification, application number 21PZ00059, tax account number 2534267, located in District 2.

Commissioner Lober noted he spoke with the applicant's representative, Mr. Moia, who is okay with tabling this to Tuesday, January 11, 2022.

There being no further comments or objections, the Board continued the request by DeRosa Holdings, LLC, for an amendment to an existing Binding Development Plan (BDP) in an RU-2-12 Zoning classification, to the January 11, 2022, Regular Meeting.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.4. Donald White and Trevantay Raymond Curry Request a Change of Zoning Classification from AU to RU-1-13 (21Z00029) (Tax Account 2103419)**

Chair Zonka called for public hearing on a request by Donald White and Trevantay Raymond Curry for a change of Zoning classification from AU to RU-1-13.

Jeff Ball, Planning and Zoning Manager, stated Donald White and Trevantay Raymond request a Zoning classification from AU to RU-1-13, account number 21Z00029, account number 2103419, located in District 1.

There being no further comments or objections, the Board approved a request by Donald White and Trevantay Raymond Curry for a change of Zoning classification from AU to RU-1-13, located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.5. The Heather Calligan Trust (Chad Genoni) Requests a Change of Zoning Classification from RU-1-11 with an Existing BDP to RU-1-7, with an Amendment to the Existing BDP (21Z00030) (Tax Account 2112413)**

Chair Zonka called for public hearing on a request by Heather Calligan Trust for a change of Zoning classification from RU-1-11, with an existing Binding Development Plan (BDP), to RU-1-7, with an amendment to the existing BDP.

Jeff Ball, Planning and Zoning Manager, stated the Heather Calligan Trust requests a change of zoning classification from RU-1-11, with an existing Binding Development Plan (BDP), to RU-1-7, with an amendment to the existing BDP, 21Z00030, tax account 2112413; and it is located in District 1.

Chair Zonka announced she has a lot of cards for this one.

Kim Rezanka stated she is there on behalf of Chad Genoni, the contract purchaser for Heather Calligan Trust; she has spoken with each of the Board Members about this matter; the minutes are pretty complete as to what she said last time; she is going to go over these items briefly and then save up for rebuttal and any questions the Board may have; and she advised she is in attendance with Chad Genoni and the engineer of record, Rick Kern if there are any questions. She continued by saying this is actually seeking a replacement of a BDP, with RU-1-7 Zoning from RU-1-11 Zoning on 79 acres; the sole purpose of this is for flexibility and clustering to

allow 50-foot lots instead of 75-foot lots; they have agreed in the BDP that no lot would be less than 6,000 square feet, which was consistent with the prior BDP; this is not an increase in density, they are not asking for more; this property has not been able to be developed because of extenuating circumstances of this property; it has a road that bisects it, it has large trees, it has wetlands, and since the Zoning in 2005 there was a conservation easement of almost 17 acres that was placed on this property through St. Johns; and that was after the BDP and rezoning from 2005. She went on to say this is not a zero lot subdivision as some of the people objecting have claimed; this actually requires a Conditional Use application and they have not asked for a zero lot subdivision; this is just for RU-1-7 with the Binding Development Plan, which imposes some pretty stringent buffers, as they were before; also the setbacks from RU-1-7 and RU-1-11 are all the same, they are identical; the real setback is 20 feet for either one of them; the issues that have caused the concerns with the neighbors is they want more buffering to the south; and she reiterated this property now has a conservation easement over much more than the 300 feet. She added the old BDP stated there would be one-acre units or a bigger buffer along the south; if there were one-acre units on the south buffer there would be 20-foot setbacks, and they are offering a 30-foot buffer and there will be setbacks from that, so there is actually a 50-foot setback as opposed to a 30-foot setback that would have been there previously, or 35 when adding the 15-foot buffer for the subdivision. She mentioned looking at the zoning map, there is a variety of uses all around; there is a KOA campground, a Seasons in the Sun RV park, town homes, Birchwood Forest at RU-1-7 at 0.14 acre lots, and then Fairway Woods Condo at RU-2-15; the community meeting on November 8, 2021, four people attended by Zoom and their concerns were buffering, flooding on Hammock Trail and trash, traffic on Turpentine, and she advised none of these will change with this because the units have not changed; there will be no greater traffic, it is still single-family and compatible with the area as it was in 2005; the preliminary concurrency says there is no traffic issues and no school concurrency issues; and she noted Board has in front of it, one page of the revised BDP. She stated to look at paragraph two on the top of the page, it was inserted that the homes will be 1,800 square feet or larger; the prior BDP did say some of the units would be 2,200 feet but that has been removed from this BDP; at the end of paragraph four, the underlined, a natural vegetative buffer between the property boundary and the south property line and the rear property line of the lots, that will stay native vegetative; and the homes abutting Weary Road will be required to build a six-foot wood or vinyl fence at the back of the lot and that will be in the declaration of covenants for the subdivision homeowners association. She stated this is just a conceptual plan, it is not been fully engineered; there will be drainage, sewer, and water and it will all meet the County Code; she asked the Board for consideration of the rezoning; and noted she can take questions or wait until after public comment.

Margaret Primavera stated she sent an email to Commissioner Pritchett and she will provide an overview of that to the rest of the Board; she has lived at her home for almost 40 years; she has lived with this natural buffer zone to be there behind her home; and she read, "Our residence is an acre in size, just east of Bar C Road, south of 46 behind our residence there is a ditch controlled water flow, especially during hurricanes. This is a protected agriculture buffer zone with the drainage. I have, after experiencing several hurricanes while living in this residence, this drainage ditch is crucial in protecting the residents at this area from flooding. The water flow during this natural phenomena and current natural voltage buffer zone has served its intended purpose. The concerns of minimizing this buffer zone in this request, significantly impacts the residents in this area, changing the natural topographical state of this buffer zone will directly impact the flow of the water during these natural weather conditions occurring every year. On November 15, there was a meeting at 3:00 with Planning and Zoning and Kim Rezanka stated there would be no change to the buffer zone near my residence at all. Please look to the minutes at the meeting. The BDP states that there is intentions of construction of large homes of small single-family residents in such a small area, then this amount gives construction reduction into the buffer zone. The new house would generally be



built on a foundation, but we do not have any plans to even evaluate anything that is being done or where the homes would be going at this time, for it just being a rezoning.” She continued by saying the BDP indicates that the berm would be constructed vegetation, irrigation, and maintain the buffer zone; she feels this would not be efficient to control the natural flow of the water, the current buffer zone has done all of these years; the 50-foot buffer zone proposal does not consist with the current Zoning of one-acre lots in this rural area where people have chosen to live in its natural beauty , privacy , and safety of their families; and she is not opposed to growth or expansion, however, in the increase in this many homes in such a small dense area, it will generate more traffic safety. She advised she lives on State Road 46 and her home is right there off of Bar C Road and it is her primary ingress and egress; the traffic has gotten much heavier since Loves has come in; she has noticed that there is a backup on 46 all the way past Season in the Sun; decisions to construct extremely small homes in the condensed area will increase already congested environment, only for monetary gains and not to the best interest of the community; the schools and one hospital are almost, if not already, full to capacity where wait times for the emergency room have increased significantly; in order to maintain the integrity of what this area was intended for in the preservation of the current residents benefiting from the natural buffer, protecting the erosion flooding and damage, etcetera, it is her opinion that the conservation draining buffer should not be limited to 50 feet and should maintain its original from the established so long ago in 1999 and 2005; and this particular buffer zone and rezoning has been attempted before and the same concerns from back then, are the same now. She mentioned the area does not seem to be demographically designed for such construction, and to change the buffer zone will affect the rural allure and attract the individuals alerting the buffer zone and natural state to build more smaller houses, and will generate a negative ripple effect that can be detrimental to the existing residents in this area due to the water retention, drainage concerns, traffic congestion, ingress increases, population overflow, and the resources that are currently provided to the residents and visitors in this immediate vicinity; and the BDP does not address some of the concerns of the building contingencies to the rezoning. She went on to say she understands this, however, the severe alteration of the consistent buffer zone of 300 feet to 50 feet, seems to be an unreasonably unnecessary reduction; and if the previous BDP indicates 800 square feet homes on one acre lots, this appears reasonable and would maintain the current buffer.

Monica Katrick stated she lives along the southern border of the property that is being discussed; her and her husband are opposed to this; they have lived in their home for 23 years; they have seen red fox, coyotes, all kinds of nature next door to them; before the Dairy Road extension was put in, there was no traffic on Turpentine, it was kind of a dead end; it has now expanded; thank goodness there are a lot of preserve areas on the Dairy Road extension, it makes it nice and there is a place for animals; she worries about where those animals are going to go with this amount of growth; 198 homes added onto this land, Margie mildly stated how that is going to impact those around there; if their plan is for the traffic in this neighborhood to go onto Turpentine, 198 homes is going to be like 400-600 cars coming onto and off of Turpentine Road depending on who lives in these homes; and then they will funnel onto SR 46 which is already backed up because there is not enough road for the people that are on 46 now. She added the lights are backed up because of Loves; they put a new light in at Carpenter; what her husband stated makes complete sense to her, it is a 40 mph speed limit on Carpenter Road which runs parallel to Turpentine on the other side, and there is a light there that is meant to manage the traffic; and if all of this traffic goes down Turpentine Road it is going to be a big problem for the peaceful citizens who have been there a long time, and very aggravating. She went on to say that her and her husband walked along the edge of this property and looked at it recently before coming to this meeting and they saw the Gopher tortoises that live there, the few orange trees that are still left, it is really nice land; going from having the buffer of all that land to, and they are talking about taking the 300-foot buffer that was agreed upon in the original BDP and shrinking that to 30-feet; from their driveway they will

be looking at someone's house and that is not acceptable; 300 feet to 30 feet is not a compromise; if they wanted to compromise and give something more reasonable instead of just asking the owners to place a fence up; and she does not know how that can be monitored and managed. She noted there needs to be more buffer zone on the south side, so the residents feel some sign of respect for what had been put in place about 15 years ago; 198 homes, those are handshake homes, because they are squeezing so many in that one can reach out their window and shake their neighbors hand; she does not feel that is acceptable for the type of land that has been there for a number of years with multiple acres with large homes and lots of space; now they want to cram in something that is not meant for this area; and for those reasons she is opposed.

Greg Holliday stated the traffic has backed up a lot more now; it takes a lot longer to get through there to get on Interstate 95 (I95) and this is going to add a lot more to it; his main concern was the buffer as well; he does not like the compromise that they are giving them on that; he would like to have a lot more; he moved out there three years ago just because of the environment, the property, the landscape, and the wildlife; he feels like that is all going to go away; and he would like to see a little more buffer and for them to compromise a little on it.

Mike Katrick stated he is feeling a little outgunned; he has not had an opportunity for legal counsel; as soon as he could he could get an appointment was December 8; he would like to contradict a couple issues that Ms. Rezanka brought up; the 6,000 square foot is not consistent with 7,500 square feet; he does not know what school she went to, but that is 1,500 square feet different, which is at 25 percent of the 6,000 so there is a significant difference; and he noted he is just addressing some of the points that she brought up. He went on to say the reason why this property has not developed it, is the same owner that has it now, bought it in 1999 and they approached the neighbors at that time and rezoned it to an RV park; after they did the RV park, phase one, they sold off this piece of property that is now in question for \$3 million and she bought it back in 2014 for \$350; and his point is that the property is very marketable in the current zoning to get \$3 million for it back in 2005. He stated a good portion of it is RES 1 of the future land use, and that is something that is being kicked off to the side and factored in as some kind of a formula; 100 percent of the property that abuts that land is a lot larger than anything being proposed, even at 7,500 square feet; 99 percent of the boundary is over one acre properties; it is not consistent with the properties around it; and the trend in this area is also conservation, as is Salt Lake wildlife management area, which is less than a mile from this property; and actually he has more stuff in the zonings issue, but he will get to that in a minute. He noted he is trying to counteract some of the things Ms. Rezanka spoke of; the boundaries were removed, they were not just altered from BDP; she failed to mention the properties to the south are zoned suburban estates, agricultural suburban, and other suburban types; he mentioned the staff comments from the Planning and Zoning meeting last month, stated the board may wish to consider whether any existing conditions should remain to mitigate potential impacts; they talked about a lot of different things in the administrative analysis of Policy; he noted he is on page four, and even the mobile homes around that area are zoned for 7,500 square foot lots; and the property to the south has multiple parcel zone State use, residential RU-2, suburban residential, agricultural residential, and suburban estate, which counsel failed to mention. He commented he is spending most of his time contradicting what she said so he feels he should get a rebuttal; the map that Ms. Rezanka handed out was not on a website for this meeting so he did not get a chance to see that or review it for any reason; he received an interoffice memorandum from the Planning and Zoning Department, the memorandum provides for analysis of the proposed stipulations contained in the BDP that is being discussed here; the request for RU-1-7 and future land use would potentially allow a property to develop to 301 units without the cap, which is not in line for what is being done; on Section four where it mentions the buffer that they are speaking of, originally, when the applicant is applying for this property now, applied for an application for that; there is a 300 foot buffer in this southern area that is

being spoken of, and has everybody's attention; when they rezoned it to RU-1-11 in 2005, people met with them and agreed to remove the 300-foot and they were going to put eight one acre homes there, at 2,200 square foot homes to help the transition from the properties to the south; he noted all the properties to the south are one acre or larger; and someone who spoke for Heather Calligan, mentioned they had to leave the one-acre lot; he noted this is from County Commission meeting from 2004; they left lots on line four, the south property, with a minimum of 2,200 square feet to replace the 300 foot buffer to assist in the transition from the smaller homes to the larger homes south of it; and it is not consistent with this property in any way, shape, or form; and it is pretty much a stretch to go RU-1-11 for where it is at. He mentioned he would like to come up and speak again if that is absolutely possible because he spent half of his time rebutting what the attorney spoke of which is not correct facts.

Ruth Sorrell stated what nobody has properly addressed about this property is, and it shows on the map in the back on 1a, is this is definitely historic land, historic swampland; it has been swampland and noted so since 1845; when Sherwood was beginning to be developed in the mid-1950s, if there were the environmental laws and restrictions that there are now, there is no way that land would have ever been drained with those labyrinth of ditches to put Sherwood there; it would not have been allowed; and what is left of this swamp is this land that is being discussed. She went on to say she lives downstream from this and nobody has discussed that either; those ditches drain into current wetlands, and she has a map of it; the FEMA flood zone map, shows those ditches drain back into there; she has spoken with St. Johns River Water Management District (SJRWMD) and she was assured that they will not be allowed to have any additional drainage drop into those ditches because, in doing so, it will flood properties, ruin agricultural businesses, and it will flood additional State-protected lands, which is illegal in itself, not that damaging home owner's properties should not be enough. She continued by saying there are Gophers there, probably Scrub Jays seeing how the County saw fit to protect the property just on the other side of Sherwood, in 1999; this is just on the other side, but they are going to put 200 homes there; in her rough estimation, 70 percent of that property is aquifer recharge area; she asked if the Board knows how many people live on wells out there; and she noted when they start doing the top of that and they mess up that whole aquifer recharge area to build their big massive reservoirs to contain the water on that property for 50 to 100 year storm events, she asked how that will change the water to the aquifer. She mentioned the City of Titusville has protected land less than one mile from there; she asked how that will affect the City of Titusville supplying an entire city when the aquifer starts being changed; she noted it can no longer recharge there; she inquired how many people are going to have debris in their wells, leeching, salt water intrusion; she mentioned talk about property value drop, how can one sell something when there is no water there; the only way to combat the drainage to prevent property damage from everybody who lives along that wetland area, all the way down SR 46 is to build storm retention ponds; and in order to do that one has to damage the aquifer recharge area, which she was assured by Mr. Jennings, SJRWMD, was really not what they are supposed to do. She explained in mitigating that land, they would have to find soils matching the exact soils on that land; she asked what good is that doing the citizens if they cannot have water; she asked if people are going to have to pay the County to come out and finish running the lines to everyone's homes; she asked about the animals, the cows, hogs, and the agriculture; she noted she is raising fourth generation Floridians on the property she lives on that was homesteaded almost 100 years ago; she asked if she is going to have to sell it or move out; she mentioned they have the State that takes it from behind because they say it is so valuable to be preserved and there are developments in the front because they are not that important either; and she asked where does the agriculture go and who protects them. She noted 198 homes and damaging an aquifer and all the protected animals that are on there, that does not do any citizen any good; the only person who benefits from that is a land owner selling the property and the developer pocketing the money from building it; when they built that exit onto Turpentine Road for the back of that subdivision, the County is the one that will be stuck

putting in culverts on Turpentine, red lights, and sidewalks because that is not going to be included in there; and the homeowners who did not want it in there in the first place, that are paying the price for it to be there, are going to pay to upgrade the area because it is there. She added to her that is hardship being placed on the citizens and she is asking the Board to not do that to them.

Ms. Rezanka stated she would like to explain a few things that she apparently was not clear on the first time as indicated by Mr. Katrick; pointing it out on a map, she stated Ms. Primavera lives up here off of SR 46 and her buffers have not changed at all; they are not changing the number of units that were approved in 2005; the only buffer that is changing is to the south and that is what Mr. and Mrs. Katrick discussed; looking at the BDP from Z11076, which should be in the Board's packet, it is a March 30, 2005 BDP and paragraph four required the conservation easement and the east 1,600 feet into a conservation easement, that was done; the remaining western portion shall have one-acre lots with a minimum acreage of 2,200 square feet and that is what has changed; there is nothing in paragraph four that says anything about a 300-foot conservation buffer along the rest of that south property line; and that is what they asked for, what was in the minutes, what they talked about, and that was back in 2005 and it was not done in the final BDP. She continued by saying paragraph five is the one that deals with the Bar C ranchette buffers, and that has not changed; that is where Ms. Primavera lives; Mr. Katrick obviously misunderstood what she was talking about; the RU-1-11 zoning requires a 7,500 square foot lot; the BDP allowed for homes as small as 5,500 because they were going to use the open space subdivision so they would get reduced sizes of lots; and they are asking for RU-1-7 which would allow 5,000 square foot lots, but they are going to agree that nothing shall be less than 6,000 square feet, which is actually larger than what the prior BDP stated. She explained the RV park, mobile home park, in the Seasons in the Sun, pads are only required to be 2,000 square feet and they are not larger than the 5,000 square feet or 7,500 square feet; there is a variety of zoning in the area, as it has changed over the years, and that was point of her showing the Zoning map; she mentioned Ms. Sorrell said a lot of things, and what they do agree with is there will be no additional drainage into that ditch, they cannot, it is the law, and they know that; no water can be added, they must retain all historical drainage on the property with the development; in fact, speaking with the engineer, they believe some of that flooding will be better because now it is going to be managed and contained; the Gopher and the Scrub Jay issue will be addressed with the site plan, they will either be maintained or mitigated with no net loss; and she does not believe there will be any saltwater intrusion but that is not an issue for zoning, it may be for site plan, but that is pure speculation on her Ms. Sorrell's part. She continued on to ask the Board to approve the Zoning from RU-1-11 to RU-1-7, with a BDP as amended; she advised it was sent to Mr. Katrick earlier today and she hopes he will share it with the neighbors; they will provide Mr. Katrick with the concept plan but it is just to show where the buffers were and to diagram the buffers; and she asked if there are any questions.

Commissioner Pritchett inquired if the water will be City or County or on wells.

Ms. Rezanka responded it is not wells; and she inquired with Mr. Kern and he responded it is County.

Commissioner Pritchett noted she thinks there is still capacity for water on the systems, so that should not cause an issue; as far as saltwater intrusion in that area, she does not think it is going to draw on the wells from where they get their water from; when people come in wanting to make changes, if the Board is not going to vote it through, it has to have a strong reason why it is not acceptable or why it does not agree with surrounding Zoning; the past BDP is what she had to look at; she is looking at surrounding zoning and things that were in the area and what had been agreed upon there; Ms. Rezanka came to her office and went through the

presentation; Ms. Rezanka knows through working with her in the past, that she is always going to have a little bit of hesitation, so she is happy that she came back with some changes in the BDP; she had some concern with the Weary Road residents and she put in the HOA that there is going to be an opaque fence behind the houses, so that it will help; plus she added a natural buffer and she loves natural buffers, she thinks it is the best type of buffer to have because it is natural trees and it will still have the natural appearance; and she was talking with the Planning and Development Director, Tad Calkins, about it and that it said the average house size was 1,800 and Ms. Rezanka put in there the smallest house size is 1,800. She mentioned Ms. Rezanka could have had a lot size of 5,000 but she went ahead and made that 6,000; those were two things she was going to bring up today; it is the same amount of houses so she appreciates that the number of houses was not increased; she likes it when houses are clustered and not spread out on land because she thinks it leaves more of the conservation land and more of that property out there to maintain a natural habitat for the animals that are there; and as they do this, they know they have to get through all the storm water, the Gopher tortoises, and all of those things. She stated there is still a lot they have ahead of them to build this; when this is built it is going to make a more positive impact on storm water because they will have to maintain all that on the property and it is not going to spill out to the other properties; the developments that are being done right now are helping the storm water situations greatly with the flooding in these areas that have a lot of wet; this has a lot of wet and she is glad they are not building on the wet or trying to mitigate it; and she would like to hear anything Ms. Rezanka has to say, but she thinks this is as close to one of the best projects they could have come back with for the changes. She reiterated she appreciates the fence that is being put up to protect the neighbors on Weary; the buffers are still in place; she mentioned Ms. Primavera is still going to have a large buffer; she is happy that those big areas of land are going to be undeveloped now and it is going to be more natural in those areas instead of having houses scattered to it with footprints on it; she is probably pretty comfortable right now in supporting it; if the other Board Members have something she would love to hear it; and she noted when they had it there were one acre lots with no buffer restrictions and now there are 30-foot natural buffers and she thinks that is good. She inquired if they still have to do traffic studies.

Ms. Rezanka responded affirmatively.

Commissioner Pritchett noted that will all come out; there is perhaps an opportunity it could just go over and go straight out State Road (SR) 46, but that will be up to them; she thinks that would be a wonderful path out because that road is starting to get some looks from Transportation and Planning Organization as far as widening it and making it more safe for the residents; as these developments come, they are going to see more lights and it is going to slow people down on the roads; and she is thankful for that as well. She advised when the Board is ready she is probably going to vote to approve this.

Commissioner Smith stated the only thing he would like to see added is along the southern property line, they are providing for a six-foot fence.

Ms. Rezanka responded that is in there, in number four.

Commissioner Smith continued by saying he would like to see some wording that whoever owns this property in perpetuity, will maintain that; and he noted he would like to see that in writing.

Ms. Rezanka replied they can put that in the BDP, and that it will be in the declaration of covenants, and specific language in the BDP for that.

Commissioner Smith commented other than that he is good with it.

Commissioner Lober asked if Commissioner Smith would like it to be the HOA or how he envisions that in terms of the specifics of who would be obligated to maintain it; and he explained he is just trying to better understand it.

Commissioner Smith advised his thinking was whoever the owner is.

Ms. Rezanka added which would be enforced by the HOA.

Commissioner Smith stated so essentially it would be the HOA.

Abby Jorandby, County Attorney, noted she just wants to clarify with Ms. Rezanka if the conceptual plan is going to part of the BDP or if it just for this only.

Ms. Rezanka responded in the negative.

There being no further comments or objections, the Board approved the change of Zoning classification from RU-1-11 to RU-1-7, with a BDP as submitted by the applicant at the December 2, 2021 Board of County Commissioners meeting.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.6. Burnett Parrish, LLC (Javier Fernandez) Requests a Change of Zoning Classification from RU-1-9 and RU-2-10 to all RU-2-10 (21Z00031) (Tax Account 2409609)**

Chair Zonka called for public hearing on a request by Burnett Parrish, LLC for a change of Zoning classification from RU-1-9 and RU-2-10 to all RU-2-10.

Jeff Ball, Planning and Zoning Manager, stated Burnett Parrish, LLC requests a change of Zoning classification from RU-1-9 and RU-2-10 to all RU-2-10 for 21Z00031, tax account number 2409609, located in District 1; he pointed out in the Board's packet there is a concept plan that Mr. Fernandez is preparing; and he wants the Board to know that staff has not vetted that to make sure it is in conformance with the County's Regulation and Codes.

Javier Fernandez stated he is in attendance on behalf of Affinity Capital, which is the contract purchaser of this 35-acre parcel; he knows there is a long Agenda and he can go through the presentation that he has prepared or if the Board prefers he is happy to take questions; and he will leave that to the Chair's discretion.

Commissioner Pritchett stated she studied this; it is for affordable housing; she thinks it looks like a good fit; and she does not know what Mr. Fernandez wants to do about the presentation but she thinks it is a good project for the area.

Mr. Fernandez noted he will just take questions.

Commissioner Tobia asked if he is the Javier Hernandez that is in the Florida House of Representatives.

Mr. Fernandez replied he was a former member of the House.

Commissioner Tobia asked when he was a member.

Mr. Fernandez replied 2018 through 2020.

Commissioner Tobia thanked him for his service.

There being no further comments or objections, the Board approved a request by Burnett Parrish, LLC for a change of Zoning classification from RU-1-9 and RU-2-10 to all RU-2-10.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.7. Perrone Properties, Inc. and Curtis R. & Sharon E. Davis (Javier Fernandez)  
Request a Small Scale Comprehensive Plan Amendment (21S.06), to Change the  
Future Land Use Designation from RES 4 to RES 15 (21PZ00062) (Tax Accounts  
2424006 & 2424007)**

Chair Zonka called for public hearing on a request by Perrone Properties, Inc. and Curtis and Sharon Davis for a Small Scale Comprehensive Plan Amendment to change the future land use designation from RES 4 to RES 15.

Jeff Ball, Planning and Zoning Manager, stated he will read into the record Items H.7. and H.8. together as they are companion applications; he advised the Board they will have to make separate motions the Items; Item H.7. is Perrone Properties, Inc. and Curtis R. and Sharon E. Davis requests a Small Scale Comprehensive Plan amendment (21S.06) to change the future land use designation from RES 4 to RES 15 (21PZ00062), tax account number 2424006 and 2424007 located in District one; Item H.8. is Perrone Properties Inc., Curtis R. and Sharon E. Davis request a change of Zoning classification from AU to RU-2-10; application Number is 21Z00032, tax account numbers 2424006 and 2424007, located in District 1; and Mr. Fernandez has a concept plan that is being presented, however, staff has not vetted it to make sure that it is in conformance with County Codes and Regulations.

Commissioner Pritchett advised she read through this; and she asked if he would have to do some work on the traffic.

Javier Fernandez responded affirmatively; he stated they are just at the beginning of the process; they will have to go through subdivision engineering; and they anticipate that Pluckebaum Road will require some substantial upgrades.

Commissioner Pritchett stated that is wonderful; she thanked him for working to bring some affordable housing; and she thinks it also looks like a good project.

Mr. Fernandez replied they are excited about the opportunity; in the event that the Board decides to move this forward, he would like to let the Board know it has a really great staff as he has not done business in Brevard County before; the Planning and Zoning staff has been extremely helpful; and Working with Mr. Ball and his staff has been a pleasure.

There being no further comments or objections, the Board Adopted Ordinance No. 21-27, approving a Small Scale Comprehensive Plan Amendment (21S.06) to change the Future Land

Use designation from RES 4 to RES 15.

**Result:** Adopted

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.8. Perrone Properties, Inc. and Curtis R. & Sharon E. Davis (Javier Fernandez)  
Request a Change of Zoning Classification from AU to RU-2-10 (21Z00032) (Tax  
Accounts 2424006 & 2424007)**

Chair Zonka called for public hearing on a request by Perrone Properties, Inc. and Curtis and Sharon Davis for a change of Zoning classification from AU to RU-2-10. Chair Zonka inquired if staff thought there was anything that needed to be in place or added to the motion.

Jeff Ball, Planning and Zoning Manager, explained that part of the process is, or the next step is they will have to come in for a site plan; and that will be reviewed through all the Departments, Engineering, Public Works, and Fire to make sure that it is in conformance.

There being no further comments or objections, the Board approved a change of Zoning classification from AU to RU-2-10.

**Result:** Approved

**Mover:** Rita Pritchett

**Secunder:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.9. James Eric Preece, Trustee (Kim Rezanka) Requests a Change of Zoning  
Classification from RU-1-11 to RU-2-12 (21Z00033) (Tax Account 2731687)**

Chair Zonka called for public hearing on a request by James Eric Preece, Trustee, for a change of Zoning classification from RU-1-11 to RU-2-12.

Jeff Ball, Planning and Zoning Manager, stated James Eric Preece, trustee, requests a change of Zoning classification from RU-1-11 to RU-2-12, application 21Z00033, tax account number 2731687, located in District 5.

Chair Zonka commented she is sure the Board's offices were inundated with emails and it is because it was basically pushed by a few very motivated people, which she does not begrudge them as it is part of the process; she would caution because there was some information that may not have been correct; she asked that the Board be open-minded; she has one public comment card if that is any indication how email is sometimes easy send; she included that with the packet; and she talked with Ms. Rezanka on Tuesday about this Item and again today. She added she wanted to see if the applicant would be amicable to some possible changes.

Commissioner Lober stated he just wanted say with respect to the emails that were received, he actually took the time to read through all of them; it was not that there was an issue with their having reached out to him, but in terms of the criteria that the Board is obligated to consider, there was really an absence in the vast majority of the emails of anyone even touching on it; while it may pull at the heart strings to a degree when he has to look at consistency and compatibility, it really was not mentioned in a lot of what he has seen; and there was a lot of speculation, a lot of conjecture, but not really much in the way of solid assertions that would give him the specifics that, even if he assumed were true, would give him



a basis to side the way they want him to side.

Kim Rezanka stated she came under the application for a triplex, but her client has agreed today in order to try to alleviate some current concerns, that he would do a duplex, two units; he would like one to go into Franklyn and one to go onto Grosse Pointe; he is going to live in one and he is going to sell to another that has children; he does not want to limit the other owners; they are going to do them in a condo fashion because they are not going to do a plat and it is not going to be a town home; there would be deed restrictions, however, he is not sure what they are planning to do, but he knows they plan to live in it; in order to go forward, if that would alleviate some of the people's concerns, he would do a duplex with one entrance on each side; and that is all he is willing to agree too at this point. She advised if that is not acceptable she can go through the entirety of her presentation with the comprehensive plan, the ordinances, and all of the speculations; she went through all of the emails, the duplicates, the triplicates, the redundancies, the catastrophizing, the social media, the mayor getting involved, the next door app, the nefarious people that are going to live there, and there were comments here where when she has done North Merritt Island and she has not seen the comments like this before; it has been interesting, what she thought was completely compatible with a triplex based upon the size of the units and the sizes next door to it, and she was surprised by the outcry; she believes it was social media from the mayor; and she will look to the Board. She reiterated she has a long presentation; she knows there are some conditions that the Board thought would be acceptable but they are not to her client; she can either go forward, they can table and try to work it out, she does not want to do that because it will kill more trees with the other 100 emails; but, she would like to go forward limiting it to two and a Binding Development Agreement (BDP) with one entrance on each road.

Chair Zonka inquired if Ms. Rezanka said her client was not agreeable to some of the things that they had discussed earlier; and she asked if her client was not agreeable to putting restrictions on that home to not be a resort rental; and she thinks that was a legitimate concern.

Ms. Rezanka responded it is a legitimate concern, but the Board just passed the private property rights element; this is RU-2-10, RU-2-15, RA-2-6, condos, there is everything around it in a RES-15 so it is an appropriate zoning for the area; he is not planning to do it, but he is not willing to limit an ownership to someone else whom he plans to sell to; he actually had two people ready to buy two units and now he is only going to have one; and there was another condition referenced that they did not understand what it meant.

Chair Zonka stated they did not have a similar residential look.

Ms. Rezanka responded she does not know what that means; and it is going to look like what is in the neighborhood.

Chair Zonka advised she will have to see whatever the Board decides to do.

Commissioner Lober stated he is really going to heavily lean on her because as the trend has been, he can count on one hand how many times he has done differently that the district's Commissioner whom the project falls or the rezoning request falls; this is one he is really going to lean on the District's Commissioner for; however, he would suggest, if she wants, that he is amenable to doing it as well; and if they wanted to table it, and he is not saying it should or should not, he is fine doing that, but if one decides to make the motion to table which he will happily second, he would ask if the Board is able to see a conceptual plan when it comes back or preferably before that, if that is something the Board is interested in; and if the Board is ready to vote on it tonight, then he is ready.

Chair Zonka advised she wants to hear from the public.

Diane Burnett stated she really does not know what to say; she talked to the people in the neighborhood and went on the streets; they thought they would have a chance, but they do not have a chance and they do not have any money; she advised they do not have the presentations that all these people seem to have; she just talked to people and asked them to call or email because she was told that was the process; and they got real excited and she did as well. She continued on to say she thinks she was naïve when people told her it was a done deal and the Board is for pro-growth and they really did not have a chance; she went ahead and started, not having the resources, but they talked to different people; the only thing they have is living there, seeing and being there each day; this is a retirement community and there are people who work, daycares, schools, and they see this traffic every day; they see children walking this road; she has only lived here nine years and she bought here for this particular area; and now to see it changed, this is right across from her on Grosse Pointe, and she will hate to see it change when they have never heard exactly the plan. She went on to say it would be a triplex which she does not agree with; she definitely does not agree with the second and third stories that she was told that it would be; she only found one person in the area that was for the multi-family; that person happens to be a land developer; and she was quite shocked at that, however, she understands. She added the people want growth but they do not want this type of growth in the area; she hates to go back to her neighbors, she would have hoped that the Board would listen to what the people have to say and their emails; they could not hire an attorney; and she asked the Board to take that into consideration and this area for what it is. She noted they are close to the beach but they are not exactly on the beach, so that makes a difference too; please take the people's opinions, phone calls, and emails because this was a lot for them to do; she was really proud of the people who have called or stopped her on the road to say they had sent theirs in; she has enjoyed researching and going into the community; she has learned so many things; she actually thinks people should do this more; she was happy to see all the people there; she saw a lot of names and did not know their faces until coming here; and she advised it is difficult to try to get information as they were lacking plans, and the people had no idea what was going on. She commented when people do not have all the technology and resources it is very difficult; also with the money; she thanked the Board and she again asked the Board to please consider the people who have called and emailed; she does not know if the Board has spoken to anyone; and she advised she does not know the entire process.

Commissioner Tobia noted it sounds like this has dropped from a triplex to a duplex; and he advised when he looked at it before this meeting it was a triplex so it has been cut down to a duplex just now.

Ms. Burnett asked if he said that it was down to a duplex.

Commissioner Tobia advised yes it is down to a duplex and that was what was agreed to.

Ms. Burnett inquired if it will be a single level.

Commissioner Tobia responded he does not know; this was a change that just happened here; he would argue that the people have been very effective to go from a triplex to a duplex; and he asked if that changes her opinion on it.

Ms. Burnett inquired where they would be on the frontage and where the driveways would be entering, on Grosse Pointe or Franklyn.

Commissioner Tobia advised from what he heard from the applicant there would be one on

Grosse Pointe and one on Franklyn.

Ms. Burnett advised that is still affecting the area a lot.

Chair Zonka noted that is two families, one family per driveway.

Ms. Burnett asked if it is going to be one duplex.

Commissioner Tobia advised one duplex, two domiciles, two families.

Ms. Burnett inquired if the duplex means there would be a person living here and a person living here.

Chair Zonka responded affirmatively.

Ms. Burnett inquired if it would be one driveway going toward Franklyn.

Commissioner Tobia and Chair Zonka responded affirmatively.

Ms. Burnett asked if there would be one towards Grosse Pointe.

Commissioner Tobia responded affirmatively.

Ms. Burnett inquired why there would be one towards Grosse Pointe if it is just one duplex.

Chair Zonka explained it is because the people of Franklyn would be just as upset if both of those driveways were dumped on Franklyn; and that is a compromise of alleviating any concerns about traffic, which she is not sure those are warranted, considering it is one family coming and going on each driveway.

Ms. Burnett noted when it is said multi-family, from what she has experienced since living there, and multi-family is still a duplex...

Chair Zonka explained it is not an apartment complex.

Ms. Burnett noted in one duplex there may be three adults or more; and what she has seen on her street is that in one part of the duplex they can have about five cars or more.

Chair Zonka noted that could be the same in a single-family residence that is 900 square feet; and they cannot tell people how many cars they can have, just to be fair.

Ms. Burnett responded that they are parking along these streets.

Chair Zonka and Commissioner Tobia advised that is a Code Enforcement issue not a Zoning issue.

Commissioner Tobia mentioned he is just trying to find out if anything will make Ms. Burnett happy or if she just wants it natural.

Ms. Burnett responded yes the duplex is better.

Commissioner Tobia thanked Ms. Burnett for participating.

Ms. Burnett noted she can go back and tell people the Board listened.

Commissioner Tobia stated not him, he voted for three units; there are seven plexes and when Ms. Burnett moved into that neighborhood there were other plexes, it is not unusual, in fact Ms. Rezanka has never cut a compromise in her life; and all of the sudden she cut a compromise, therefore, he would argue that Ms. Burnett's actions had a great impact.

Ms. Burnett advised Grosse Pointe is the narrowest of the streets; she tries to put the information out there for the Board; and there is not a line dividing the sides or anything.

Commissioner Tobia thanked Ms. Burnett again for participating; and he stated he thinks she received a win.

Commissioner Lober stated he appreciates Ms. Burnett coming up, voicing her opinion, and being respectful because that is certainly the way to do it; he wants to touch base on something Ms. Burnett mentioned earlier as far as the Commission being pro-growth; he does not know that it is pro-growth so much as it is pro-property owner rights; it is pro-property owner rights within reason; to him it comes down to really two things, the consistency and the compatibility; and when someone is looking at the properties that abut that property and the nearby properties, he has to look to see if it is consistent and if it is compatible with that. He added any of the comments he gets, if he receives 1,000 comments from 1,000 different residents, if what they say does not go toward consistency or compatibility he is not allowed to consider it; it is one of those things where it is this proposal, another proposal, or all of the proposals that he has to set aside his personal opinions and look to see whether it is consistent and compatible; and if it is he has to support it, and if not he has to oppose it. He commented for anyone who tries to impact minimize the impact or the group that Ms. Burnett was involved with had, going from a triplex to a duplex is huge; when he spoke with Ms. Rezanka he told her he had some qualms about the triplex and that, had she gone for a duplex, he thinks it would be a far harder argument for the Board to make if it was not consistent and compatible; with a triplex he thought there would be an argument both ways; he thinks it is a pretty reasonable outcome; he explained he lives one lot off from the river and the lot next to him was just sold and he is going to lose his river view; he cannot do anything about it; he does not want them to build, but it is not his lot and he cannot tell them not to do it; and he knew it was going to come someday. He noted when there is vacant land somewhere, it is not unforeseeable that someone is going to monetize it at some point especially when other land gets more expensive or less available; and he thinks the Board is in a place where there may be a motion ready.

Ms. Burnett responded the duplex would be fine and she can see his point; she was concerned about the second and third story; her people would not be able to see the space launches; and she thanked them for not having the second and third story. She continued by saying she knows that is not important but they were also afraid of the privacy; her bedroom faces the street and the second and third story make a difference in the privacy; and she appreciates them changing it to a duplex, an entrance driveway to Franklyn and one to Grosse Pointe.

Commissioner Lober commented it sounds like Ms. Burnett is getting some of that.

Chair Zonka advised Ms. Rezanka that she needs to clarify that they are not agreeing to not do a two-level unit.

Ms. Rezanka noted they are not doing a three-level for sure; and this has not been engineered and now the whole plan has changed.

Chair Zonka inquired if Ms. Rezanka's client is still not willing to put a deed restriction on there

for short-term rentals.

Eric Preece stated if the Board looks at the map on page four it will see that there are many units and businesses that are right within a few hundred feet of this; Ms. Burnett lives in a duplex and in a 28-unit complex; looking at the bottom there is another 48-unit complex and a daycare on this street; it is his understanding that air bnbs are not allowed in the County; and he does not plan on doing that. He noted that in five or 10 years from now he does not want some deed restriction on the property, he does not think it is warranted; and it is not something he intends to do but he does not think they should say it is not something that can never be done because what happens when five years from now all the neighbors are doing it.

Ms. Rezanka advised she thinks the answer is no.

Chair Zonka mentioned she got that, she just does not know that it is going to go his way; and that is the concern she has.

Ms. Rezanka advised she needs to go through her full presentation so if it goes the wrong way she can be prepared for what she has to do.

Commissioner Lober mentioned he thinks this is highly abnormal but highly abnormal does not mean it is impermissible; there could be a Binding Development Plan (BDP) that restricts a particular activity to a set point in time; he does not know if that gets the Board anywhere, but it is a potential if anyone is interested.

Chair Zonka mentioned the property owner can always come back to the Board and ask to lift that restriction as well.

Commissioner Lober agreed.

Chair Zonka asked if Commissioner Lober wants Ms. Rezanka to answer the question on the time limit.

Commissioner Lober replied if it matters to Chair Zonka, otherwise, he is just trying to throw it out to see if it helps.

Chair Zonka asked the County Attorney, Abigail Jorandby, if the applicant could come back later and ask for it to be lifted.

Attorney Jorandby responded absolutely.

Chair Zonka clarified that in 15 years, if the applicant wanted to come back, he could if everything around him is all of a sudden short-term rentals; she stated she knows that is the majority of the emails that she receives as far as citizen complaints; it is not just unique to Franklyn; and she just wants the applicant to know that.

Commissioner Tobia stated his suggestion would be to do the opposite, if this gentleman says he is not going to do it for five years, then why not terminate that activity or deed restriction after five years, if that is something that can be done.

Chair Zonka asked Commissioner Tobia if he is saying to have it sunset.

Commissioner Tobia responded affirmatively.

Chair Zonka advised she does not know what the neighborhood is going to look like in five years and she does not think it is fair to the neighborhood.

Commissioner Tobia noted he is not familiar with the neighborhood right now so his question would be can the neighbors have that right now.

Chair Zonka replied some of the misconception is there are some multi-units but this brings it further into residential; a lot of the stuff and even the thing the Board received through email referenced properties that were actually on the ocean; that was a part of the misleading information that is out there, talking about these hundreds of units around it; her job is to take everyone's information into account and to protect the neighborhoods as much as she can; and if that we true then it would just encroach further and further because something was attached. She reiterated she thinks that is up to the discretion of the Board whether it thinks it is best for the neighborhood; she commented she is not comfortable with it without that restriction; and the applicants can bring it back to a future Board if everybody thinks that short-term rentals are a good idea.

Commissioner Tobia asked if Chair Zonka would be comfortable with three units and that restriction on air bnb.

Chair Zonka advised no, she thinks duplex was the compromise.

Commissioner Tobia noted he thinks the Board is asking for a step more now.

Chair Zonka responded affirmatively. She advised it either fails or it gets tabled.

Commissioner Tobia commented the Board may ask him to paint it blue.

Mr. Preece noted he knows only Chair Zonka may live in that area; the area is not extremely upscale and in fact, most of the people, including Ms. Burnett, there was a junk house there that rats and bees lived in that took a beekeeper five attempts to get all the bees out; all the neighbors were extremely happy that he tore the house down; and now the people, all are zoned multi-family except for four houses, are here complaining and most of them do not live in the County, they live in Indialantic and live in a multi-family complex, either the 28 units or 48 units.

Chair Zonka advised the City of Indialantic is still in the County, even if they do not have jurisdiction.

Mr. Preece agreed with Chair Zonka, but explained they live in multi-family, duplexes, or in this case 48 units; across the street somebody lives in a trailer out in front of their house; they constantly live there and every once in a while they drive away, but then they live there; he is not intending to do that because the neighbor to the west is a duplex, they tried, they bought the property in order to do air bnbs, and apparently they are not allowed to do that; therefore, he does not know why this is being argued about because he was told the County does not allow that.

Tad Calkins, Planning and Development Director, asked Mr. Preece to repeat the question.

Mr. Preece went on to say that he was told in the County in that particular area, they are not allowed to do short-term rentals; and he mentioned he is not going to do that in an upscale like he is going to put on there.

Mr. Calkins advised in the multi-family zoning classification it allows for the resort dwelling; the RU-2-12 Zoning classification is being requested; and it is a permitted use.

Chair Zonka asked for clarification purposes that it does allow for it.

Ms. Rezanka explained Mr. Preece's zoning right now does not.

Mr. Preece advised once again that he is not going to do that.

Chair Pritchett noted he says that but if that were the case and he had no intentions of doing that, he would not have a problem with that restriction; that is her opinion; and she advised it is okay.

Mr. Preece replied he thinks 15 years is unreasonable; Commissioner Tobia is more accurate with the five years; and he is good with that.

Chair Zonka noted so in five years it is somebody else's problem and she does not think that is fair, at least not for the Board; and if he has a valid case and wants to bring it back next year and he can show the properties around it are compatible and he thinks it is appropriate, then he has all the power to do that.

Mr. Preece asked if the only restriction is that it cannot be a short-term rental, and if that means it cannot be rented under six-months.

Ms. Rezanka asked if that means 30-days three times per year.

Mr. Calkins explained by the County Code it is less than ninety days.

Mr. Preece noted that is fine; the reason he was against it is, he has other rental properties and what happens is people move in and sign a year lease, but then they buy a house and move out in under six months; and he does not want that restriction.

Chair Zonka replied that is not a short-term rental and that would never come back to penalize him if someone were to move out before their lease.

Ms. Rezanka advised her client is willing to go with Chair Zonka's restriction.

Chair Zonka asked with a duplex.

Ms. Rezanka responded affirmatively.

Commissioner Lober mentioned because of where things are at and this has to come back for the BDP anyway, if the Board is making a motion contingent on the BDP containing language that mirrors exactly what Chair Zonka has requested, reflecting the duplex and no short-term rental, if there is an issue it is going to get worked out before it comes back to the Board so there is a safety net of doing it that way; and he noted that is up to the Chair.

Ms. Rezanka stated the BDP has to come back; if there is a motion it would be that it is limited to two residential units, the property shall not be used for resort dwelling, there will be one entrance on Grosse Pointe, and one entrance on Franklyn; and that is now what is being requested.

Chair Zonka stated she thinks that is an excellent compromise for the neighborhood and the

property owner; she is glad that the property owner is going to live there; and if he is going to build a nice place, she is glad he is helping to improve the area.

Mr. Calkins inquired when they talk about two residential units they are talking about a duplex.

Ms. Rezanka replied yes it would be one duplex and two units.

Mr. Calkins asked for verification that it would be an attached with two different owners.

Ms. Rezanka responded affirmatively.

There being no further comments or objections, the Board approved a request by James Eric Preece, Trustee for a change of Zoning classification from RU-1-11 to RU-2-12, with a BDP limited to a duplex unit, with one entrance driveway on Grosse Pointe and one entrance driveway on Franklyn Avenue; and prohibiting resort dwelling use.

**Result:** Approved

**Mover:** Bryan Lober

**Seconder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.10. EH Cocoa, LLC (Bryan Potts) Requests a Change of Zoning Classification from BU-1 to BU-2 (21Z00034) (Tax Accounts 2442707 & 2442708)**

Chair Zonka called for public hearing on a request by EH Cocoa, LLC for a change of Zoning classification from BU-1 to BU-2.

Jeff Ball, Planning and Zoning Manager, stated EH Cocoa, LLC, requests a change of Zoning classification from BU-1 to BU-2, 21Z00034, tax account Number 2442707 and 2442708; and they are located in District 1.

There being no further comments or objections, the Board approved the request by EH Cocoa, LLC, for a change of Zoning classification from BU-1 to BU-2, 21Z00034, tax account 2442707 and 2442708, located in District 1.

**Result:** Approved

**Mover:** Rita Pritchett

**Seconder:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.11. Approval, Re: The Traffic Impact Fee Credit/Reimbursement Agreement between Brevard County, the City of West Melbourne, and DHIC-Hammock Landing LLC (Second Hearing)**

Chair Zonka called for the second public hearing for approval of the traffic impact fee credit/reimbursement agreement between Brevard County, the City of West Melbourne, and DHIC-Hammock Landing LLC.

Jeff Ball, Planning and Zoning Manager, stated this is the second hearing for an approval for the traffic impact fee credit/reimbursement agreement between Brevard County, the City of West Melbourne, and DHIC Hammock Landing, LLC; pursuant to the adopted transportation impact fee schedule, the anticipated transportation impact fees for this project is \$714,300; this



agreement requires a developer to construct intersection improvements at Minton and Hield Road; the current estimate cost of these improvements are \$947,763; and the developer would be seeking reimbursement of \$296,537.

There being no further comments or objections, the Board approved the Traffic Impact Fee Credit/Reimbursement Agreement with the City of West Melbourne and DHIC-Hammock Landing.

**Result:** Approved

**Mover:** Bryan Lober

**Seconded:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**I.1. Board Direction, Re: Combining the Meeting Schedules of the Planning & Zoning Board and the Local Planning Agency**

Jeff Ball, Planning and Zoning Manager, stated staff is seeking Board direction combining the meeting schedules of the Planning and Zoning (PNZ) Board and the Local Planning Agency (LPA).

Commissioner Lober advised he has no problem with this; he has spoken with staff at length on multiple occasions regarding the quorum issues that they have had; he thinks for an unpaid Board where the County is asking people to travel from potentially extreme ends of the County to come where some meetings are five to 10 minutes, is just not fair; combining them seems like the logical step; however, he wanted to get the Board's input because, although it seems like a great idea, he thinks sometimes rather than adding more variables or changing more than one thing in a shot, maybe trying one thing and seeing how it works and then reevaluating may be the way to go. He noted he likes doing this, but he believes that staff, in glancing at the upcoming week's Agenda, has another Item that is designed to address quorum; he does not feel the need to go forward with the Item that is scheduled next week; he thought since it is on the same topic it could be brought up today; he believes the crux of that Item, preliminary, was that the Board would take away the alternates and make everyone a full-time appointee on Planning and Zoning; he is happy with the way the system is set up; and assuming the Board goes in this direction, he thinks it should do a good measure in terms of getting rid of the quorum issue. He went on to say if everyone is good with that he will go ahead and make the motion to combine the PNZ and LPA to the greatest extent possible, if that means noticing them back to back or noticing them together, at the same location as near in time that is consecutive as possible or practical; and also if the Board is okay with it, he would include in the motion the request to have staff bring that back no later than six months, for review; and if there is a problem prior to that, obviously staff is free to bring it back earlier than that if there is a quorum issue; and if the Board's okay with it, he would ask to have the Item that is scheduled to be brought up next week, regarding striking the alternates, just take that off the Agenda for this coming meeting because he does not feel the need to support that since this is happening tonight.

Chair Zonka responded that is a really long motion.

Commissioner Lober advised that is the motion.

The Board approved combining the meeting schedule of the Planning and Zoning Board and the Local Planning Agency to the greatest extent possible, whether that means noticing them back to back, or together at the same location as near in time, and as consecutive as possible or practicable; directed staff to bring the Item back no later than six months for review, and if

there is a quorum issue staff may bring it back prior; and directed staff to remove the Agenda Item dealing with striking the alternates, from the December 7, 2021, Board of County Commission meeting.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

#### **L.5. John Tobia, Commissioner District 3**

Commissioner Tobia stated he is sure all the Board Member's emails have been inundated with the Malabar Scrub Jay Sanctuary recently, and he has a novel approach; clearly, staff is working very hard; the County has allocated grant funds in order to help Scrub Jays, but it is impacting mountain bikers and other people; Malabar is very interested in this, even though it is managed and paid for by the County; he called the County Attorney's Office and found out there is a 50-year management agreement for these lands, that the County abides by and takes care of; it is about 557 acres; and he has been informed by staff that it is approximately \$129 per acre, which is in the \$70,000 per year range. He continued by saying that nothing has been done yet; he thinks staff has done a good job informing people; since Malabar is so concerned with this, it appears it is even going to be on the City's Agenda, he would ask staff to begin the process of transferring the Malabar Scrub Jay Sanctuary to the City of Malabar; that would require an okay from the State on the Transfer Agreement and the City of Malabar; and he would guess that they probably want to, as they will be discussing it and he would be willing to handle that. He continued by saying those resources could be used for other environmentally endangered land that the County would manage; and he noted the request is for staff to begin the process of looking at the transfer of the 557 acres to the City of Malabar.

Commissioner Lober stated he does not necessarily oppose that but to be blunt there are things in his wheelhouse and this is not one of them; if Commissioner Tobia's motion is simply to direct staff to start researching it and bring back a means of accomplishing that, where the Board is not actually saying to go ahead and effectuate it now, then he is fine with that because it is not binding to the Board; prior to Commissioner Tobia bringing this up, it never entered his thought process; and he hates to do something that is irreversible without having a chance to do a little due diligence.

Commissioner Tobia stated this is to begin the process; the City of Malabar may not even want to take this over; it would require them to abide by all of the Management Agreements that the County has put into it, take over the financing, though it is his understanding that it would certainly have to come back to the Board to sign it; the City of Malabar may not even want it; but it certainly takes off the table, if they want to dictate what happens there, and yet not have to pay for it; therefore, his goal is if the City wants to dictate, maybe it would be interested in paying for it.

Commissioner Lober advised he thinks that is fair and that he will support it.

Commissioner Smith commented he thinks that is a novel approach, and thinking outside the box; he does not think it is a good idea, but he wants to give credit where credit is due; for anybody that has paid attention to the background, this used to be Scrub Jay and it has been allowed to grow uncontrollably; large trees have grown which allow predators to prey on the Scrub Jays because they do fly too quickly; they do most of their traveling on the ground and they do not run very fast; that is why they get picked-off; and there are not a lot of Scrub Jay left there. He noted when the County purchased this property, with the intent of making and

restoring it for Scrub Jay, the intent was to take down the big trees so that the predators would not have the perches to eyeball the prey on the ground and restore it to Scrub Jay habitat; now the bikers decided they like the trees and the shade and they do not want to give up the shade; as Commissioner Tobia mentioned, the City may not be interested in spending the money and the maintenance required under the Agreement; he would be curious to see if the City is interested; but he would not be willing to sell it to the City.

Frank Abbate, County Manager, advised that the County operates under a lease, and that this is State land, so there is a Management Lease with the State; and it is a 50-year lease.

Commissioner Tobia commented to be clear, he would love to sell it, but this is just to transfer the Management Agreement over to the City; the City would be under the exact same Management Agreement that the County is under; if the City saw that this would not fit and it met the Management Agreement, that they could make that decision; and it would thin out everyone's mailboxes quite a bit.

Commissioner Pritchett commented if Commissioner Tobia could talk them into giving the County some money and taking it.

Chair Zonka stated she wants to be clear, she knows it has been a long process as far as a lot of this stuff goes; she thinks a lot of people took notice because they received emails from people who have been around for a long time and people value their input; it is not just mountain bikers, but they are environmental activists; she knows they had some concerns; the common theme she was seeing was that all the stake holders were not involved and that was the only question she had; she saw that some of the emails were really long; and she would like Mike Knight, Environmentally Endangered Lands (EELs) Program Manager, to provide some input on that.

Mr. Knight stated probably about 10 years ago or more there was an initial restoration and they had an extensive public process during that time; they had the same discussions that the Board is having today; they achieved some compromise in leaving some trees along the trail at that time, in hopes that they could accomplish two things; to accomplish Scrub Jay protection and restoration and to achieve some shade along the trails; since then there have been a couple projects in there that have removed the trees, but they have protected the stuff along the buffer; they have relocated a family of Scrub Jays to the site and have been monitoring the

Scrub Jay population over the years; and they just completed a population study in 2020 that clearly shows they have not done enough. He advised when they did the original compromise about 10 years ago, it was clear they would have to, if the Scrub Jay started to respond to the initial restoration, look at doing some additional work; he noted that was a long process; they have been engaging the selection management committee for well over a year now, with monthly meetings on these topics; when they voted on the plan, they also planned to do a Zoom meeting to discuss the project with the public, prior to doing any work around the trails; some of the interior work was going to start and that was not going to impact the trails; and that, obviously, was not a very good plan. He added they probably should have done a little bit more on this second round with public engagement; basically, where they are right now is the permit that was issued by the town, there was concern that there was not a permit, but there was a permit and it just ran out and they did not know it; it had voided because of the length of time it took for the grant money to come in; basically, they are in a situation now where they are stepping back and working with the town to renew the permits; and they seem very eager to help at the staff level. He stated they have the Webinar that is being planned for December 9 to help the public understand the project.

Chair Zonka advised she thinks that was a complaint as well, that they were not interested in a Webinar, they wanted to have a little bit more engagement; she appreciates that he had engagement 10 years ago; her concern is these may be different people or stakeholders and if they feel like they are losing something because that has always been her gripe with EELs; they want to maintain those lands and protect them, but they also want it paid for by taxpayers and they want them to be able to enjoy the lands; she thinks there is maybe more compromise, not ditching their project, not doing what they can to help with the Scrub Jay population, but maybe a little more discussion; if EELs is so correct in its plan or the study is so correct, then these people care enough about the environment, and they like to mountain bike too, but she believes they care enough about the environment to either see it his way if he is right, or to maybe provide some valuable input; and maybe there is more that can be done. She noted she believes there should have been a lot more public engagement rather than a planned Webinar.

Jim Liesenfelt, Assistant County Manager, advised Mr. Knight has been invited to speak to the town council in January; that is one step; he met with the City Manager and the Clerk today as well to discuss the issue; and it has been moving quickly, but he is getting more people involved into the process.

Chair Zonka inquired if it was more staff from Malabar.

Mr. Liesenfelt noted Malabar is the first step because they want to discuss it.

Chair Zonka noted she does not want him to go in there and ask for the permit and not engage.

Mr. Liesenfelt responded she is correct and they are not asking for the new permit yet.

Chair Zonka stated that is great.

#### **L.4. Bryan Lober, Commissioner District 2**

Commissioner Lober advised he wanted to bring to the Board's attention, he had mentioned it to staff already, on Wednesday, March 16, they are going to have an East Central Florida Regional Planning Council (ECFRPC) meeting in Brevard; he does not know the last time the County had one there or if it ever has; it will be at the Nyami River Lodge at the zoo, in District 4; if anyone wants to attend, he would suggest they have a quick conversation with the County Attorney so if it needs to be noticed it will be noticed appropriately; he would encourage them to attend; since he has been there, it is a rarity for the group to have one outside of Orlando; and he thinks it is a good opportunity. He noted he has spoken with Keith Winsten and he suggested he may want to put together a couple of Items to make the other people who participate aware of the aquarium project, if he has that many people who are stakeholders throughout East Central Florida; and he thinks it is a good opportunity to present to them. He mentioned a friend of his, Jack Smink underwent a quintuple bypass surgery on Monday; he is doing well and is in his thoughts, as well as his wife, Karen; he mentioned they are great people; and he hopes Mr. Smink continues to recover.

Commissioner Pritchett asked Commissioner Lober to send out the date and time of that ECFRPC meeting.

Chair Zonka commented she knows Mr. Winsten probably takes any opportunity he can to talk about that project and ask for support.

**L.5. John Tobia, Commissioner District 3 (Continued)**

Commissioner Zonka noted she thinks Commissioner Tobia's motion had a potential second, but she does not know.

Commissioner Lober stated if he wants to make a motion he will second it as long as the understanding is that it will come back to the Board before it formally signs anything.

Commissioner Tobia stated to direct staff to begin the process of transferring the City of Malabar's Scrub Jay Sanctuary to the City of Malabar with the understanding that before anything is ratified if comes back to the Board.

Commissioner Zonka called the question.

The Board directed staff to begin the process of transferring the Malabar Scrub Jay Sanctuary to the Town of Malabar and bring it back to the Board for ratification.

**Result:** Approved

**Mover:** John Tobia

**Second:** Bryan Lober

**Ayes:** Pritchett, Lober, and Tobia

**Nay:** Smith, and Zonka

**L.6. Curt Smith, Commissioner District 4, Vice Chair**

Commissioner Smith stated he and Commissioner Pritchett traveled to Washington D.C. to represent the Board; they had some really terrific meetings; they learned a lot of good things about the companies in the County and the things they are doing; for one example, he had no idea that Leonardo DRS developed the engine and the drive for the new Columbia Class submarines; he does not remember how the conversation got into nuclear power and he was told these are not using nuclear energy to fuel them; then the question was what are they being fueled by and he did not receive an answer; but he was told the electromagnetic engines create no heat and virtually make no sound. He added he thinks that is pretty amazing; he commented he bets the Chinese and Russians know what powers these things, but he does not; that was a very interesting part of the trip; and on another note, everyone knows there are places around the country that are still locked down and Washington D.C. is one of them. He stated he was advised that they had locked down again in late summer because of the Delta deviant and they told him they would be able to take masks off on November 22; he thought to himself they really have intelligent COVID-19 because COVID-19 knows they cannot do anything after the 22, so everyone can take their masks off; he noted he is just being facetious; and to let everyone know how wonderful government is, if anyone wants to visit the House of Representatives, he or she must wear a mask, but if anyone walks across the street and enters the Dirksen Building to visit a Senator, he or she does not have to wear a mask.

Chair Zonka mentioned it is shocking that it is inconsistent.

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

Chair Zonka advised she has passed out the board assignments; she did the best she could to accommodate everybody; she did not want to give people too many boards; she thinks Commissioner Smith got hit pretty good, but he is an alternate on one of them; she took what she could with giving people a chance to serve on boards that maybe they have not; there is a requirement of a Board vote for the Election Canvassing Board, and it usually is the Chair so

she accepted that one with Commissioner Smith as her alternate; and she asked for a motion.

The Board appointed Chair Zonka to the Election Canvassing Board, with Commissioner Smith as the alternate.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

Chair Zonka advised the other board that requires a vote is the Value Adjustment Board: and she has District 2 and District 4.

The Board appointed Commissioner Lober and Commissioner Smith to the Value Adjustment Board.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

Upon consensus of the Board, the meeting adjourned at 7:07 p.m.

ATTEST:

---

RACHEL M. SADOFF, CLERK

---

KRISTINE ZONKA, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA