

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, August 4, 2022

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:06 PM

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

B. ZONING STATEMENT

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

C. PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

F.1. Reopening of Public Hearing for Brian G. and Debra Lawson (22Z00005) (District 1)

The Board authorized re-opening the public hearing for 22Z00005, Brian G. and Debra Lawson, for the September 1, 2022 Board Meeting.

Result: APPROVED

Mover: Rita Pritchett

Second: John Tobia

G. PUBLIC COMMENTS

Chair Zonka stated she is keeps getting the cards for term limits and that is not an Agenda Item; if they want to speak about term limits, she would encourage to filled out a public comment card, because there is no item on this; this one says term limits and the other does not say anything; and the Board has moved three public comments.

Nick Timboulides stated today, a reporter asked him what does it means when politicians are whining and complaining about having to face term limits; and he replied them, it means those term limits are working, because term limits is not a reform that was ever designed for their benefit, it is quite opposite, it is actually designed to keep them on their toes, it makes them a little bit uncomfortable, it takes power away from them, and return it to the people. He opined, if there are a few hurt feelings over that, that is a small price to pay to live in a well-functioning republic. He added the great Benjamin Franklin supported term limits and politicians

vehemently disagreed with him, because his ideal limit was only for four years, and he had his critics back then, because there were people who would come up to him and say Dr. Franklin, why degrade these politicians by tossing them out of office, and he said they misunderstood, this Nation is different from all those that have preceded them; in all the nations that preceded America it was the people who served the rulers, but in America it is the people who rule and the rulers who serve; and term limit an elected official, is not to degrade them in the words of Mr. Franklin, but it is to promote them because in the constitutional framework there is no title higher than citizen. He went on to say if they go to Tallahassee, there is a poster on the wall at the State Capital that shows how the Government of Florida is structured; and at the very top of the chart is the leader of the State, it is not County Commissioners, it is not even the Governor, it is the people of Florida, they are in charge, they run this County and this State, and not the Board of County Commissioners. He stated the people want eight-years term limits, to remain in place; it means the record of eight-year term limits in Florida has been nothing short of miraculous, it has more term limits than any other State with more eight-year term limits, and as a result it has been rated the most fiscally healthy State in America, it has been rated the most free State in America, it has thousands of people moving here every day, it has young, energetic, and vibrant Governor who is listening to the people, and getting things done; and meanwhile, looking at the states that are run by the so-called political experts in places like Chicago, Detroit, Albany, California, and New Jersey these places are fiscal dumpster fires and they are drowning in red ink. He added why would they want to move those problems here, when the system is working; he can tell that term limits has been very effective at the State level, it is very effective at the local level, there is no reason why any County Commissioner needs more time in the office, than the leader of the free world; and he would say eight is great, they need to shelf twelve, and to please not fix what is not broken.

Commissioner Smith stated he is talking about two term limits, because of what had been discussing, and if anybody else wants to talk on this subject, there is going to be no discussion or vote on term limits tonight; and Mr. Tomboulides can save his breath unless he has something in particular.

Mr. Tomboulides replied that is not what Commissioner Smith said two days ago, he hinted that there could be...

Commissioner Smith stated since then they have had another Commissioner put their feet down and try to extort a different vote, so there is no point in going forward, because it is going to take all four; and he asked if three terms is still a term limit, is that not true.

Mr. Tomboulides replied it is true that three terms is a term limit but it is a very flimsy politician-friendly term limit.

Commissioner Smith stated there are 67 counties; and he asked what Mr. Tomboulides said about having two terms.

Mr. Tomboulides replied they have 67 counties, 40 of them do not have a charter which means that legally they cannot enact term limits; and he stated if they walk into the Supervisor of Elections in Columbia County, they cannot have term limits they are not allowed to without a charter.

Commissioner Smith remarked they do not have term limits.

Mr. Tomboulides reiterated they cannot without a charter.

Commissioner Smith stated whether they do or they cannot, they do not have term limits.

Mr. Tomboulides agreed.

Commissioner Smith stated there is 40 and there is only nine that has term limits.

Mr. Tomboulides replied it is 12.

Commissioner Smith stated 12, that has changed since the last time he checked, let it be honest 12 out of 67 has term limits; and do not make it out like everybody has term limits because everybody does not.

Mr. Tomboulides advised it is 12 out of 67, but that accounts for a majority of the charter counties and it just so happens that counties with the largest populations are the ones with the charter; so, in fact, as a result of places like Miami-Dade, Palm Beach, Broward, Orange, Hillsborough, and Brevard Counties have term limits; and a majority of people in Florida live under a term limited county commission even though it is just 12 counties.

Commissioner Smith asked of those of 12, how many has three, four-year terms.

Mr. Tomboulides replied it is nine of 12 that have eight years, three have 12 years, but in the three that has 12 years it was never initiated by the people; and it was politicians who foisted that 12-year limit down the people's throat in those three jurisdictions.

Commissioner Smith inquired if they did not have an opportunity to vote on it.

Mr. Tomboulides responded he thinks they thought 12 was better than nothing, but that is not the choice faced today, but are faced with 12 better than being eight; and the answer is a resounding no.

Commissioner Smith stated just for the record, nobody has suggested ramming anything down Brevard County's throats.

Commissioner Pritchett thanked Mr. Tomboulides for being the first brave person to be present; and she inquired if he is actually the lobbyist for restricting term limits.

Mr. Tomboulides replied he is not a registered lobbyist at all; he advised he has not done enough lobbying to trigger any kind of lobbying requirements; and he is a citizen activist and a grassroots lobbyist, and he lives in District 1.

Commissioner Pritchett stated she heard he is going to try to run for her District in two years.

Mr. Tomboulides informed her that is fake news.

Commissioner Pritchett stated that is what she heard, and she thought he was going to try it before; she agrees with Commissioner Smith and the reason why is they all live in Brevard County and nobody up here is as a career politician, except for maybe the guy at the end, her little buddy down there, and he does a good job with what he does in a lot of places he goes; here is the thing, she loves that everybody has got freedom to say what they want to say and vote, but her concern is sometimes when they do this, especially in a small community, they wipe out the competition, and then other people have opportunity to come in; she actually got a little more comfortable with three terms and he heard the reasons why because, she knows,

that he listened last time; she does respect his opinion, but she just has a different opinion, and she would never do this outside the people's vote of what they wanted and being very clear with it; and she thanked Mr. Tomboulides for being the brave one coming up there and taking the first shots.

Mr. Tomboulides promised that he is not running against Commissioner Pritchett and she can take that to the bank.

Commissioner Pritchett remarked they got the word, he is not going to run in two years.

Mr. Tomboulides stated absolutely not.

Chair Zonka stated the reason why she wants to engage with him is because he was at the Charter Review Commission trying to make it, so no one could run for office, if they were finished their term limit, and they could never again run for office which she thinks there may be some constitutional things with that; and her question is about Blaise Trettis who sat on that board, he is not a term limited constitutional officer, and how does he feel about constitutional officers and term limits because she does not really ever hear him advocating for that, and if he thinks differently on that.

Mr. Tomboulides respond he does not think differently at all, he thinks every politician including the dog catcher should have a term limit; and that absolutely includes constitutional officers.

Chair Zonka stated she was only curious because it did not come up at all and Mr. Trettis was very vocal on how he felt about term limits for Commissioners, which she does not disagree with; if this Commission ever in the future decided to, she already stated very emphatically that she would not run for a third term; it was not reported in the paper, but she thinks two of them present said they would not run for a third term; Commissioner Smith is not even eligible so he never would have been self-serving with him even bringing it up; she is just a little surprised because there, in front of him, he had a multi-year constitutional officer who is not subject to term limits and nobody questioned that; and she was kind of curious. She continued to say she is not saying Mr. Trettis is not very effective at what he does, she has a lot of respect for him, but for somebody who was looking to enact it on the County Commission, she is just curious; that will be a question she has for Mr. Trettis, not for Mr. Tomboulides; and she is curious as to why he does not advocate for his own constitutional office to be term limited.

Mr. Tomboulides stated that would be a question for Mr. Trettis, if they are going way back he will note that in Commissioner Smith's first term he actually did float the possibility of term limiting the charter officers, and he threw his full support behind that and the Board can go back and look that up; he thinks what happened with the charter review was former Commissioner Fisher had introduced a proposal regarding County Commission term limits and that shifted the topic specifically to this Board; the reason he filed a counter proposal was to stay within the scope of the discussion that Commissioner Fisher had started; but if anyone on this Board or in this room wants to talk about doing a Citizen initiative for charter office or term limits he is all in to do it.

Commissioner Pritchett asked if it would be his concept if they sat on this and they did not run for a different type of office, because they are still doing election services for the community; she asked if this is his thought, because she heard what he brought forward making it, so nobody could run again after they ran for commissioner there; she asked if he would restrict Commissioner Tobia, since he is here now that he could not run for Florida house after that Brevard County Citizens could not run again so how does that work because actually it is

almost the same kind of thing.

Chair Zonka remarked to get rid of career politicians.

Mr. Tomboulides replied there is some difficulty with that; he stated he thinks there is some case law stating that term limits for State legislators has to be a Florida Constitutional issue or a Statewide issue; he does not think the County, which is what they are talking about here would have the ability to impose term limits on members of the Legislature; he does not think legally they can do that; but he would not favor a term limit applying to all offices at one time because term limits are primarily about that unbreakable power of incumbency. He continued when a person is incumbent they has so many advantages, they get \$10 in special interest money for every buck that goes to a challenger, they get their name in the paper every day, every initiative that they announced is going to get coverage, and they can spend taxpayer money to campaign; there are so many advantages, the deck is stacked against challengers; what he is more concerned about, is people who are running as incumbents; and term limit is a check on the power of incumbency with 95 percent of incumbents getting reelected.

Commissioner Pritchett stated on that too, if they sat in there, they already have name recognition; if they run for something else they already have that advantage again, because people know them by the next week; everybody kind of takes shots at them, they either love them or hate them; they are puckering doing one thing, they are going to spit at them or kiss them, so it is kind of what she has learned with what they are doing; it is just him, taking on a big subject so it just makes her think through a lot of questions since he is standing at the podium right now; she appreciates his sincerity; she does not agree with him on everything; but she does appreciate him.

Commissioner Smith stated Mr. Tomboulides and he are on the same side of the issue with term limits; it is just on this particular one, he would like to see the Brevard County Commission have three terms as opposed to two; but they both are very staunch about their...

Mr. Tomboulides stated he understands and he respects Commissioner Smith a lot; and he would say they are on the same side on another issue, too, and that is go Phillies.

Robert Burns stated to Mr. Tomboulides point, if the Board could have brought up the three terms to do their own ballot initiative, they could also bring up constitutional officers for the term limits too and put that on the ballot as Commissioners, if they chose to; during the Charter Review Commission, he has been working on the proposal on how to fill the vacancies because they are in the position now where it has an extended vacancy for an extended point of time; in that process they identified the way that the Charter currently reads is unconstitutional, it contradicts with the Florida Constitution, and the Florida Constitution says the Governor shall appoint for any County vacancy and for up to 28 months; their Charter says 12 months; if it is more than 12 months their Charter says they can have a special election but that conflicts with the Constitution; so the Constitution says 28 months, they have identified that where it was passed that ballot measure is going to go forward to the people to vote on, but the operative word identified there is shall; so the Constitution says that the Governor shall make that appointment but what happens if the Governor decides not to do that which is kind of the case now. He stated what mechanism does the County or do the people have to ensure that they have representation, especially in a single member District like with District two; the people of District two have no representation on the Board even though the Constitution says the Governor shall make that appointment; now if they were to file a writ of mandamus or there was another cause of action brought forth by a citizen to try to enforce that Statue; how do they do that because the Governor can just say he has not done it yet, it says he shall but there is no

timeline, there is no parameter set so he could wait all the way up to election day; and then once someone is elected they cannot bring a cause of action because now it is moot. He mentioned so he does not know if there is something for the County Attorney to look into, but what recourse do the people have to ensure that the Constitution is being followed; he does not know if the Governor is allowed to use this discretion, but the Constitution's language is clear saying shall, but he is not; and that is something he thinks that the Commission should consider. He stated after the Charter Review Commission had adjourned, something he thought of is they are putting forth this measure to try to correct the language in their Charter; the people has to vote on that language and they had identified their language is not consistent with the Constitution and they are assuming that the people are going to vote in favor of correcting that, but should they not then what happens; he does not know the answer to that question; and he asked if is there a mechanism in place in Florida Statutes where they can correct a deficiency in their language where they have identified it is not consistent with Florida Law.

Chair Zonka stated that was a great question; she watched that meeting and found it pretty interesting; and hopefully they can figured it out.

Bob White stated he is speaking on behalf of the Republican Liberty Caucus he was little surprised when everybody seemed to be like circling the wagons around Commissioner Smith, he is the one that brought it up on Monday, the paper reported it, and it was intimated that it could be taken up this evening and now everybody on the dais is acting like what are they all doing there to talk about term limits; it is not on the Agenda they are not going to talk about that, that is a surprise because it sure seemed like it was going to be; just follow up a little bit on what Mr. Tomboulides was saying, he was astounded quite frankly when it even came up on Tuesday evening; 82 percent in Brevard County have already polled saying that they are comfortable with eight and they like things just exactly the way that; they are they went through this drill in Tallahassee this past legislative session where the House passed an eight-year term limits bill on School boards, sent it over to the Senate, the Senate then sat on it until the last week of the session, and then amended it to 12; and then passed it out of the Senate and sent it back to the House with pitifully little time, there was no time for them to amend and send it back, and these are the kind of the games that are being played all the time on behalf of incumbency. He stated as a Mr. Tomboulides was alluding to earlier the power of incumbency when it comes to money raising and fundraising it is absolutely off the charts, titled towards incumbents; they have got a member of the Brevard County legislative delegation that served eight years as a County Commissioner went to Tallahassee and served eight years in the House, went over to the Senate served another 10 years there, and he got an extra two years because of redistricting and the Census and then went back to the House, even though there is a term limits of eight years in Tallahassee; he was able to go back to the House for another eight years because the word continuous exists in there; when he was in the Senate, and was running for reelection in the Senate he established a political committee, in which, he raised \$325,000; and all of that money came from one source the president of the Florida Senate: He continued to say the president of the Florida Senate has a political committee and he gave \$325,000 to the political committee of one of his people to run for reelection; so this is why term limits are so important because when they add-in all of the advantages that incumbency has, especially the money as he just described, and political committees that are giving money to each other and hiding where the money comes from; they have got a person that is running for the Florida Agriculture Commissioner right now who operates four different political committees, he even trades money back and forth between his own political committees so Florida Power and Light and United States Sugar Cooperation (US Sugar), and all of the major corporate donors in Florida are pouring millions of dollars into these political committees that are then paying it back and forth to each other; and it ultimately gets hidden from the people, a

person would almost have to be a forensic accountant to be able to trackback the source of some of these contributions that are going into these incumbents campaign accounts, so this is why it is so important to have term limits and eight is the right number, not 12.

Commissioner Pritchett stated she does not disagree with Mr. White on that part at all completely; if they could start doing some kind of measures to put a cap on how much people are allowed to collect to run for an office, she would be so in; someone told her a horror story of someone that is running for the Florida House, they have so much money and then they threaten people if they do not get money, and they would not get votes; she hates that type of politics, so anything they can do to get honest people into place and to take care of those things, and it is always about the money; she finds when people do something corrupt it is always about the money; and he has got her on that completely.

Mr. White stated campaign finance reform is an absolute top priority of theirs and it has been for years; they have a website that was donated called Come Clean Florida she can learn a lot about it there; but the problem is that they like it the way that it is.

Commissioner Pritchett stated she is completely with him on that and that is a real issue; but when she looks down this row, even though they are not doing it, every one of these guys would make another great Commissioner for another two years even though they will not do it.

Mr. White stated there are a lot of people out there that would make great Commissioners.

Commissioner Pritchett stated she knows, but she is telling him in the first couple years they did this she had to learn not to make a mess; she had to really learn to get the job; and she has gotten really good after it, and she is telling the truth.

Mr. White remarked that is why terms are staggered.

Commissioner Pritchett stated they have had the County Manager for all these people, they would not pull them out of their job after eight years because they are getting pretty good at it, so just ponder that; she gets his point completely; she knows what he is trying to prevent; she agrees with him on what he is trying to prevent; but she thinks sometimes they could be throwing the baby out with a bathwater.

Mr. White stated eight is still the right number.

Commissioner Pritchett stated she thinks 12 would be on this one; and she is appreciative of Mr. White.

Mr. White stated he is sure that everybody that has ever served as President probably had a learning curve; and he thinks everybody has ever served as Governor had a learning curve.

Commissioner Pritchett stated with the president they did that because they did not want them becoming king of the nation.

Mr. White responded and thank God for George Washington.

Commissioner Pritchett stated she totally gets it, anytime a person is in a place where someone become king, she does not think any of the five up there are running that risk; and she is just going to throw that up to him.

Mr. White advised the Governor and the Cabinet has eight year term limits, too, and he does not think they are trying to be king.

Commissioner Pritchett stated but they are on their own making independent decisions and there is five of them as a Board; and she is just going to give that to him to think about.

Sandra Sullivan responded she came to talk about term limits, too, because she watched the meeting and understood about what was going to take place this evening; she has been coming to these meetings for four years as an activist for accountability and transparency, as well as other issues; it is curious that they should just talk about that they have got really good at their role as a Commissioner when two weeks ago there was a major controversy with giving \$30,000,000 to a single developer of a contract written by the lobbyists, an open-ended contract, and edited by that lobbyist; she takes exception to that comment and she also takes exception to the last meeting when this was not on an Agenda for public transparency; this is an important issue to talk about term limits; it should has been an Agenda Item; then it was stated that if the votes were there they would do a motion under Board Reports, well they are only supposed to do that according to the policy if it is an emergency; the third thing the comment made to use the Commissioner's influence on their appointees to the Charter Review Board to ensure that they did not pass a referendum that would contradict their goal to extend their own term limits to 12 years, three terms; and she mentioned that this issue began last February when the District 1 appointee to the Charter Review stated that he wanted to put forth a Charter Review amendment to do away with term limits. She continued to say term limits were voted by 77 percent of the voters being very much in favor of this; she just thinks that they are not listening to the will of the people, for accountability and transparency, for following their own rules, and for listening to the will of the people; the people who contacted their offices about not wanting \$30,000,000 to go to a single developer; and she thought the last meeting was shameful.

Chair Zonka stated she would respond but there is so much to unpack with that.

Commissioner Smith remarked why bother.

H.1. Daniel P. and Amber N. Allen request a CUP for Farm Animals and Fowl for Medical Hardship in an RR-1 zoning classification. (22Z00017) (Tax Account 2405506) (District 1)

Chair Zonka called for a public hearing on a request by Daniel P. and Amber N. Allen for a Conditional Use Permit (CUP) for farm animals and fowl for a medical hardship in an RR-1 zoning classification.

Jeffrey Ball, Planning and Zoning Manager, stated Daniel P. and Amber N. Allen requests a CUP for farm animals and fowl for medical hardship in an RR-1 zoning classification, application number is 22Z00017, and located in District 1.

Commissioner Tobia asked Chair Zonka if she has any speaker's card for this Item.

Chair Zonka replied she has two.

Amber Allen stated she is just trying to get a Conditional Use Permit for her pot belly pigs; they live inside 75 percent of the time and 25 percent of the time they are outside; they are on a vegetarian diet and eat probably better than she does; they are completely 100 percent on a vegetarian diet, they sleep inside the house, and they have two beds inside her house; and she does not know what else to say.

Toni Garrasi stated he is present to just support the Allen's and as the Board can tell, she is pretty nervous; these pigs mean a lot to them, they have had them for three years; he moved into the neighborhood and they actually live right down the street; for the past two years these animals have 25 percent of the time been outside; his kids go down to the fence and talk to them, there is probably 19 kids in their neighborhood, and out of those 19, 17 of them will walk up and talk to the animals from time to time; they are just here for their support; and these are comfort animals, as she is very nervous and her husband has pretty high anxiety, which is the reason he did not come today.

Commissioner Tobia disclosed he is a strong fan of bacon; on a serious note this has nothing to do with animal support, but is a Code Enforcement issue; he is sure the Board is aware and the dates do not back up the stories; in fact, the applicants were inspected by Brevard County on February 28 for a Code Enforcement issue, and all of a sudden, six weeks later the CUP for farm animal and fowl come up; there are other animals that were and still has some animals on that property; before he gets into some of the documents Planning and Zoning was not unanimous on that and there have been some neighbors that complained, that was due to odor, having to remove waste, increased insects, need for shelter and mud pits, the size of the animals, and just so everyone understands that these species can get up to 180 pounds; but he wants to get to the supporting documents. He continued he spent a little bit of time with this and he wants to talk about the medical professionals; he will first of all start with they got different ones which he found was kind of a red flag; the first one was a Stefano Fanfoni PhD of Psychology and then had some letters after it, but he did not recognize what those letters were; then he went on to find out the letters meant they were just a candidate, so this person clearly does not have a degree, but merely a candidate; to keep that in perspective Dantavious Tatamaya Smith is a candidate and while he certainly appreciate his insights, he does not want him voting until he is elected; second the physician that was mentioned, Jensen Kobobel is a Physician, an MD at a walk-in clinic describing himself as open-minded; he went on to look on his credentials and he found that this was an individual that was mentioned in the Sun-Sentinel for part of the \$5.6 billion opioid pills floating around the State; he was one of the individuals that they cited with 27,000-plus pills; this gentleman clearly will prescribe almost anything to quite the degree; then he looked at the certificates that they had up there, their certificates were not issued by a State or a Federal entity; and he actually knew that there was something that came up because the certificates were actually issued before the "medical professionals" ever saw these folks. He continued to say he has a slide to show, the certificate states that emotional support registration is not a certified process, this is probably the meanest thing he has ever done, but he brought a support animal; it probably did not get noticed and he asked his assistant to stand up; his assistant is his support animal; he typed him in, with his consent, and put in the breed as Caucasian; he put Brian Bond as his name; he put his phone number; they even gave him a 10 percent discount; he could have certified his assistant as an support animal; he appreciates him being quite a good sport it; but it is a hazing thing. He mentioned he is worried about the slippery slope, they have a questionable physician; they have one that is not a candidate; he appreciates people liking pigs but he thinks this is probably not the right direction to go in, regardless of his thought on bacon; he would certainly hope for, not only the zoning classification, but for the neighbors and the fact that they are trying to get around this; he greatly respects them paying the \$1,100 to come up there; he thinks it is in bad form if the Board recognizes this stuff; he will not be voting for it; and he hopes the Board sees through this quick fail, and does not support this request.

Commissioner Pritchett stated she found out today that they did have a Code Enforcement issue, but they got rid of the roosters and the other animals; they live on 1.3 acres; she is going to make a motion to approve this; she hopes to have the votes; but they have to abide by that

Conditional Use Permit for only two pigs.

Ms. Allen stated she is not planning to get anymore.

Commissioner Smith asked how many acres.

Commissioner Pritchett responded it is 1.381 acres in District 1.

Tad Calkins, Planning and Development Director, asked for clarification on the motion because he thinks the motion was for two pigs and no other animals; and he stated the chickens that they currently have, the Board would not want those to be included, they had a rooster but they also had four hens on the property.

Commissioner Pritchett responded no other animals. She asked this about property because they were trying to look at what is appropriate for the property; and she asked if in that area are they allowed to have the chickens.

Mr. Calkins stated the Code allows residential zoning classifications to have up to four chickens for one-half acre of property.

Commissioner Pritchett stated so that is not really something that she have to...

Mr. Calkins stated he thinks in this case because it is a conditional use application if the Board chose to limit it to four chickens it would be in the purview of the application.

Commissioner Pritchett stated they are going to limit her to four chickens, with the two pigs; and she advised to not start a farm there.

There being no further comments or objections, the Board approved the request by Daniel P. and Amber N. Allen for a CUP for Farm Animals and Fowl for Medical Hardship in an RR-1 zoning classification.

Result: APPROVED

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Smith, and Zonka

Nay: Tobia

H.2. Evan Bales and Kelsey Godfrey (Charlene Morgan) request a CUP for a Guesthouse in an RU-1-11 zoning classification. (22Z00024) (Tax Account 2522454) (District 2)

Chair Zonka called for a public hearing on a request by Evan Bales and Kelsey Godfrey (Charlene Morgan) requesting a Conditional Use Permit (CUP) for a guesthouse in RU-1-11.

Jeffrey Ball, Planning and Zoning Manager, stated Evan Bales and Kelsey Godfrey (Charlene Morgan) request a CUP for a guesthouse in an RU-1-11 zoning classification, application number is 22Z00024, and located in District 2.

Charlene Morgan stated she is representing Evan Bales and his girlfriend Kelsey Godfrey, his mother's health is failing, and he wants the guest unit to be for his mother; it is going to be

20-feet in from the back rear line and off the left; and it is somewhat hidden, there is a lot of trees and growth in that area.

Commissioner Pritchett stated she noticed they are putting in a guest house, but are not putting in a kitchen.

Ms. Morgan replied that is correct; and she stated they are not allowed to.

Commissioner Pritchett stated if they will state that in the CUP that they know they are not putting in a kitchen, she will be good with it.

Ms. Morgan asked Commissioner Pritchett where does she need to put that at.

Commissioner Pritchett responded staff will help her with that.

Ms. Morgan stated not to worry she will take care of that right away.

There being no further comments or objections, the Board approved the request by Evan Bales and Kelsey Godfrey (Charlene Morgan) request for a CUP for a Guesthouse in an RU-1-11 zoning classification.

Result: APPROVED

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.3. William and Jeanette Gonedridge request a change of zoning classification from AU to RR-1. (22Z00018) (Tax Account 2000372) (District 1)

Chair Zonka called for a public hearing on a request by William and Jeanette Gonedridge request for a change of zoning classification from AU to RR-1.

Jeffrey Ball, Planning and Zoning Manager, stated William and Jeanette Gonedridge request a change of zoning classification from AU to RR-1, application number is 22Z00018, and located in District 1.

There being no comments or objections heard, the Board approved the request by William and Jeanette Gonedridge for a change of zoning classification from AU to RR-1.

Result: APPROVED

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.4. Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 4 and NC to CC. (22SS00004) (Tax Account 2511124) (District 2) This item has been withdrawn by the applicant. Letter received July 27, 2022.

Chair Zonka called for a public hearing on a request; she stated she has some speaker cards and she probably should say this before the public hearing starts for Item H.5.; she is not sure if they have looked at the Agenda, but H.4. has been withdrawn by the applicant; and H.5. is

going to be remanded back to Planning and Zoning (P&Z).

There being no further comments or objections, the request by Andrea Bedard and Nicholas Boardman (Ronald Treharne) for a small scale comprehensive plan amendment to change the future land use designation from RES 4 and NC to CC has been withdrawn by the applicant via a Letter received July 27, 2022.

H.5. Andrea Bedard and Nicholas Boardman (Ronald Treharne) request a change of zoning classification from AU to BU-1. (22Z00015) (Tax Account 2511124) (District 2)

Chair Zonka called for a public hearing on a request by Andrea Bedard and Nicholas Boardman (Ronald Treharne) for a change of zoning classification from AU to BU-1.

Jeffrey Ball, Planning and Zoning Manager, stated Andrea Bedard and Nicholas Boardman (Ronald Treharne) requests a change of zoning classification from AU to BU-1, application number is 22Z00015, and located in District 2; and staff wishes for the Board to remand this Item back to Planning and Zoning with a date certain of September 12, 2022.

Chair Zonka asked if the applicants are okay with that.

Chair Zonka asked Christine Schverak, Interim County Attorney, if she is allowed to let the people talk on this Item if it is being sent back to Planning and Zoning.

Ms. Schverak responded let them talk.

Ed Johnson asked if it going to be moved.

Chair Zonka responded it is going to go back to Planning and Zoning, to be heard there again before it comes back to them on September 12, 2022.

Mr. Johnson mentioned he needs to challenge it now.

Chair Zonka replied he is welcome to state his opinion and evidence.

Mr. Johnson stated he thought it kind of belonged there because they changed it, if they were requesting BU-1 and then they made a modification because they were unanimously rejected to try something different; but it kind of skirted past Planning and Zoning for the updated request.

Tad Calkins, Planning and Development Director, clarified the applicant has requested to amend their application to go to a multi-family zoning classification and that is the primary reason why they wish to remand this back to Planning and Zoning; it will be reheard there; and there will be an opportunity for their input.

Nick Szuchy stated he had discussed with his neighbors that they got no say in the matter because the Future Land Use says it is acceptable to use that; however, he has lived on Rock Drive, he has one acre on Rockledge Drive, and when he realized last night that they are looking at four units per acre; he pulled out his Future Land Use Map and he thinks the Zoning department has incorrectly zoned all of them for septic tanks; they do not have sewer on that road, there is no reason that he could put four septic tanks on his property that potentially drain into the Indian River; they all progress to support cleaning the Indian River Lagoon, yet they have a Future Land Use in the Zoning department that says to let them put four acres, or if they

have got one-half an acre they could put two plots, two septic tanks on them; that is why he came up to say something; and he thinks that Future Land Use chart is improperly allocated.

There being no further comments heard, the Board approved staff's recommendation to remand the request by Andrea Bedard and Nicholas Boardman (Ronald Treharne) for a change of zoning classification from AU to BU-1 to the September 12, 2022, Planning and Zoning meeting for the applicant to amend their request.

Result: APPROVED

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.6. James A. and Vikki P. Dean request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 to RES 1. (22SS00005) (Tax Account 2442557) (District 1)

Chair Zonka called for a public hearing on a request by James A. and Vikki P. Dean for a small scale comprehensive plan amendment to change the Future Land Use designation from RES 1:2.5 to RES 1.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.6. and H.7. are companion applications; he will read both of those into the record at the same time; the Board can discuss them interchangeably; however, it will need to make separate motions for each of them; Item H.6. is a request by James A. and Vikki P. Dean for a small scale comprehensive plan amendment to change the Future Land Use designation from RES 1:2.5 to RES 1, application number is 22SS00005, and located in District 1; and Item H.7. is a request for a change of Zoning classification from AU to RR-1, application number is 22Z00019, and location in District 1.

Commissioner Pritchett stated she is going to make a motion to approve this, but the applicant can speak if she wants; but she does want to mention that she has to make sure that she stays attached to a County maintained road which she has every availability to do.

There being no further comments or objections, the Board approved the request by James A. and Vikki P. Dean for and adopted Ordinance No. 22-22, setting forth the twelfth (22S.08), Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1:2.5 to RES 1.

Result: APPROVED

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.7. James A. and Vikki P. Dean request a change of zoning classification from AU to RR-1. (22Z00019) (Tax Account 2442557) (District 1)

Chair Zonka called for a public hearing on a request by James A. and Vikki P. Dean for a change of zoning classification from AU to RR-1.

There being no further comments or objections, the Board approved the request by James A. and Vikki P. Dean for a change of zoning classification from AU to RR-1.

Result: APPROVED

Mover: Rita Pritchett

Seconders: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.8. DeRosa Holdings, LLC (Kim Rezanka) requests an amendment to an existing BDP in an RU-2-12 zoning classification. (22Z00022) (Tax Account 2534267) (District 2)

Chair Zonka called for a public hearing for a request by DeRosa Holdings, LLC (Kim Rezanka) for an amendment to an existing Binding Development Plan (BDP) in an RU-2-12 zoning classification.

Jeffrey Ball, Planning and Zoning Manager, stated DeRosa Holdings, LLC (Kim Rezanka) requests an amendment to an existing BDP in an RU-2-12 zoning classification, application number is 22Z00022, and located in District 2.

Kim Rezanka stated she is attending on behalf of the applicant DeRosa Holdings, LLC; the Board saw this back in January, and this is a piece of property that originally had a BDP, it is a little over one acre for 13 townhomes, it was sold, and it was never developed; the Board has seen two or three of these come before them, the DeRosa Holdings came before the Board, they have two units, but they really want to be able to sell one of them and the way the BDP was written in January they cannot do that; this changes the BDP to allow them to sell one unit if they plat or condominiumize, other than that there is no difference and it is still within the RU-2-12; and she asked for the Board to approve this amended BDP, with removing the old BDP.

There being no further comments or objections, the Board approved the request by DeRosa Holdings, LLC (Kim Rezanka) for an amendment to an existing BDP in an RU-2-12 zoning classification.

Result: APPROVED

Mover: Curt Smith

Seconders: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.9. Island Bluff, LLC (Kim Rezanka) requests a change of zoning classification from BU-1 and IN(L) with an existing BDP, to SR, removing the existing BDP, and adding a new BDP. (22Z00023) (Tax Account 2426893) (District 2)

Chair Zonka called for a public hearing on a request by Island Bluff, LLC (Kim Rezanka) for a change of zoning classification from BU-1 and IN(L) with an existing Binding Development Plan (BDP), to SR, removing the existing BDP, and adding a new BDP.

Jeffrey Ball, Planning and Zoning Manager, stated Island Bluff, LLC (Kim Rezanka) requests a change of zoning classification from BU-1 and IN(L) with an existing BDP, to SR, removing the existing BDP, and adding a new BDP, application number is 22Z00023, and located in District 2.

Kim Rezanka stated she is attending on behalf of the contract purchaser Gene Bucksell and the property owner Island Bluff, LLC; this is a parcel of property that is in Merritt Island off

Tropical Trail, next to the River; this used to be an old church; she does not know much about it, it was gone before she knew much about, and she heard it was a very interesting history of that church; the contract purchaser is from Montana, he is a farmer of sorts, a hay baler she believes is how he described himself; he is retiring in Brevard County, he wants to purchase this property, split it in two for himself and his daughter and son-in-law, and this is his retirement forever home; this property has been vacant for a while, it has the north multi-family residential and single-family residential, and going further is a mixed use area with a lot of little houses that have been converted into businesses; it is in a critical Coastal High Hazard Area, it is concern area, and they are going to bring sewer and use water so it is a good use of this property for something that has been vacant for a long time; and it is consistent and compatible with the neighborhood. She added it has an old BDP that would limit it to small commercial use and that would be removed as well so that is part of what they are requesting; the neighbor to the south who owns about three acres has objected to this, she says that is not the highest and best use, but her property is a small vacant office building, a manufactured home; if the Board looks at the property to the south it is just a mishmash of property; her understanding is she is hoping to sell it to a developer who may be scared off by having two single-family homes to the north; they are asking for a change of zoning from BU-1 and Institutional, the BU-1 is just the access driveway that will be split, and then the Institutional was because it was a church and it had a BDP that would allow the small professional offices; they have asked for SR zoning which is one unit for one-half acre; they have a BDP that limits the two units; and she asked for a change of zoning with the BDP and removal of an old BDP.

Sue Cody stated she objects very much to the zoning request, she does not feel it is compatible to the area; she is the owner of the property to the south adjoining on the south and it is zoned multi-family, and it also has some commercial zoning; properties on the north are also zoned business and commercial and there are many multi-families to the north of this property; she does not feel that this change of zoning is appropriate for the area, it is not in compliance with the current zonings for single-family homes; they are multi-family, they are commercial, it has business zoned properties surrounding it; there is a lot of property there and it would be nice if it was all developed together, she agrees with that; but she does not feel that multi single-family homes in that area is conducive to that area. She expressed her concerned about the roadway that goes into the property, it adjoins her commercial property on the north there; her set-property is south and the roadway seems very narrow going into it, and she does not know if it is sufficient, and they know better than she about that; but she is concerned about that and it would be right up against her property line. She stated she is very much in objection to this; she would like to see the properties all developed; but she does not feel it is compatible for single-family homes in that particular area. She reiterated she very much objects to it.

Ms. Rezanka inquired if she may ask Ms. Cody a question.

Chair Zonka responded Ms. Cody can choose to answer it or not.

Ms. Rezanka stated she is showing Ms. Cody an aerial map of her property; and she asked if those are her four parcels.

Ms. Cody replied her parcels are to the south of that parcel.

Ms. Rezanka asked if there are four of them.

Ms. Cody responded yes.

Ms. Rezanka asked what is located on those parcels.

Ms. Cody replied currently there is the house and a building; she stated she has not done anything to these parcels of property because she expected some day they would be a part of a development; that has not happened of course at this time; but that is the situation with that property. She continued to say she does own it and there is very little on it; one parcel is vacant property and there has been most of the things removed; one of the parcels has a building that used to be roto-roter house for those who may remember it being around a long time ago on that property; it is currently vacant and it is commercial business zoned, but she has not put anybody into it; the other parcel, which Ms. Rezanka is showing her is some other things that has to do with a trailer and a boat, and she does not mean this is a living trailer, nobody lives there; but one person does live in the little house that is on one of the parcels, otherwise it is vacant property.

Chair Zonka asked if anybody uses the property.

Ms. Cody replied yes; she stated she has someone that lives in the house, not the one that adjoins the property they are trying to rezone, but the other parcel that is south of that; there is a little house there and it has been there forever, and someone does live in that house that kind of takes care of seeing what goes on at the property; she would like to develop it but she has not done so yet.

Commissioner Smith stated he is not sure he understands, he has been doing this and listening to an awful lot of people for over the last eight years; he does not think he has ever heard anybody object to someone coming in and putting fewer parcels on a piece of property than they could; he has seen it many times where people want to come in and put multi-family homes in and the surroundings area is primarily single-family, and those people object; but he has never seen it this way. He asked what in particular is objected to with having two single-family homes there.

Ms. Cody responded she feels that the parcel she has and the parcel that they are requesting at rezoning, and the parcel north of that would be ideal properties for redevelopment projects in the Merritt Island Redevelopment Area; she just feels like it is good properties and that is probably why; she knows the gentleman who owns Island Bluff had asked her some time ago if she were interested in selling and she said sure, she would be; he even asked her if she were interested in maybe going in on a project and she said she would certainly consider that; she still feels that way, she would consider it; and she feels it is good properties for development in the area but she does not particularly think that single-family...

Commissioner Smith interrupted by saying so she thinks if these people put up two single-family homes that might detract from the value of her multi-family or commercial properties.

Ms. Cody stated she feels that is a possibility.

Commissioner Smith stated he does not think so.

Ms. Cody remarked maybe not, she does not know, but she said it would be a possibility.

Chair Zonka asked Mr. Calkins if he needed anything else to add with the BDP.

Ms. Rezanka remarked remove the existing BDP.

Chair Zonka stated removal of the old one and installation of the new one.

Mr. Calkins stated yes.

There being no further comments or objections, the Board approved the request by Island Bluff, LLC (Kim Rezanka) for a change of zoning classification from BU-1 and IN(L) with an existing BDP, to SR, removing the existing BDP, and adding a new BDP.

Result: APPROVED

Mover: Curt Smith

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.10. Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) request a Small Scale Comprehensive Plan Amendment from RES 4, NC, and CC, to all CC. (22SS00003) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)

Chair Zonka called for a public hearing on a request by Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) for a small scale comprehensive plan amendment from RES 4, NC, and CC, to all CC.

Jeffrey Ball, Planning and Zoning Manager, stated Items H.10. and H.11. are companion applications, the Board can discuss or he will read them together, they can discuss them together; however, separate motions for each of them are needed to be done; Item H.10. is Sunshine Petro, Inc., Jacob Aaron Corporation, and Alice Elaine Tisthammer (John Rosenthal) requests a small scale comprehensive plan amendment from RES 4, NC, and CC, to all CC, and located in District 1; Item H.11., is request of a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's; there are multiple easements that are on the property; Ms. Rezanka is working with those easement holders to get those issues resolved; and the applicant has also provided a concept plan, however, it has not been reviewed for consistency with land development regulations.

Chair Zonka disclosed she met with Bart Gaetjens and the applicant on July 19; they had teams meeting to just talk about the project and to talk about what their plans were.

Commissioner Pritchett disclosed she did the same thing, she met with Mr. Gaetjens on the phone a couple of times and he also came to a County staff meeting, with the applicants there as well to just listen in on their project.

Jim Rosenthal stated he is with Florida Power and Light (FP&L), he is present on behalf of Sunshine Petro, Jacob Aaron and Alice Elaine Tisthammer; the actions needed tonight are the modification to the Future Land Use, the rezoning, as well as the removal of the two BDP's that will allow for the development of a new hardened service center; it is something part of a larger strategy that FP&L has been pursuing across the State; they hope the Board will support the effort; this will allows them to go forward with their further plans in submitting for site plan and moving forward with the construction; they do have a small presentation, they are happy to go through it; he also has Kelley Klepper of Kimley-Horn, who is their land use planner that can walk them through the rezoning of the comprehensive plan changes, the actions that are before the Board this evening whichever is the Board's pleasure; and he is actually able to answer any questions the Board might have on the project, they have worked very closely with staff

regarding the easements that cross their proposed project area, as well as some other adjoining properties that are adjacent to theirs.

Commissioner Smith stated he would like to say that he fully supports this and he would like to see about half-a-dozen more throughout the County.

Mr. Rosenthal advised could they make sure that everybody who has received information discloses, he thinks they have also met with Commissioner Smith.

Chair Zonka stated some people submit, they spend 5-10 minutes on the computer submitting but as long as he discloses it on the record they are covered.

Mr. Rosenthal apologized.

Chair Zonka stated she just finds it much more efficient, quick, and easy to do it during the meeting so it is part of the meeting.

Commissioner Smith stated he is a master slave and he makes his staff do it.

There being no further comments or objections, the Board adopted Ordinance No. 22-23, approved the request by Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) setting forth the eleventh for a Small Scale Comprehensive Plan Amendment of 2022, 22S.06, to the Future Land Use Map of the Comprehensive Plan amending, Section 62-501, Entitled Contents of the Plan, specifically Amending Section 62-501, Part XVI (E) Entitled Future Land Use Map appendix and provisions, which require amendments providing legal status for Sunshine from RES 4, NC, and CC, to all CC.

Result: APPROVED

Mover: Curt Smith

Seconder: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

H.11. Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) request a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's. (22Z00020) (Tax Accounts 2312189, 2312249, 2312191, 2312201, 2312205, 2312203, 2312233, 2312234, 2312213, & 2312214) (District 1)

Chair Zonka called for a public hearing on a request by Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) for a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's.

Jeffrey Ball, Planning and Zoning Manager, stated Item H.11. is Sunshine Petro, Inc.; Jacob Aaron Corporation; and Alice Elaine Tisthammer (John Rosenthal) requests a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's.

Chair Zonka stated Commissioner Pritchett modifying her motion with the removal of the existing BDP's; and the second by Commissioner Smith stands.

There being no further comments or objections, the Board approved the request by Sunshine

Petro, Inc., Jacob Aaron Corporation, and Alice Elaine Tisthammer (John Rosenthal) for a change of zoning classification from GU, BU-1-A, and BU-1, with existing BDP's, to BU-2 and removal of existing BDP's.

Result: APPROVED

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

H.12. Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment from NC and CC to RES 15. (22SS00006) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Chair Zonka called for a public hearing on a request by Jacob Aaron Corporation, Gigi II, LLC, the BDM Financial Incorporation, and Michael P. and Lori L. Melzer (Kim Rezanka) for a small scale comprehensive plan amendment from NC and CC to RES 15.

Jeffrey Ball, Planning and Zoning Manager, stated Item H.12. and H.13. are companion applications as well, he will read them together; Item H.12. is Jacob Aaron Corporation, Gigi II, LLC, the BDM Financial Incorporation, and Michael P. and Lori L. Melzer requests a small scale comprehensive plan amendment from NC and CC to RES 15, it is located in District 1; again, the applicant has provided a concept plan that has not been reviewed for conformance to the Brevard County Code and also this property has got easements; Ms. Rezanka is working with the easement holders to resolve those issues; there is a stormwater pond that is maintained by Brevard County, if they get access to this property; those issues will have to be addressed during the site plan process; and this plan does not absolve the access issue to the stormwater pond.

Kim Rezanka stated she is present on behalf of both the property owners and the contract purchaser Blaze Capital, LLC and with her is Chris Whitaker, he is sitting in the back if the Board has any questions about the proposed development, and he is with Blaze Capital, LLC; this is a relatively simple rezoning, comprehensive plan amendment, and removal of BDP to allow multi-family to go on a piece of property that has not been able to be developed in a very long time; this has been in the Miller Group, Jacob Aaron Corporation; Gigi II, LLC, has been in the same family for a very long time; they have tried to acquire some of the land to join it together; the land to the north is all mostly owned by the State of Florida, the Internal Improvement Trust Fund, and the intent is to build some much needed multi-family in Brevard County on proper access to the Port St. John Parkway and to I-95, and the concept plan is a non-binding plan that is in their packet; this is a concept that is not fully engineered Kimley-Horn is now the engineer of record and they are working with Blaze Capital, LLC, they have been working with staff, they had meetings with them regarding some drainage easements, access easements, and they believe they can get it all resolved; this is not engineer engineered binding, engineer concept plan they are asking for a change to RES 15 over these 20.88 acres, a change zoning RU 215, and removal of the BDP that has tourist use and office use and different things; if the Board has any questions, they are there to answer them, if not, they just ask for the Board's approval; and Mr. Whitaker is present, but he does not need to speak unless the Board has questions.

Chair Zonka asked Commissioner Pritchett if she has any questions.

Commissioner Pritchett disclosed she met with Ms. Rezanka and her client one time and she attended the same meeting with Florida Power and Light; she stated this project is right next to the Florida Power and Light one, so they are working through the same kind of obstacles with Tad Calkins, Planning and Development Director, Mr. Ball, and their staff; she just wanted to thanked them for this, single-family homes would not fit on this but that area is starting to develop; this is a good project from there; and she is looking forward to seeing what this turns into.

Chair Zonka asked if they need the motion with the removal of the BDP.

Mr. Ball replied not for this Item, it is for the second one.

There being no further comments or objections, the Board adopted Ordinance No. 22-24, approved the request by Jacob Aaron Corporation; Gigi II, LLC; the BDM financial corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) setting forth the thirteenth Small Scale Comprehensive Plan Amendment of 2022, 22S.09, to the Future Land Use Map of the Comprehensive Plan amending Section 62-501, Entitled Contents of the Plan specifically Amending Section 62-501 Part XVI (E), Entitled Future Land Use Map appendix and provisions which require amendments providing legal status from Future Land Use Map to change the NC and CC to RES 15.

Result: APPROVED

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

H.13. Jacob Aaron Corporation; Gigi II, LLC; The BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) request a change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15 and removal of existing BDP. (22Z00027) (Tax Accounts 2312160, 2312187, 2312255, 2312301, 2312312, 2312307, 2312339, 2312276, 2312262, 2312334, 2312264, 2312333, 2312332, 2312260, 2319284, 2312251, & 2312250) (District 1)

Chair Zonka called for a public hearing on a request by Jacob Aaron Corporation; Gigi II, LLC; the BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) for a change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15 and removal of existing BDP.

Jeffrey Ball, Planning and Zoning Manager, stated Item H.13. is Jacob Aaron Corporation, Gigi II, LLC, the BDM Financial Corporation, and Michael P. and Lori L. Melzer requests a change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15 and removal of existing BDP.

Commissioner Pritchett stated she is making motion with the removal of the existing BDP.

There being no further comments or objections, the Board approved the request by Jacob Aaron Corporation; Gigi II, LLC; the BDM Financial Corporation; and Michael P. and Lori L. Melzer (Kim Rezanka) for a change of zoning classification from GU, BU-1, and TU-2, with an existing BDP, to RU-2-15 and removal of existing BDP.

Result: APPROVED

Mover: Rita Pritchett

Seconded: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

J.1. Legislative Intent and Permission to Advertise Amendments to Sec. 62-1844, Brevard County Code of Ordinances RE: Criteria for Tiny Homes and Tiny Homes on Wheels

Commissioner Tobia provided a handout and he stated this is just for legislative intent and permission advertise if passed, it will need to go back to the Building Construction Advisory Commission (BCAC) as well as Planning and Zoning board; he has recently met with Brian Sodre the owner of Miniopolis Builders, a tiny home developer, Tad Calkins, Planning and Development Director, as well as staff; Mr. Sodre showed them the tiny home he recently finished and had explained some of the barriers and issues that he was running into dealing with how Brevard County's Code is written; when he brought this forward, initially it was because he saw, and others seen a hole in their zoning classification; there were no examples to model the language after and therefore he expected there to be future tweaks; however, he thought those tweaks would come much later and Mr. Sodre jumped on this quickly; he would like to do everything humanly possible to make his dream possible, as well as provide more affordable housing; so this amendment to Section 62-1844 of Brevard County Code does three things; and the three things are as follows, one, it creates uniformity in tiny homes this would make the maximum 750 square feet across the classes that already allowed for them as a permitted use with conditions; these classifications already were approved by the Board when it came to tiny homes; two, it would allow for multiple tiny homes in a mobile home park that is zoned TR-3; zoning for mobile home parks is unique in that it requires a minimum of 10 acres, and is technically considered one lot regardless of the amount of mobile homes; and Code only allows for one tiny home per lot and only one tiny home is allowed in an entire mobile home park, which is the same mobile park home being shown on screen. He stated the screen shows Mr. Sodre home is on the top and other people below that lives in that same community; it removes the requirement to gain notarized approval from the owners of the abutting developed property, only within the mobile home community; requiring approval from neighbors to increase the value of said neighbor's property does not make sense, building tiny homes in mobile park is hardly, as they can see an eyesore, in addition requiring citizens to gain their neighbors approval that own property in which the Board has already deemed appropriate for tiny homes is inconsistent with other uses; for example to build mobile homes on the same land they do not need this approval within the Code and serves an unreasonable and irrational barrier to development; to be clear, these changes do not add tiny homes to any zoning classes, it merely simplifies conditions to have tiny homes in those classes that this Board has already approved; and he made a motion for Legislative intent and permission to advertise and amendment to Section 62-1844 to reflect the changes as delineated in the requested actions, section of the action Agenda report to send this Item back to the appropriate Advisory Boards before coming back to this Board for another hearing.

Chair Zonka stated it was Legislative Intent that they just vote for.

Commissioner Tobia asked what did he mentioned.

Chair Zonka replied she does not want anybody to misunderstand what they just voted for; she stated she is in support, she just wanted it to be clear to anybody else that was just catching a piece of it, she thinks tiny homes are awesome, and she is a big fan; she thanked Mr. Sodre for his time explaining it the other night; she already had a preface this was coming because she met Mr. Sodre out at an event; and he explained how it was going to be.

Commissioner Tobia advised if the Board gets the opportunity to go out and check out this tiny home, it is pretty incredible, and he has got a plan to build others; he appreciates people who go out there and invest their own capital and this guy has done that, and what they can do as a Board to help him along his path providing quality homes at fair prices, he thinks is very good; they took a shot at it and he is helping to make it even better; and he really appreciates the Board buying into this.

There being no further comments or objections, the Board granted legislative intent and permission to advertise amending Section 62-1844 to reflect the changes as delineated in the requested action section of the Agenda Report; and authorized sending this back to the appropriate Advisory Boards before coming back to the Board of County Commissioners.

Result: APPROVED

Mover: John Tobia

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

L.3. Rita Pritchett, Commissioner District 1, Re: Report

Commissioner Pritchett mentioned she is going to work on, she will forgive Commissioner Tobia, she is going to continue to care about him, but she is a little disappointed in what he just did with the term limits; if he would have just vote no, it would have been fine but to come back with the letter and the report to utilize in the newspaper; she wants him to know she is going to forgive him and she is still going to care about him; but she is little disappointed in him with that.

L.5. John Tobia, Commissioner District 3, Re: Report

Commissioner Tobia appreciated that, but he does not ask for anyone's apology; he stated he made promise to voters out there that he would do his hardest to make sure taxes were not increased and he is following through on a promise, so if that offends he apologizes. He added they had some "wonderful people" who came and were very concerned with the Boards behavior up here; in fact, he thinks they got an email where they were dressed up in third right type of outfits with Hitler mustaches and swastikas which is really interesting that sexual predators...

Chair Zonka interrupted by saying sexual predator of a minor.

Commissioner Tobia stated yes, they are comparing them to Hitler, but he thinks it is probably pretty good motivation for him; he provided drafts, but he would like to give full authority; what they will see in this packet is, they respect Home Rule, the rules they make do not apply to the cities; he thinks that they should do their best to ensure the safety of minors as much as they can, not only in Brevard County unincorporated, but also the cities as well; he has an example of a letter that goes to the various Mayors and City Councils letting them know what they have done; the support was unanimous and give them a model so they may copy that; also he has a letter that is the one that says dear business owner, he thinks he did not do a very good job of getting the word out that they had this in place; he is presenting a letter that informs various businesses of this opportunity where they are able to voluntarily opt-in to this; this is just a draft so please spell check it; there is a sample registration application; then the last thing is a spreadsheet and this is just a first glance of what he has done in the last 48 hours, and he knows he has missed quite a bit of businesses that may fit into those categories that they discussed and quite a few that cater to kids dancing, karate, camps, clubs, and music; there are some wonderful resources out there to find out where these activities are so the Board

knows where to send these letters; and he asked for the Board to not think this is exhaustive. He stated he has categorized this in not only ones that are in the city but ones that are unincorporated, so they can help their municipal partners as much as they possibly can by sending this out; this is only a starting point but those people really lite a fire under his rear end to get off his duff and make sure that they follow through with this; he just wanted to get it out there, he is fully aware where Chair Zonka stands on this and he is sure they can make these letters better; they certainly would have his support by sending this out not only as District 5 but on behalf of the entire Board; and if Chair Zonka needs a motion for that he would be more than willing to make a motion giving her authority to send out these letters with any changes she deem necessary.

Chair Zonka stated she would suggest to give everybody a chance to look at it, in case they have other input that they find valuable, even if it is statistics or otherwise; but she is definitely on board with something like this because it is amazing that they will not even call themselves registered sex offenders or sexual predators, they call themselves registered citizens, like it is something to be proud of, when they are obviously ashamed of the sexual nature of why they are on the list.

Commissioner Tobia stated according to Florida Department of Law Enforcement there are 907 registered in Brevard County, so this is not a small problem; even with the statistics that they mentioned, he does not buy the small numbers but even if it was five percent of people that do these actions again, that is many potential victims out there if they use their statistics.

Chair Zonka remarked it is upwards by 15 years to 35 percent; that is just the people that get caught and that is reoffending with the sex crime, that is not even somebody breaking in, robbing something, stealing, or carjacking it is much worse; and those are just the individuals that are caught and that is from Department of Justice website that is not from made up numbers.

Commissioner Tobia stated he actually looked from the Department of Justice Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Targeting (SMART) so he pulled up her numbers there; he appreciates her adding that, that is included in there, and please feel free; and he tried to editorialize as little as possible, she would not believe what he wanted to put in there, but pulled out.

Chair Zonka replied she thinks she responded to that email four times and just deleted, but she never sent it.

Commissioner Tobia asked if it was the ones that the predators sent.

Chair Zonka responded yes.

Commissioner Tobia stated perfect, yes.

Chair Zonka stated she did not send anything, but she wanted to.

Commissioner Pritchett stated she thinks a minute ago Commissioner Tobia missed her point, she will ever fault him for doing what is in his heart and what he thinks he should do; she expect him to do certain things, but she just wants him to realize that she thinks he really insulted the three of them with the letter he sent out to them; again, he could have said no, but she thinks right now if Chair Zonka, Commissioner Smith, or herself ever would have taken that proposal she would have puked; it is so far below what any of them would ever do and if he

even thought it was serious that any of them would do it, it is not okay; she is not offended with him, but she is really disappointed; she is going to forgive him for this and move on whether he is looking for it or not, she needs to do that; but she just wants him to realize that it is really not okay she does not know how Chair Zonka and Commissioner Smith feel about it, but it was really not okay.

Commissioner Tobia stated as insulted as she was, he was insulted that anyone would ever bring a term limit resolution forward and think that he would support extending term limits or think that he would ever support increasing...

Commissioner Pritchett remarked Commissioner Tobia said he would do it, if they would have done his bribe on that thing and did it; and he said he would have done that.

Commissioner Tobia stated he would look up the definition of bribe.

Commissioner Pritchett stated if they would have taken the money from the kids and from endangered lands from the endangered animals, he said he would put that through.

Commissioner Tobia stated he has heard extortion, he has heard bribe, and both of those are not even close to the statutory definition of either one of them.

Commissioner Pritchett stated it is substance over form, if it walks over like a duck, quacks like a duck, it is a duck.

Commissioner Tobia stated he thinks before they throw terms around like that they should be aware of the ramification of those terms, he thinks absolutely they should, everything was done in sunshine, deals happen behind closed doors all day long; he does not believe that is fair to the taxpayer; he finds term limits very important, especially eight year term is extremely important; what he finds even more important is keeping taxes at fair amounts, especially in these times; so he had to make a tough decision and he does not like unilaterally saying no, he likes giving people an option; the fact that he gave her an option, he is sorry; and he would not do that and from now on he will just say no instead of giving options, if that is an insult. He added certainly the intent was never to insult anyone here, he had no idea where this was going to go; this was all handled to the best of his ability by giving people heads up; the reason he did not say no initially, because he wanted to come up with an alternative and these were the things that were really important to him; obviously extending term limits and increasing wages were important to Commissioner Pritchett; he respects that, he disagrees with it, but he was trying to find a compromise here where she would get something that was important to her, she would have to give up something, and the same for him; it would be unfair for him to compromise on his principles and not get anything in return and that is what this was, it was a compromise, it was all done in sunshine; if he could have picked up the phone and called her, and said hey, what does she think about this, he would have done that; and he would have done it to each one and every one of them, but of course, that would be completely unfair. He mentioned they were under the gun because of the fact that if this was going to go forward, he had no idea whether or not this was going to go forward, but it has to be certified as they heard by their County Attorney; he rushed to put this together; and the last thing he wanted to do was insult anyone and if it did, he takes back what he said, and he apologized for insulting her, Chair Zonka, or Commissioner Smith that was not his intent with any of this stuff.

Commissioner Pritchett thanked Commissioner Tobia for that.

L.6. Curt Smith, Commissioner District 4, Re: Report

Commissioner Smith stated he has some pictures for Board to see; he was walking his dog a week ago Monday, and as he approached US1 he was stunned by this site; there are multiple rescue vehicles there and a big dump truck; when he was talking to witnesses he discovered that someone had been in the small car and evidently, the person had been at the stop sign at the end of his street and was trying to decide where they were going; he guesses the person figured out where they were going and never looked again, and pulled out and this dump truck blasted into the side of them; there were no skid marks by the dump truck, it had no time to do that, and it must have pushed that car probably 60 or 80 yards down the road; the next picture is a shoutout to their first responders, because he was stunned and he was thoroughly impressed by watching these folks work together; Melbourne can be seen there, and the Brevard County Fire Rescue (BCFR), they worked together like they had been practicing this together that morning, and then had a real action test to do; and they just methodically did not get in each other's way, there was nobody directing them to do this, and that, and they were just amazing. He continued with the next picture that shows they are just like busy little beavers and they all know what they were doing; the next slide is a video of them taking the roof off, and they dismantled the entire car to get this person out, the parts are in the foreground there on the shoulder; they have taken the doors and the quarter panel off; seeing all these guys from the different outfits and they are all working together, it was absolutely amazing to him; then the next picture shows how small this car is being totally dismantled; the roof is there on the left-hand bottom on top of all of the other parts, and they had this person ready for transport, to take with him away on a stretcher, it was totally amazing, and so methodical; and he gave a big shoutout to first responders, both in Melbourne and in BCFR.

Chair Zonka thanked Commissioner Tobia for at least acknowledging that his intention was not to offend, but she also found that she does not know if she would use the word offensive as much as just insulted, because she was having a hard time trying to figure out how he could compromise his principles to give or offer another vote for something else; she did not like it at all; and she thanked for his explanation, although she does not agree she appreciates it. She stated she wants to say Commissioner Smith that she feels kind of bad for him, for what happened other night, because he brought up an issue for whatever reason; she believes that he is an honest man and he believed that they should or should not have an extended term or another term, the opportunity to serve another term but it did not stand to benefit him one bit; she thinks the newspaper did a disservice, she thinks it was more of an editorial than it was a story, and it did not really mentioned important things that they discussed, which was this does not benefit Commissioner Smith; the Commission said they did not want to benefit from any salary increase and that there were two Commissioners up here that said pretty explicitly that they would not run for a third term should it go to ballot; she thinks the only thing that she offered was that if the Commission as a whole, obviously as all four of them, desired to put it on the ballot she was okay with that because she commends anybody that would put themselves through some of the things that they go through because she believes that they are all in this for the right reasons or at least most of them; again, she feels bad, and she thanked him for at least handling it like a gentleman, because she thinks she would have been pretty upset and she tries to restrain herself sometimes from responding to people on who take advantage of that on social media and make all kinds of accusations, that just are not true; she watched the State Representative on social media encourage people to come to the Commission meeting because they were voting on term limits and that was never part of their Agenda, they could never vote themselves extended term limits, ever; it was just to incite anger and frustration and it is sad because they should be working together with their Legislators and their leaders and their other elected officials to try to bring great things to the County; and this just causes more division and it causes people to distrust their government, and she thinks that there are moments when they should not trust their government. She advised she believes sometimes that is what motivates them to run for office, but to deliberately misinform people, lie to people,

and to get them genned up just to get them to come to a meeting and culture of corruption. She added it is so absurd, she gets angry that she even gets herself angry about it, but they need to do better; if they are going to call them out, call them for good reason, call them out for decisions made that they do not agree with; she has no issue with that and she will never heard complaining because it is their right, as it is hers; do not make up things to get Facebook likes, it is unbecoming and after a while people will get onto the individual if they are not telling them the truth; she does not have 12 hours a day to sit on social media and respond to comments, she does not have it because she works; she cannot sit on Facebook for 12 hours a day and she would not want her staff to do the same thing; and she just asked for them to do research before they believe, the people who they should believe should be telling the truth, and just are not because they have their own political agenda or for their own attention.

Commissioner Smith stated he is piggybacking on what Chair Zonka was saying it, it was amusing to him because he was present, he knows what he said, he did not do it in the dark of night, he did not do it behind anybody's back, and it was intimated that it was some kind of shady deal. He stated he does not let emotion get involved with anything that they do here, when other people get emotional he just rolls his eyes, because when emotion gets involved facts go out the window; and they are present to deal with facts, to make decisions, they have to make decisions based on facts not emotion.

Chair Zonka remarked it was eleventh hour; and he brought it up during his Commission time, she is sure because to see if the Commission would even want it on an Agenda.

Commissioner Smith agreed; and he stated he just threw it out there to see what the appetite was of his fellow Commissioners.

Chair Zonka stated she is just sorry that Commissioner Smith was used as a tool for a good headline or as a target for a State Representative.

Commissioner Pritchett stated they all took a big hit for her being the only one that wanted to run again; she loves what they do up there, she loves the Board, she loves that they are real with each other, and it would be nice if they could pick up a phone and fuss at somebody, but they have to do it in public and it is not always easy; this is not an easy job; she agrees with them completely, people get out there and start spinning stuff and it makes her mad, because all they do is confuse the community and give them a lot of stress and drama that they do not need to have; they are trying to live a good life here, the best they can, and enjoy their family; she thanked the Board for all they have done lately and having a little bit of time to do some things, she thinks they are pretty awesome with that; they get sent mail all the time and she does know them, it does not emotionally affect her, she does read it, and the only time it gets to her is when it is somebody that she really cares about and she is close to; and she mentioned to Commissioner Tobia that she cares about him, and she had to say that, so she could get better with him because he is important to her and she does appreciate what he said it, it helps. She added she loves what they are doing and she thanked him even though he was not going to run, he at least considered it and took a hit; she will find something to do; and she will find something great to do out there for community and it will be good.

Chair Zonka stated she is going to switch gears just a little bit, she just needs to get that off her chest because it is been weighing on her all day; she does not know if any one of watched the Charter Review Commission (CRC), the affordable housing initiative passed the Review Commission; she thanked Jordan Chandler, he is a rock star, and she is proud to call him her appointee; she started talking with him about this probably close to a year now and he asked her what her appetite was for that; they got their heads together and said this is how they

should approach it, and this is how they get conservatives and democrats onboard for a good cause; she is really excited Mr. Chandler was able to champion that, able to convince democrats and republicans alike that this is a good thing for their community; so with that in mind they did some tweaking of the language today and they got it to get through their Committee, and they will see it on the ballot assuming it is legal, which she thinks it is pretty much established that it was and their attorney said that it would be; and with that in mind, she does not want to waste any time on the possibility that this passes and if it does not pass the Board always has the opportunity to bring things to ordinance. She added she liked the idea of the Charter Amendment, because that makes more permanent and makes it more difficult to undo, and if the public passes this, if they decide they want to vote for this, it shows that this is important to their citizenry; with that in mind, she talked to Christine Schverak, Interim County Attorney, briefly because she has always got her hands full from all the things that they have her doing; she wants to look as a possible funding source as part of the Tourist Development Tax (TDT), not all of it of course, she understands that marketing, the aquarium, and the zoo all are things very important to their residents and to this Board; and she wants to look at some of the pennies that are not being used. She stated she would not want to mess with that but she wants to see if legally they can do this; she thinks she has been told in the past that they can, when she inquired about it before, even before this affordable housing issue, and she just wants to know how to go about that because in reality many of the things that support the Tourism industry is people that need workforce housing, so they would not have people that work in hotels, front desk, housekeeping, in restaurant industry that would not benefit from this, and teachers, firefighters, and there is a lot of people; the housing is expensive these days, she wants to do what they can to help; and she thinks that would be a great, more stable long-term funding source for affordable housing, they have got so many ideas moving forward, and she is really excited to work with Ian Golden, Housing and Human Services Director, as well as with the County to come up with a good plan for what they have in place; and she asked if the Board was okay, she did not want to task legal with putting a bunch of time into this if the Board was not on board with this as an option.

Commissioner Smith stated he is on board.

Commissioner Pritchett remarked perfect idea.

Commissioner Tobia stated he thinks all the pennies are being used right now, just to be clear they have to reallocate some of those and that requires a super-majority of the Board, he does not know whether that is three or four; he put a proposal out there to the Tourist Development Council (TDC) itself, his question would be, she was not at the last meeting, he does know if she has done this before, or if she has spoken with her appointee on where they stand on any of this stuff.

Chair Zonka asked what he means on the TDT, or is he talking about the...

Commissioner Tobia replied about the TDC.

Chair Zonka stated she did watch him present to the TDC and she got the proposal from him the other day, but he said that he would take guidance from the TDC.

Commissioner Tobia remarked that is correct, his question was has she presented this idea to them.

Chair Zonka stated she does not even know that it is legal.

Commissioner Tobia asked so her question is to find out whether or not it is legal.

Chair Zonka stated yes.

Commissioner Tobia stated absolutely; and he apologized.

Chair Zonka asked legally how they can do this.

Commissioner Tobia responded he misunderstood; and he appreciates her bringing that up, because this could require a lot of time and he has made that mistake before.

Chair Zonka stated she does not want to do so without the Board's support.

Commissioner Tobia replied she has his full support to find out whether or not and which penny.

Chair Zonka stated she wants to come up with some ideas.

Commissioner Tobia stated he would also ask not only would she find if it is statutorily legal, but also look at an ordinance change; the Board has the ability to change orders, to redirect those pennies; and look to take that extra step to see if super majority is in order to make that happen.

Chair Zonka stated she thinks it is a solid funding source and she thinks it is a big jump and the Board hopes the people support it and pass it through, but they can always do things by ordinance as well; but she wants to make sure of that before she gives the Board a bunch of work, it may not be that much work, but she is sure other people are doing it.

Commissioner Tobia stated he does not know if there are other ways; he appreciates her taking the lead on affordable housing because it is a great concern obviously; unfortunately, they cannot look the non-profits out there because they have not brought anything to bear other than blaming the Board for not doing anything; he asked when they look at impact fees can it be looked at to maybe lowering or forgiving certain impact fees for housing that has an impact fee of \$10,000, which is not a big deal when they build a \$600,000 - \$700,000 house.

Chair Zonka replied yes; and she stated they have some of these things in place now.

Commissioner Tobia stated if they can advertise them or they can further them, she certainly has his support for doing that.

Upon consensus of the Board, the meeting adjourned at 6:43 PM.

ATTEST:

RACHEL M. SADOFF, CLERK

COMMISSIONERS

RITA PRITCHETT, CHAIR
BOARD OF COUNTY

BREVARD COUNTY,

FLORIDA