

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, October 22, 2024**

**9:00 AM**

**Regular**

**Commission Chambers**

Rollcall

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele

**A. CALL TO ORDER 9:02 AM**

**C. PLEDGE OF ALLEGIANCE**

Commissioner Goodson led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the August 27, 2024, Regular Meeting Minutes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**E.2. Resolution appointing Rosalie “Roz” Foster as Honorary County Historian - District 5**

Chair Steele read aloud, and the Board adopted Resolution No. 24-112, appointing Rosalie “Roz” Foster as Honorary County Historian.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Feltner, and Steele

**Nay:** Tobia

Roz Foster expressed her appreciation to the Board and the community for the support; she commented she appreciates all of the contributions of the people of Brevard County have given to them; they were glad they could do the work they did in a collaborative way with the Brevard County Historical Commission and many other people who were involved in historic preservation, including the Florida Trust they work with and a lot of other organizations; and she feels very honored.

**E.1. Resolution proclaiming October 15th as White Cane Awareness Day 2024 - District 5**

Chair Steele read aloud, and the Board adopted Resolution No. 24-113, proclaiming October 15th as White Cane Awareness Day 2024.

**Result:** ADOPTED

**Mover:** Rob Feltner

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

Dr. Joyce Taylor stated she is the President of the National Federation of the Blind Melbourne Space Coast Chapter; Camille Tate is here, the past President, her newly-elected Vice

President Maria Rigogliosi, along with the rest of the members of their Chapter; they are so honored and privileged to be here today to receive this Resolution; and she expressed her appreciation to Chair Steele, Danielle Stern, and everyone who worked hard so that they could receive this Resolution. She noted they are committed to doing the work; it is White Cane Awareness Month, White Cane Safety Awareness Month, and they just want to live the life they feel like they deserve to live; there are 11,000-plus blind people and visually impaired in Brevard County alone; and she reiterated they just want to be seen, heard, and recognized.

**F.4. Approval RE: Transportation Impact Fee Technical Advisory Committee for the South Beaches Benefit District Project Funding Recommendations (District 4)**

Sandra Sullivan stated this is roughly a half a million dollars for a sidewalk in Satellite Beach on Jackson Avenue; the problem with this is the Transportation Planning Organization (TPO) did a study for South Patrick Shores; they have no sidewalk on the west side of Highway A1A; their kids have to go to school; and the highest number of accidents and fatalities are the crossing from the east side of Highway A1A to the west side, because the children have to cross busy Highway A1A twice to get to school. She went on to say Jackson has a sidewalk already; they do not have a sidewalk in unincorporated South Patrick Shores; they seem to be, excuse her language, the hind tit of the County; the County does not prioritize them; TPO did a study that identified they need a sidewalk there; yet, the County is giving, again, more money to Satellite Beach, and not to the unincorporated area; and it just has bad optics. She noted they received bus shelters like four years ago; they were promised bus shelters, too, when they receive sidewalks; they were prioritized for sidewalks at that time; they are still waiting; and this is the safety of their kids.

**F.20. Appointments of the North Brevard County Hospital District Board Members**

Sandra Sullivan commented the appointments for North Brevard County Hospital District Board are being done by the District 1 Commissioner for appointments in the next fiscal year.

Chair Steele asked if she is speaking on Item F.20.

She replied she is speaking on F.20. and F.21.; she pointed out District 1 Commissioner terms out, she is gone, in two more meetings after this one; the next Commissioner elected, it is his or her decision to decide who gets appointed; this is bad optics; and here she is still trying to control her District and who gets in there.

**F.21. Appointment(s) / Reappointment(s)**

Sandra Sullivan commented the appointments for North Brevard County Hospital District Board are being done by the District 1 Commissioner for appointments in the next fiscal year.

Chair Steele asked if she is speaking on Item F.20.

She replied she is speaking on F.20. and F.21.; she pointed out District 1 Commissioner terms out, she is gone, in two more meetings after this one; the next Commissioner elected, it is his or her decision to decide who gets appointed; this is bad optics; and here she is still trying to control her District and who gets in there.

**F.1. Final Plat Approval, Re: Trafford Drive  
Developer: ADI Lynx, LLC District 4**

The Board, in accordance with Section 62-2844, granted final plat approval; and authorized the Chair to sign the final plat.

**Result:** APPROVED  
**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.2. Final Plat and Contract Approval, Re: Crossmolina - Phase 2  
Developer: The Viera Company District 4**

The Board, in accordance with Section 6-2-2841(i) and Section 62-2844, granted final plat approval; and authorized the Chair to sign the final plat and Infrastructure Contract for Crossmolina, Phase, Developer: The Viera Company, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.3. Waiver Request, Re: Waiver of Parking Requirement for Met-Con Site Plan  
(24SP00002 and 24WV00023) District 1**

The Board granted a waiver of Section 62-3206(d)(18) which required one parking space per five hundred (500) square feet of floor space to allow the reduction of required parking for the proposed development, approval of the waiver is subject to the criteria depicted in Site Plan 24SP00002 and the Alternative Parking Design Exhibit, and on the following condition:

- Parking areas shown in the Alternative Parking Design are accounted for as impervious areas in the stormwater calculations provided under the Met-Con Site Plan 24SP00002,
- Should the site require additional parking, the public right-of-way or adjacent properties cannot be used to accommodate onsite parking requirements,
- If the County determines additional parking is needed after this waiver is approved, the owner shall submit a site plan addressing the parking deficiency within 90 days of receipt of notification, the owner acknowledges and agrees that additional parking but now shown on the Site Plan 24SP00002 will require site planning with Brevard County Planning and Development, and
- If use of the site and/or the building changes, the applicant/owner will be required to evaluate parking demand and provide the necessary parking.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**Approval RE: Transportation Impact Fee Technical Advisory Committee for the  
South Beaches Benefit District Project Funding Recommendations (District 4)**

The Board approved the disbursement of \$620,586.20 in Transportation Impact Fees in accordance with the recommendations prepared by the Transportation Impact Fees in accordance with the recommendations prepared by the Transportation Impact Fee Technical Advisory Committee of the South Beaches Benefit District; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing these appropriations.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.5. Approval RE: Construction Change Order 1 for the Sea Ray Drive Bridge  
Replacement - District 2**

The Board approved and authorized the Chair to execute Construction Change Order 1 for the Sea Ray Drive Bridge Replacement; and authorized the County Manager to approve any necessary Budget Change Requests associated with this action and subsequent change order

on this project.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

- F.6. RESOLUTION: A resolution declaring that it is in the public interest to have hurricane debris removed from public and private road right of ways in Brevard County, authorizing the Solid Waste Management Director to request that FEMA approve the removal of debris from these areas.**

The Board adopted Resolution No. 24-114, declaring it in the public interest to remove debris from certain public and private rights-of-way in Brevard County; authorized the Solid Waste Management Director to request the Federal Emergency Management Agency (FEMA) approve said removal, therefore, making it eligible for federal reimbursement for cleanup costs; and in order to be eligible for reimbursement for costs, the County is required to indemnify and hold harmless the Federal Government from claims arising from debris removal, and certify that the County shall satisfy all legal processes and receive all legal permissions to carry out these actions.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

- F.7. Request permission for Fund 4010 (Solid Waste Operations) and potentially the general fund reserves to lend Fund 4110 (Solid Waste Collection) \$2,307,000 and \$1,800,000 respectively, for disaster debris recovery. This is the current estimate and projection as to cost.**

The Board authorized the Solid Waste Management Director to lend \$2,307,000 from the Solid Waste Operations Fund Capital Outlay reserves as a short-term loan to the Solid Waste Collection Fund for debris recovery following Hurricane Milton; if needed, authorized the County Manager to similarly approve a loan from the General Fund reserves, should the debris cleanup cost shortfall exceed the \$2,307,000; authorized the County Manager to approve reasonable and appropriate Budget Change Requests from the reserves of the Solid Waste Collection Fund, and if necessary, from the General Fund reserves; authorized the Solid Waste Management Director and the County Manager to make similar short-term loans from Solid Waste and/or General Fund; and authorized the County Manager to approve the associated Budget Change Requests for all future disaster responses where both the Governor of the State of Florida and the Brevard County Board of County Commissioners have declared a State of Emergency.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

- F.8. Resolution for Updated Development Fee Schedule for Utility Services Department.**

The Board adopted Resolution No. 24-115, updating the Schedule of Development Fees and Charges for Utility Services.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.9. Repeal of Resolution 90-143 - State Road 46 Water Extension #1 (District 1).**

The Board adopted Resolution No. 24-116, repealing Resolution No. 90-143, State Road 46 Water Extension #1.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.10. Sole Source Request with H2O Innovation USA, Inc for Mims Water Treatment Plant Filtration Unit (District 1).**

The Board approved the Sole Source Request for purchasing the filtration unit from H2O Innovation USA, Inc.; authorized the County Manager to execute the Sole Source Justification and Approval Form; and authorized the County Manager to submit the required Budget Change Request, amend the five-year Capital Improvements Plan (CIP) as it relates to this project, and any documents, reimbursement requests, amendments, or other administrative actions to initiate the sole source.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.11. Approval, Re: Fiscal Year 2024-2025 Annual Agreement and Associated Health Department Fee Resolution between the Brevard County Board of County Commissioners and the Brevard County Health Department**

The Board adopted Resolution No. 24-117, establishing and revising certain fees and charges for the Brevard County Health Department and Environmental Services; approved the Annual Agreement with the State of Florida, Department of Health, for the operation of the Brevard County Health Department for Fiscal Year 2024-2025; authorized the County Manager to execute the Fiscal Year 2024-2025 Annual Agreement upon approval by the County Attorney's Office and Risk Management; authorized the County Manager to execute any future amendments or modifications to the Fiscal Year 2024-2025 Annual Agreement upon approval of the County Attorney's Office and Risk Management; and authorized the County Manager to execute any necessary budget amendments.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.12. Board Approval: Execute a Memorandum of Understanding for the enhancement of public safety radio interoperability between Volusia and Brevard County.**

The Board approved and authorized the Chair to execute the MOU for the enhancement of public safety radio interoperability with Volusia County; authorized the County Manager, or designee, authority to execute and approve required administrative actions or Budget Change Requests, as well as any amendments or extensions to the MOU as appropriate, and subject to approval by the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.13. Board Approval: Confirmation of the Membership in the County Emergency Medical Services (EMS) Advisory Council**

The Board appointed/reappointed Orlando Dominguez, Jeff Gilliard, Nadyra Ingram, Ericka Jacobs, Keith Maddox, Tammi Mullins, Steve Salvo, James Schindler, Greg Sutton, and Patrick Voltaire to the Brevard County Medical Services Advisory Council, with terms expiring September 30, 2026.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.14. Approval, Re: Budget Amendments**

The Board reviewed and approved the Budget Amendments for the Sheriff's Office.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.15. Approval of Retiree Medicare Advantage and Pharmacy Only Plan Design Changes**

The Board approved plan design changes to the retiree Medicare Advantage and stand-alone Pharmacy plans for calendar year 2025 as recommended by the Employee Benefits Insurance Advisory Committee (EBIAC).

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.16. Resolution approving the issuance by Brevard County Housing Finance Authority of Multi-Family Housing Revenue Bonds (Emerald Place Apartments Project) in an amount not to exceed \$15,000,000**

The Board approved and adopted Resolution No. 24-118, allowing the Brevard County Housing Finance Authority, a dependent special district of Brevard County, to issue multi-family housing revenue bonds to finance the acquisition, rehabilitation, equipping, and development of Emerald Place Apartments, in an amount not to exceed \$15,000,000.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.17. Appointment of Members to Brevard County Educational Facilities Authority Board**

The Board appointed Dale Dettmer, William C. Potter, Esquire, Kirsten Dreggors, Dustin Travis Proctor, and Dr. John W. Nicklow to the Brevard County Educational Facilities Authority Board, with terms expiring October 22, 2025, October 22, 2026, October 22, 2027, October 22, 2028, and October 22, 2029 respectively.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.18. Resolution approving the issuance by Brevard County Housing Finance Authority of Multi-Family Housing Revenue Bonds (Oak Meadows Apartments Project) in an amount not to exceed \$17,600,000**

The Board adopted Resolution No. 24-119, allowing the Brevard County Housing Finance

Authority, a dependent special district of Brevard County, to issue multi-family housing revenue bonds to finance the acquisition, rehabilitation, equipping, and development of Oak Meadows, in an amount not to exceed \$17,600,000.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.19. 2024 County Advisory Board Annual Written Reports**

The Board acknowledged receipt of the 2024 County Advisory Board Annual Written Reports; and approved requests for excusal from dismissal for appointees.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**Appointments of the North Brevard County Hospital District Board Members**

The Board appointed/reappointed Stanley E. Retz and Ashok C. Shah to the North Brevard County Hospital District Board, with terms expiring December 31, 2028.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**Appointment(s) / Reappointment(s)**

The Board appointed/reappointed Theresa A. Ferguson to the Art in Public Places Advisory Committee, with term expiring December 31, 2026; Ashley Molozaaiy to the Community Action Board, with term expiring December 31, 2026; Holly Carver to the Economic Development Commission of the Space Coast, with term expiring December 31, 2025; Christopher Reynolds to the Historical Commission, with term expiring December 31, 2026; James Katehakis to the Housing Finance Authority, with term expiring November 30, 2028; Anda A. Ray to the Marine Advisory Council, with term expiring December 31, 2026; Jabez K. Coggan, IV and Randy Rodriguez to the North Brevard Commission on Parks and Recreation, with terms expiring December 31, 2026; Kevin Shropshire to the Port St. John Special District Advisory Board, with term expiring December 31, 2028; Albert Voss to the Titusville-Cocoa Airport Authority, with term expiring December 31, 2027; Rodney Honeycutt, Adam Kohler as alternate, Hunter Lucier, and Rebecca Stapleton as alternate to the Transportation Planning Organization (TPO) Citizens Advisory Committee, with terms expiring December 31, 2025.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.22. Approval of the 2025 Board of County Commissioners' Meeting Schedule**

The Board approved the proposed 2025 Board Meeting Schedule.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconders:** John Tobia

**F.23. Requisition of Fiscal Year 2025 Budget - Supervisor of Elections**

The Board approved the requisition of 40 percent of the Supervisor of Elections' Fiscal Year 2025 budgeted funds at the first Board meeting in October 2024, and 5.45 percent of the total



budget each month thereafter.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.24. Requisition of Fiscal Year 2025 Budget - Brevard County Sheriff's Office**

The Board approved the requisition of one-twelfth of the Fiscal Year 2025 budgeted funds at the first Board meeting in October 2024, one-sixth of the budget in January 2025, and equipment (capital) budget.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.25. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**F.26. Precinct Boundaries - Altered and Added (Chapter 101.001(1) F.S.)**

The Board approved the revised precinct boundaries due to an annexation by the City of Melbourne.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**G. PUBLIC COMMENTS**

Reverend J. B. Dennis remarked he is here to speak on when injustice becomes law; but there is another issue he wants to put out here first; the entire staff of Waste Management needs to be terminated; he needs for Commissioner Pritchett and the County Manager to write this address down, 3709 Woods Circle; the residents there have asked for the last three and one-half months for them to pick up trash in front of the house; they have four garbage cans over there that have maggots coming out of them; and it makes their community look bad. He went on by saying he has been over there three times with no action; he spoke with Mr. Rodriguez who is supposed to be the foreman there; but the entire staff needs to be terminated, especially Christie; and her job is to make sure that complaints are thrown out the door. He advised when injustice becomes law, it is time for the decent and Godly people to resist a biased government; it should not be a crime for the poor and less fortunate class of people who are homeless; injustice applies to any act that involves unfairness to another, a violation of one's First Amendment right, Eighth Amendment right, and especially one's Fourteenth Amendment rights; homeless people have been classed as low class; and the number one reason for the homelessness is not enough low rental housing. He continued by saying when a County spends decades conducting business for a profit, such as wasting \$775,000 on a lighthouse, a picture of that lighthouse needs to be taken and put into a history book, and take \$775,000 and take 1,100 people off of the streets in Brevard County; it is long overdue if the County turns its back on the less fortunate; the homeless shelters are set up to the cities under House Bill (HB) 1365; it is an unjust law to put people in jail for trying to find a safe place to sleep is inhumane; he asked will the County put poor people over profits over and over again as it has been doing for decades over the homeless crisis; by approving sites to end

the homeless crisis injustice has become law; and he asked under HB 1365 when will this Commission realize it is his or her duty to resist bias and injustice. He noted Thomas Jefferson said, "If a law is unjust, a man is not only right to disobey it, he is obligated to do so."

Christina Fleming commented she is a retired Brevard County firefighter living in District 3; she comes before the Board today to give it some insight of its fire department's goings on; as of today, this morning, the County has now lost 85 firefighters, and that includes firefighter paramedics; 112 for each shift is needed unless the Board is hoping they take overtime, forcing them to take overtime, or even worse, starting to brown out units and stations; the County needs to pay its fire department at least the standard as surrounding counties it picked as comparables; it had a 13-year employee who just quit; he was hired somewhere else; he took 13 years of experience where he knows his run area frontward and backwards; and he can get to any call quicker than anyone else in the County, because he knows his area. She pointed out now the County has a new hire who does not know the area who now has to learn that, which takes time; looking at the fleet, there are no backup units available; it looks like a junkyard out there, there are trucks; Engine 44 was in a backup engine, the pump failed on a structure fire; there are no more backups; Engine 49 is a brand new unit being used as a backup; as the Board well knows, months ago it broke 48 hours into being used; and she does not know if the County sees this as a problem, but she does, because her friends and family work for the fire department, they are firefighters, and their safety is compromised. The County is also having problems with its CAD system, with its IT section; the people in the field are calling IT for Brevard County and are being told it is Brevard County Sheriff's Offices (BCSO) problem; BCSO is coming back to them and saying no, it is Brevard County Fire Rescues (BCFR) problem; then they call back to BCFR and say no, it is BCSO; then they call back to BCSO says it is BCFR's problem, there is a guy named Mike; Mike is out sick; there is no voice mail, nothing, no backup; and the computer systems stay failed. She asked how can a report be written; she stated they are required by law to write their reports 24 hours within that shift; she asked how they can do that if their computers are not working properly and there is no one there to fix it; the County is also moving a Commissioner's secretary at \$91,000 over to staffing for the fire department at \$70,000; it is a savings; she does not know anything about staffing a fire department, nor could she know how to move things over so that the proper units are properly staffed; and she is just sincerely disappointed.

Chair Steele stated thanks for the applause; but from this point forward, if he or she would be kind enough not to applaud and react to the speakers, it would be very much appreciated; the meeting will be gotten through a lot faster; but he understands why they applauded the speaker.

Mattman Fruth expressed his appreciation to all of the term limited Commissioners for his or her service to the community; he stated as a civics educator, he knows it is important to be active in the community and see where things are going wrong, and try to fix them; and he reiterated his thanks for the Commissioner's services.

Sandra Sullivan asked if the Commissioners missed her for the last three meetings; she stated it is kind of interesting on Artificial Intelligence (AI) now, because the Chair has called her Commissioner Sullivan four times, and the search engines now think she is a Commissioner; and that is a little humor to start the day. She went on to say in the words of Abraham Lincoln, "To honor the soldiers that sacrifice their lives for our freedom in order that government of the people, by the people, for the people shall not perish from the Earth" were spoken at Gettysburg; the phrase 'we the people' in the preamble of the United States Constitution signifies that the government's authority derives from the consent of the governed; and it emphasizes that the people collectively are the source of the power and the legitimacy for the

government which depends on the will of the people; and she thinks the Board has forgotten that. She noted the Commission has forgotten who it represents; instead he or she thinks it is the 'we the money' special interests; all of the Commissioners should be ashamed; that is the problem with this Commission; he or she has no shame; three Commissioners have three meetings left; she asked he or she to leave on a good note; Commissioners Pritchett and Tobia will reap what he or she sows; and both lost his or her elections and reputations. She advised Commissioner Pritchett had only 15 percent of the vote; she forgot who she represents; the people did not forget; Commissioner Tobia is a disgrace and should resign; based on the Florida TODAY article and the findings of the Valencia report, the County Attorney should have this investigated, which he refused previously; and he should be looked into whether this should be prosecuted and forfeit his Florida State Retirement (FRS) pension. She showed the Board a handout, and asked that he or she read it as it rises to that level; she explained the County Manager should work with the State Attorney's Office and investigate to the extent to determine whether Commissioner Tobia should be prosecuted; she is very disgusted with this Commission from the salary referendum, which is on the Agenda, which was snuck in on September 2022 under Consent when there was a public hearing on that section; this was not publicly noticed and was not a public hearing for a referendum; Florida TODAY missed it, they did the story on the public hearing; and she does not even think it is legal. She noted that salary increase for the Commissioners for \$42,000 is almost as much as an entry level firefighter.

Victor Watson remarked he is here tonight representing Islands International Group, which is currently operating at the Titusville-Cocoa (TICO) Airport in Merritt Island; the company has a lease with TICO, and it has been there for 16 years; it operates the fixed based operations, provides aviation fuel, but more importantly, it runs a flight school, a very successful flight school; the school has over 70 employees, has over 200 students, and it has operated well all these years; and these students buy food, pay rent, they have local landlord's, it is a credit to the community, and it has a very large economic impact for Brevard County. He went on by saying he knows the Commissioners are all fiscally responsible, which he will get to in a minute; this vibrant, local business is being killed and forced to close its doors in less than two weeks; this is due to a lease dispute between the Airport Authority and his client; there has been, he will admit, a judgment of eviction that was entered by the County Court Judge; however, that matter is on appeal, and should be on appeal for six months or so. He advised if this business is killed, it cannot come back; many of the students are foreign students; they would have to go back to their home countries and apply for an entirely different Visa if they have to go to another school; that could take quite some time; they have a buyer, a potential buyer, who is a Tuskegee Airman; he wants to continue and expand this business, and probably move over to the main airport in Titusville, which is also something that the TICO board would like; and he cannot do it if this business is killed. He pointed out the only issue that has been decided is this matter of eviction and possession; the matter of damages will be for the future; again, this is a \$15 million a year business; it has a large value; if the board is wrong in what it has done, if it has improperly evicted his client, they will have a counterclaim for damages, which could be \$15 to \$20 million; he is asking this Board to use its influence to request that the TICO Airport Authority to simply not take action until the appeal is over; and that way they will know.

Morris Richardson, County Attorney, explained initially the Titusville-Cocoa Airport is an independent special district with appointees made by the Board, but also appointments from municipalities; this is a matter that is in litigation; he can look into it; but this is not something that the Board has direct authority over to take action on, and usurp the judgment of the TICO board. He noted he will be happy to talk to Mr. Watson about this offline.

Mr. Watson noted the Commission does have influence over the board; they would just ask the

Commission to ask the board to do the fiscally responsible . . .

Chair Steele stated he thinks Attorney Richardson has already said he would be more than happy to talk to Mr. Watson.

Commissioner Goodson asked how much they are past due.

Mr. Watson replied they are not past due; they were given a written demand twice; the first demand they immediately paid \$255,000 of the amount that was in dispute, on top of the regular rent that was being paid; there was a second demand, and he thinks they paid another \$15,000; every time there was a demand paid, it was paid immediately; the problem was that there was a dispute over the increase in rent because of the fact that they did an improper appraisal that was in dispute; they told them they would pay, they would work with them, hold money in escrow, follow the rules, follow the lease, the two appraisers should hire a third appraiser, and to get this done; the matter went to another matter that was very important; and then he went to a dispute over a taxi lane that was taken by TICO to give to another tenant, and various things. He noted the whole time he was dealing with the Authority attorney saying they would work with him; the last email from him said this could all be worked out; the next thing is they were served with an eviction suit; it did not appear that this was approved in a public meeting; there was no additional notice; and there was simply a lawsuit. He added, the lease requires that they give 10 days' notice for failure to pay rent; they should have said the tenant owes another \$225,000 or whatever it was, they could have paid that, and this would all have been avoided; they did not give the notice, they simply filed suit; and that is one of the matters on appeal.

Attorney Richardson asked Mr. Watson to give him a call and they can talk about it all.

#### **H.1. Ordinance, Re: Modifications to the Structure of the Save Our Indian River Lagoon Citizen Oversight Committee**

Chair Steele called for a public hearing to consider an ordinance to modify the structure of the Save Our Indian River Lagoon Citizen Oversight Committee.

Virginia Barker, Natural Resources Management Director, stated on August 27th, the Board approved legislative intent and permission to advertise these changes to the ordinance that controls the structure of the Save Our Indian River Lagoon Citizens Advisory Committee (SOIRLCOC); these changes would create a lane for residents whose incomes are tied to the health of the Lagoon and who experience changing conditions out on the Lagoon daily to have a voice on the COC; this lane would be called Lagoon Commerce; it would be created by combining two existing lanes, the Education and Outreach field with the Lagoon Advocacy field of expertise; additionally, the ordinance creates two non-voting emeritus positions, one to be named by the League of Cities and one to be appointed by the County Commission; and then the ordinance clears up some terminology to match current language.

There being no further comments or objections, the Board adopted Ordinance No. 24-27, regarding the Save Our Indian River Lagoon Citizen Oversight Committee; amending Chapter 46, Article X, Brevard County Code; amending Section 46-400. – Save Our Indian River Lagoon Citizen Oversight Committee; providing for severability; providing for inclusion in the Brevard County Code; providing for repeal of laws in conflict; and providing for effective dates and filing.

**Result: ADOPTED**

**Mover: Rita Pritchett**

**Seconded:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.2. Permission to Participate in and Accept the U.S. Dept. of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant Local Solicitation**

Chair Steele called for a public hearing to consider permission to participate in and accept the DOJ Edward Byrne Memorial Justice Assistance Grant Local Solicitation.

There being no comments or objections, the Board granted permission to the Brevard County Sheriff's Office to participate in and accept the Edward Byrne Memorial Justice Assistance Grant application; designated the Brevard County Sheriff's Office as the point of contact; authorized the Chair to execute the necessary contractual agreements, modifications, and amendments; and authorized the County Manager to execute necessary Budget Change Requests, with the Board providing the Sheriff's Department with written approval.

**Result:** APPROVED

**Mover:** Rob Feltner

**Seconded:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.3. Adoption of Amendments to Chapter 62, Article II, Division 3, "Planning and Zoning Board," Brevard County Code of Ordinances**

Chair Steele called for a public hearing to consider an ordinance amending Chapter 62, Article II, Division 3, "Planning and Zoning Board."

Billy Prasad, Planning and Development Deputy Director, commented these are amendments to the Code regarding the structure of the Planning and Zoning Board; primarily, this would allow the board's alternate members, the five alternate members to become full voting members; it also fixes some scriveners errors, and the like; and at the Commission's direction at its prior meeting, this brings the structure into compliance with the minimum requirements of Florida Statutes and the County's Interlocal Agreements.

Sandra Sullivan stated on this one what it is effectively doing just for the benefit for everyone who is here, because it is not being said, what this is doing is watering down the board and adding more members to make it easier to put very controversial things through; she just wants to be clear what this County Commission is doing; there are three new Commissioners coming on in a few weeks; the fact that the Board is just pushing this stuff through is just really bad optics to load a board to make it more difficult; and this is so unnecessary.

There being no further comments or objections, the Board adopted Ordinance No. 24-28, amending Chapter 62, Article II, Division 3 of the Brevard County Code of Ordinances, entitled "Planning and Zoning Board"; specifically amending Section 62-182, Brevard County Code, entitled "Membership"; "Appointments and Term of Members" to increase the number of regular Planning and Zoning Board Members to fifteen, modify voting rights of certain members, and to modify the terms of appointment; specifically amending Section 62-182, Brevard County Code, to remove references to alternate members; specifically repealing and reserving Section 62-183, Brevard County Code, entitled "Alternate Members"; specifically amending Section 62-184, Brevard County Code, to clarify procedures for selecting Planning and Zoning Board officers; specifically amending Section 62-185, Brevard County Code, to clarify procedures for calling a special meeting of the Planning and Zoning Board; providing for conflicting provisions;

providing for severability; and providing for an effective date.

**Result:** ADOPTED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.4. Petition to Vacate, Re: Public Rights-of-Ways - 21st Street and West 4th Avenue - “Sun Valley” Plat Book 11, Page 29 - Titusville - Dirschka Family Revocable Trust - District 1**

Chair Steele called for a public hearing to consider a petition to vacate public rights-of-way on 21st Street and West 4th Avenue, Sun Valley, Plat Book 11, Page 29, Titusville, as requested by Dirschka Family Revocable Trust.

Marc Bernath, Public Works Director, stated this is a petition to vacate a portion of two public rights-of-way; it also includes the dedicated drainage and access easement to Brevard County for 25 feet on 21st Street in exchange; and there are no issues.

There being no comments or objections, the Board adopted Resolution No 24-120, vacating two public rights-of-way, Plat of Sun Valley in Section 28, Township 22 South, Range 35 East, in Titusville, as petitioned by Dirschka Family Revocable Trust.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconders:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.5. Petition to Vacate, Re: Public Utility Easements- 930 Fir Street - “Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven” Plat Book 22, Pages 116 - Barefoot Bay - Justo O. Pena - District 3**

Chair Steele called for a public hearing to consider a petition to vacate public utility easements on 930 Fir Street, Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven, Plat Book 22, Page 116, Barefoot Bay, as petitioned by Justo O. Pena.

Marc Bernath, Public Works Director, commented this is a petition to vacate public utility easements on 930 Fir Street; this is for Justo O. Pena; this is vacating part of two public utility easements; it is two six-foot wide public utility easements to allow for the connection of a garage with a breezeway connection to an existing home; and there are no issues.

There being comments or objections, the Board adopted Resolutions No. 24-212, vacating two public utility easements in plat of Barefoot Bay Mobile Home Subdivision, Unit Two, Part Eleven, Barefoot Bay, Section 10, Township 30 South, Range 38 East, as petitioned by Justo O. Pena.

H.6., Public Hearing, Re: Amendments to Chapter 62, Article VI, “Zoning Regulations,” to Add a New Conditional Use Classification, “Accessory Dwelling Units,” and Specifying Conditions Thereto.

**Result:** ADOPTED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**H.6. First Public Hearing: Amendments to Chapter 62, Article VI, “Zoning Regulations,” to Add a New Conditional Use Classification, “Accessory Dwelling Units,” and Specifying Conditions Thereto.**

Chair Steele called for a public hearing to consider amendments to Chapter 62, Article VI, “Zoning Regulations,” to add a new conditional use classification, “Accessory Dwelling Units,” and specifying conditions thereto.

Billy Prasad, Planning and Development Deputy Director, advised this would allow accessory dwelling units as a conditional use, which would require a public hearing for each one going forward in each single-family zoning district, as well as the rural residential zoning district; and then specifying certain conditions to allow for privacy among neighbors, environmental protections, and the like.

Commissioner Feltner explained he has an amendment, and if the Board agrees, then it will be back on the Item; the short of the amendment that he has today says once the accessory dwelling structure is added, the parcel cannot be split, so not as a means to build one of these things, then split the parcel, and sell them individually; and he will read the motion, as it probably does not sound like that, because it has legal ease in there. He made the motion to amend the request by adding if a lot containing an accessory dwelling unit is split so that the principle structure and the accessory dwelling unit are no longer located on the same lot, then the accessory dwelling unit will violate the Code’s prohibition against accessory structures with no associated principal structure; and the accessory dwelling unit cannot itself be considered a principal structure unless the required conditional use permit is removed by the Board, irrespective of whether the accessory dwelling unit otherwise meets the requirements for a principle structure under this chapter. He stated one cannot build the accessory dwelling unit and then split the parcel and sell them separately.

Mr. Prasad stated right now these would be built as accessory structures; what this would do, and the Conditional Use Permit (CUP) would do, is to be attached to that permitting process; this would not allow that structure to be used for any purpose; if one splits a lot, there has to be a primary structure with this accessory structure; and this would not allow one to convert this accessory structure into a primary structure.

Commissioner Tobia pointed out some of these classifications are large, and could be up to 20 or 30 acres; he understands the issue with it being on a one-acre parcel, or something like that; but some of these Ag ones could be a huge parcel; and he asked if Commissioner Feltner could explain how that would work.

Commissioner Feltner replied he does not know why if a person had a 30-acre parcel, he or she would peel off an acre to give to their kids so they could build a house; then it would be two deeds; for the purpose of homestead and other things like that, the accessory dwelling structure would be included in that; he does not know why one would need that to be included in this way, and then later on one would peel that off; and he does not see why a person would not do that first.

Commissioner Tobia asked if Commissioner Feltner did not see a difference in an accessory dwelling unit that is on a half-acre or acre parcel that is within eye shot, but on a 20-acre parcel that accessory unit . . .

Commissioner Feltner noted he does, he sees where Commissioner Tobia is going; but what is being talked about is single-family residential zoning, so it is unlikely that one would have a 30-acre parcel that is done that way.

Commissioner Tobia advised there is Ag, there is AU.

Morris Richardson, County Attorney, advised it is difficult within the Code to capture, and Commissioner Tobia makes a good point, but it is difficult to capture every scenario like that; as he understands the proposed amendment, it would not prevent entirely the future splitting of this, it would just require a consideration under the CUP that has already been issued, so the Board could decide this property is appropriate to be split based on considerations like the size of the property and things of that nature; and it does not prohibit it entirely, the County would have to make a judgment about whether it is appropriate in this case.

Chair Steele mentioned in addition to that, the property can always re-plat prior to the time that they do this; and that way they would put themselves in a whole different position.

Sandra Sullivan remarked per State Statute, the Board is not allowed to take a vote before hearing from public comments; and the Board just violated State law.

Chair Steele explained that was the amendment, it was not the motion, so Ms. Sullivan is incorrect.

Ms. Sullivan stated that is also an amendment to Chapter 62; anyway, she just wanted to say pertaining to this is between the changing of zoning to PUD in neighborhoods that do not have short-term rentals, this appears to her to be another loophole for short-term rentals, unless the Board puts in this amendment that these accessory structures are prohibited from short-term rentals in communities that do not allow short-term rentals; for example, she lives in unincorporated South Patrick Shores; their short-term rentals are on the east side except if there is a duplex, or if one lives in the structure and renting a room for short-term rental or something like that; but what this is essentially going to do, which she believes this is the Board's intent, is to turn the communities and further short-term rentals. She went on to say this has nothing to do with what the Agenda Item says that this is for affordable housing; no, it is not; this is a loophole for short-term rentals; and she just wants 'we the people' to understand what this Board is doing, because it is not going to make an amendment to this to prohibit these accessory structures from being short-term rental units in the communities.

Commissioner Feltner stated he was very vocal with staff to flush that issue out; he was very vocal about that leading up to this meeting; he thinks Mr. Prasad or Attorney Richardson could explain it possibly, that short-term rentals are not allowed in these zoning classifications where the single-family residents are; the County also has a preemption from the State; and he asked if it can be clarified.

Mr. Prasad replied generally speaking, that is correct; they did not include Accessory Dwelling Units (ADUs) in multi-family classifications; that is the only place, other than commercial uses, where it will be found that resort dwellings are a permitted use, so in no case are ADUs allowed in any zoning class where resort dwellings are a permitted use; and in those cases where they are a conditional use, the Board would have to approve both uses for the same property.

There being no comments or objections, the Board held the first public hearing and approved amending Chapter 62, Article VI, "Zoning Regulations" to allow for "Accessory Dwelling Units" as a conditional use in specified zoning districts. Specifically, amending Chapter 62, Article VI,



Division 1, Section 62-1102, Brevard County Code of Ordinances, “Definitions and Rules of Construction,” to include a new term “accessory dwelling unit;” amending Chapter 62, Article VI, Division 1, Section 62-1102, Brevard County Code of Ordinances, “Definitions and Rules of Construction,” to incorporate accessory dwelling unit to the existing definition of “accessory building or use;” amending the following sections of code to incorporate “accessory dwelling unit” as a conditional use: Section 62-1332 (Productive Agricultural, PA), Section 62-1333 (Agricultural, AGR), Section 62-1334 (Agricultural Residential, AU and AU(L)), Section 62-1334.5 (Agricultural Rural Residential, ARR), Section 62-1335 (Rural Estate Use, REU), Section 62-1336 (Rural Residential, RR-1), Section 62-1337 (Suburban Estate Residential Use, SEU), Section 62-1338 (Suburban Residential, SR), Section 62-1339 (Estate Use Residential, EU, EU-1 and EU-2), Section 62-1340 (Single-family Residential, RU-1-13 and RU-1-11), Section 62-1341 (Single-family Residential, RU-1-9), Section 62-1342 (Single-family Residential, RU-1-7), Section 62-1401 (Rural Residential Mobile Home, RRMH-1, RRMH-2.5, and RRMH-5); amending Chapter 62, Article VI, Division 5, Subdivision III to amend and replace Section 62-1903, “Reserved,” with a section entitled “Accessory Dwelling Unit.” In addition, if a lot containing an accessory dwelling unit is split so that the principle structure and the accessory dwelling unit are no longer located on the same lot, then the accessory dwelling unit will violate the code’s prohibition against accessory structures with no associated principal structure; and the accessory dwelling unit cannot itself be considered a principal structure unless the required conditional use permit is removed by the Board, irrespective of whether the accessory dwelling unit otherwise meets the requirements for a principle structure under this chapter.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**I.1. Direction, Re: Methodology to evaluate the benefit of each selected EEL property to the Indian River Lagoon and St. Johns River**

Mary Ellen Donner, Parks and Recreation Director, commented she is here with Mike Knight, EEL Program Manager; at the February 2024 meeting, the Board approved a \$3 million bond issue for Land Acquisition; the Board actually asked that staff come back and identify a process for evaluating the amount of nitrogen each potential parcel could affect the Indian River Lagoon; she expressed her appreciation to Natural Resources Management; Mr. Knight and Natural Resources worked and created a rubric that is on page 2 of the Agenda; and staff is looking for the Board’s approval for future land purchases that will come back to the Board, and would use this rubric.

The Board directed staff to use the rubric provided on the Agenda Report to determine whether waterway net positive benefit property analysis evaluates the benefits to the IRL and SJR on properties proposed for acquisition under the EEL referendum.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**I.2. Resolution Cancelling Referendum Election Regarding a Non-Ad Valorem Special Assessment for Road Paving in Canaveral Groves (District 1)**

Morris Richardson, County Attorney, advised this is a resolution regarding the referendum election for unpaved roads in Canaveral Groves.

Commissioner Pritchett stated Keith Alward worked very hard to put together what would be an aggregate Multiple Service Benefits Unit (MSBU) for the community; she does not believe the community is going to pass it, there is a lot of confusion with it; they were trying to find a way if they wanted the roads paved to get it paved, so she is not real sure that they are all there yet because they heard from a lot of people who do not want their roads paved yet; she is going to go ahead and pull this; this was actually like a straw poll thing, so the next Commission will have to figure out what to do with it moving forward; she thinks it is cleaner just to pull it; and if this community still wants to get roads paved, he or she can still do an MSBU in the future. She went on to say there is one being worked on right now; she is going to make a motion to pull this off of the ballot; and letters are going to be sent out letting people know that.

Attorney Richardson asked if it is already on the printed ballot.

Commissioner Pritchett replied affirmatively.

Attorney Richardson advised the voting has begun, but if this is passed, his understanding from the Supervisor of Elections is that they will post notice at the one affected polling place for the general election, at the early voting sites, and then to the extent possible, and when he last spoke to the Supervisor of Elections, it was before, this was supposed to be heard at the County's cancelled meeting because of the hurricane, he had intended at that time to mail notice to those voters, probably less than 100, that had received this item on their mail ballot; he does not know if that component will still happen; but notice will be posted, and the votes just would not be counted for this particular election.

Commissioner Pritchett expressed her appreciation to Attorney Richardson and his staff, they have done so much work, of course, Keith, District 1 staff, and the Supervisor of Elections have been very kind in helping put this together as well.

Someone from the audience asked if the people with speaker cards can speak.

Chair Steele stated to give her a little bit of advice, in politics when one wins, he or she probably ought to just sit there.

Commissioner Pritchett advised she thinks he has to let them speak.

Chair Steele stated if they would like to talk to come on up; and if it is important for them to speak, to come on up, and the Board will let them speak.

Sharon de Russey commented she has owned property in Brevard County since 1956; she purchased land when she was 16 years old; she has owned land in Canaveral Groves for 30 years; if there is an election about the roads, she would like the right to vote; her husband was military and lived in Canaveral Groves; he died and she still lives there; but she reiterated she has owned the land for 30 years; and she has gone up and down the road probably 1,000 times, because in that 30 years, she had a horse out there, and still has a horse out there. She went on by saying she will be paying approximately \$8,000 in taxes this year on that property; and she thinks she has a right to vote, if there is a vote.

Julie Manahan remarked they have six acres; they do not want the road paved; Ms. de Russey's property is three acres, but it is in one parcel; hers is three separate parcels, so if and when

this happens, it is shoved down their throats that the roads are paved, she will have to pay three separate impact fees because hers are three separate lots; Ms. de Russy will have to pay one; and she asked if she should try to put her three parcels together so she would only have to pay one.

Chair Steele replied she should hire an attorney and figure that out after this thing is done in the future and one can figure out whether or not it is going to be done; and she is putting the cart before the horse right now.

Ms. Manahan pointed out knowledge is power, and if a person does not know . . .

Commissioner Pritchett advised it would always be up to Ms. Manahan with her vote even with this she would be the one voting on it; but even in the future, it will be totally up to her what to do; she heard from a majority of them that do not want it paved; for several years her neighbors have asked her to pave their roads; and they did not want to do an MSBU, so she threw this out there to see if they did want to pave it, but she does not, she is guessing, so she thinks she is good for the long-run here.

Ms. Manahan explained past roads getting paved have not had to pay.

Commissioner Pritchett stated former Commissioner Fisher got millions of dollars and he started paving some roads; now every other neighborhood that has the roads paved, they have paid for their own roads as it is in the cost of their house when the builders and planners come in; they have moved to an area that are dirt roads, so he or she have never paid to pave them; but she reiterated former Commissioner Fisher got a big landfall, and she thanks him for this all of the time because she keeps getting yelled at for years for this for paving those few roads; and there is no more money to pave them. She noted she thinks Ms. Manahan is safe moving into the future with keeping their dirt roads.

Commissioner Feltner asked if Ms. Manahan's three parcels are contiguous.

Ms. Manahan responded they are side-by-side, and the third lot faces a different road; her two lots . . .

Commissioner Feltner inquired if they all touch each other.

Ms. Manahan replied they all touch each other.

Commissioner Feltner remarked if it were him he would combine them for the purpose of homestead; and it is going to save her on her taxes.

Ms. Manahan asked to combine the lots together to save on the homestead.

Commissioner Feltner advised she can talk to the Property Appraiser about that, she can explain it better.

Attorney Richardson asked if that is all of the speaker cards.

Chair Steele replied affirmatively.

Attorney Richardson asked if the Board can take a vote on that again, as he did not realize there were speaker cards, and the votes should follow any public input.

The Board cancelled the previously called local referendum election regarding a non-ad valorem special assessment for road paving in Canaveral Groves.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**J.1. Consideration of a Tentative Settlement Agreement Under the Florida Land Use and Environmental Dispute Resolution Act for Property Located at 134 Diane Circle**

Morris Richardson, County Attorney, explained there is a short presentation with this with a couple of pictures; he is recommending to the Board that he explain a little of the background; he knows the other party involved, Mr. Traska, the property owner, has his legal counsel, Alicia Kelly, so he suggested that Ms. Kelly be permitted some time to present, and then the Board hear from the remainder of the public that it has cards on the Item; this Item regards a structure at a property located at 134 Diane Circle, an unincorporated beachside area, north of Indialantic, and south to beachside Melbourne; Mr. Traska who is the property owner at 134 Diane Circle applied for a permit to construct an accessory structure consisting of cargo containers, decommissioned containers; and the County's Building Department issued a permit for that structure, and admittedly, the permit was issued in error. He went on to say it should not have been issued because the request showed cargo containers stacked on top of one another; that is specifically prohibited by Code; Code does allow for a shipping container as an accessory structure; but it also expressly states they cannot be stacked; complaints came in, Code investigated, and it was found a mistake had been made; and the County is not bound by an error like that when a permit is issued in error. He noted Mr. Traska was cited for violations, including the stacking of the shipping containers and also that as it was actually constructed in the field, it deviated from the plans that had been approved in error; those violations went to a hearing before the County's Code Enforcement Special Magistrate Stewart Capps back in February of this year; actually, he thinks the hearing was in December of last year; Magistrate Capps issued an Order in February 2024; he provided the Board with a slide showing the depiction of the plans initially issued and approved to the Building department; he stated it is hard to tell, but the horizontal on the bottom is one cargo container, and then on top, there is another container stacked in a perpendicular fashion; out in the field as it is actually constructed, they are atop one another in parallel, not perpendicular to one another, so those are photos that were issued at the Code hearing; the Special Magistrate found the structure to be in violation of the Code, issued an Order that the shipping containers be unstacked, and that Mr. Traska either obtain an approved revision to his building permit, essentially showing a single-story structure in full compliance with the Code, or return the property to its configuration prior to the construction by March 14, 2024; and after that point, there would be a fine in the amount of \$25 a day to be assessed beginning March 15, 2024. He advised shortly after the Magistrate's Order, Mr. Traska's attorneys invoked a procedure known as the Florida Land Use and Environmental Dispute Resolution Act (FLUDRA); it is codified in Chapter 70, Florida Statutes; it is intended to provide a means to resolve land use and enforcement disputes outside of litigation; it is a rarely utilized process, but when it is properly invoked, as it was in this case, it is mandatory for the local government, in this case the County, to participate in that process; notably, invoking the process also tolls the time for the owner to do things, appeal from a Code Enforcement Order; and pursuant to FLUDRA, there was a process with notification to parties. He stated the County had to hold a mediation/hearing facilitated by another Special Magistrate; James Stokes presided over that; the Statutes were followed; staff, in good faith, along with Mr. Traska and his attorneys, worked to come up with a proposed

tentative agreement; in an effort to both recognize his property rights, but also to attempt to mitigate the possible impact of this on the neighborhood and other property owners; FLUDRA, again, is designed to come to that kind of conclusion; but he will say very clearly that the ultimate decision is entirely on the Board, so while there is a tentative settlement agreement that staff and he feels is the best that could be reached at the table that day to try to address neighboring concerns, this no way binds the Board that it has to accept this; and the Board will have three options at the end of this, which it can either accept the tentative agreement, direct modifications to the agreement, assuming Mr. Traska agrees to those, or it could be rejected entirely, in which case the County would be back to where it was prior to FLUDRA. He remarked with a Code Magistrate Order out there, they would have some extended time, potentially, to appeal if they wish to do that; he will just hit some of the major points of the tentative settlement agreement; obviously, all Building Code requirements would have to be met; Mr. Traska would have to submit updated plans showing the structure as that actually exists out in the field, which he has done; architectural renderings were submitted showing how Mr. Traska intends to make this fit better into the neighborhood; he will say that in response to the renderings the Board sees on the slide, County staff did send out some requests to make it blend better within the existing neighborhood than what the Board sees here, which is still very much on the industrial, modern side compared to the existing neighborhood; there were prohibitions in the tentative agreement, such as it shall not be used for living quarters, as a rental, in whole and in part, for any purpose, shall not contain a kitchen, and shall not be occupied or used for any purpose other than storage after the hours of 10 p.m. and before 6 a.m., because neighbors had expressed concerns about short-term rentals or parties being hosted there up on the deck; staff also requested some landscape screening, buffering, and things like that that are all set forth in the tentative settlement agreement that were part of the packet; again, Tad Calkins, Planning and Development Director, or Billy Prasad, Planning and Zoning Deputy Director, represented staff largely at the mediation, along with the County's Building Official; and the Board can accept the agreement, modify it, or reject it outright. He advised if the Board has any questions, he is happy to address them now, or it can hear from Ms. Kelly and the public.

Alicia Kelly stated as counsel for the property owner, Joe Traska, they believe the proposed settlement agreement the Board is considering this morning, is an equitable resolution to the issue; she is happy to address any questions the Commission may have; and she would request the opportunity to address any public comments after any are made.

Al Millian expressed his appreciation to the Board for all it does; he mentioned he lives in a condo that backs up to that; from here to the wall is his bedroom window; in his condo he walks into the bathroom, the window is wide open, and that is what he sees, the picture being shown on the overhead projector, 20 yards away; he thinks it is safe to say that his big concern is the value of all of their properties, especially his new friends in the back of the room, that is why they wanted him to go first, because he thinks they have a lot of ammunition; and by the way, he thinks the County Attorney did a great job in presenting this Item. He continued by saying this new look is worse than the first look; the first drawing, looking at it, it looks like a nice, little, old dollhouse with a picket fence almost; but now it looks like that; he did not like it, but the County gave them a permit; he went with it; and then he found out it was a mistake. He pointed out this is a County problem, it is not the Board's problem, it is not his problem, it is that they gave to him by mistake; then by looking at the Property Appraiser's thing, and it says it is .44 acre; someone had it re-appraised, and it is over a half an acre; he does not know where that came from; he does not like it, and his neighbors do not like it; he wants the Board to think about if it was at his or her house, to look in the back window, and to see that wall that they just put up there; and he or she would not like it. He noted it is eye-level to his bathroom; it does not fit in that community; the County screwed up on the whole deal, it is its fault; the applicant

probably fudged a little bit when he came in there with the other containers and said that they were welded together and it made it one container; it has been called a playhouse for the kids, a man cave, and a 21st Century dwelling, which when he looked up the term 'dwelling', it means one lives in it; and that is how he feels about it. He explained he looks at that every time he goes to the restroom, and at his age, he goes a lot; he met these new people about two weeks ago; and they live in homes that are probably \$500,000 to \$700,000.

Elena Stetsenko commented she came here today to speak up against a proposed settlement agreement related to the ongoing issue of this two-story container structure that is installed in the residential area of Indialantic; she provided the Board with a picture of the container structure; she noted the roof and the sides of this structure are still half open; she does not know if this is by design or unfinished, but this cannot be allowed to stay; her house is about 50 feet away; and she is very concerned about additional risk that this structure would pose to her house, especially during the hurricane season. She mentioned nobody denies that this is not up to the Code, because Brevard County zoning rules are explicit, no stacking of containers shall be allowed; but further, she wants to say before Hurricane Milton came to Florida, that was a public notice on the City of Melbourne's website, which stated, "Never ride out a hurricane in a mobile or manufactured home. Mobile and manufactured homes face the largest risk of damage from high winds;" she added, the risk are for those in the nearby properties, not just the structure itself; this is not even a mobile home; and she asked the Board if this would withstand the next hurricane when it comes this way, and what if it is a direct hit with the windstorm being a Category 4 or 5. She asked the Board if it wants his or her homes to be next to this; she stated if he or she does not, do not allow it to be next to hers; she understands that there are legal proceedings that bring an additional point of discussion, such as erroneous permits, reliance on those permits, and et cetera; however, those cannot be settled by cosmetic changes; make it look better and bring more landscaping around this; she asked if the County is trying to hide it; and she asked would that make this structure safer. She pointed out any grievances between the County and the container owner should be resolved some way other than imposing additional risk on the neighboring houses; as someone who lived in South Florida during Hurricane Andrew and multiple other ones, she is deeply concerned about the situation; she trusts the Commissioners will make the right decision; otherwise, he or she will leave a very bitter community behind; and she asked if the Board wants that to be its legacy.

Bluma Bofford stated on picture four, one can see the back of her house; every time she comes out on her terrace, she sees this disgusting thing that she cannot even imagine anyone would want on their property; she is here today with her neighbors, because she wants to resolve this issue once and for all with the storage containers; they were built illegally on the property at 134 Diane Circle; the law allows for one storage container per property for storage, nothing else; these containers cause a big threat to all of her neighbors' properties; and it will also diminish the values of their properties. She went on to state she takes care of her home, and she wants to live peacefully there; as far as she is concerned, today she cannot live peacefully looking at this structure; the storage containers are not insurable; during a serious hurricane, they could cause damage to their homes; she asked who is going to be responsible for it; would the Commissioners feel comfortable living next to it; would he or she want to look at it every single day; and she noted she does not think so. She commented she knows the permits were issued by mistake, mistakes have been made; she asked the Board to make it right; she stated today is the day to make it right; she asked for no settlements please; she is counting on the Commission, as well as all of her neighbors; and she expressed her appreciation to the County Attorney and Chair Steele for their attention.

Michelle Snyder provided the Board with a handout showing additional photos; she remarked it is four stacked shipping containers, they are 40-foot long; the way they are staggered, the

entire length of the structure is 60-foot long; on the first picture, that little, tiny fence is her property fence; and it is way too close to the property, it is 60-foot long. She stated there is a question where the door is, that side door, which one can sort of see on the slide, one can see the steps; there is a fence that is not shown that she believes borderline that it is seven and a half feet, maybe less; one can see through the fence that it is up on concrete blocks, and it is about three-foot; the Board can see the dark underneath, it is too close to the fence, and then it goes up to about 25-foot tall, which is less than eight feet from her property line; she can see it from every room in the back of her house; any time she looks out of the window, there it is; and as she said, it is 60-foot long. She pointed out, it is not a cute, little storage shed; the Code says one may use a single storage container for storage only, not for a man cave, an Airbnb, or whatever he wants to call it; he has a history of not sticking with the plan; he was given an approved permit in error; he did not stick to that; now, he has gone through all of this, the negotiations and the modifications he came up with after the FLUDRA; he wants to change that, too; he wants to now be able to go in there from 10 p.m. to 6 a.m.; again, she is tired of minding her neighbor's business, as she just wants to live her life; and she asked what the County is going to do if he ends up doing an Airbnb, or when it is built on sand, concrete blocks on sand. She asked when the sand shifts and it topples over, what happens then; she noted she really feels that the Board should reject it in its entirety; and he should go through the process, the same as every other citizen of the County, and not to give preferential treatment.

Bill Snyder commented the property values are going to decrease with this particular structure being built; it is extremely close to their side yard; they see it from every window in the back of their house; currently, there are 700-plus beachside homes for sale on Zillow right now; he asked if he puts his house up for sale, what does it say when one looks at option A house versus his house, option B; most likely one would probably go with option A and not have the distraction, or unsightly container structure; and he is worried that through the decreasing value, if he does put his house up for sale, that he will be less competitive in the buyers' market. He went on to say another thing is that Brevard County did make a mistake, it issued the permit in process failure; that does happen; there has been a case where a permit that has been issued in error has been taken all the way up to the Florida Supreme Court; they said it was in error, it is a violation, and the structure has to be deconstructed; it can go further than here; and it may have to. He mentioned the Planning and Zoning Department reviewed the Traska Architectural renderings; the location of the two-story container structures close proximity to the side yard setback lines does not fit the neighborhoods scale, and presents a challenge to the urban community, as well as adjacent neighbor, himself, and the other adjacent neighbors; this tall structure would benefit from a modern interpretation of existing neighborhoods in order to add animation and relief to adjacent properties and soften the building of materials; the Commissioners have probably read this before, hopefully, it is part of the FLUDRA; he hopes this is new verbiage the Board has not heard; during the drafting and mediation agreement, they wanted to revise the uses for occupancy, which he is strongly against; he wants to have access to the unit between 10 p.m. and 6 a.m.; and he asked if they see a light on at 1:30 at night or 5:00 in the morning, if someone is staying overnight or is someone just retrieving an item. He stated he is not here to police his neighbor, he does not expect Code Enforcement to go by and do policing of the neighbor, and he does not even expect the County to go by to see if he actually built the kitchen or not after the fact; and he asked the Board to please choose Option 3.

Alan Green remarked he has been here 63 years; it really seems to be it is more like a taste that somebody does not like; he rode horses on the beach here, they had no condos; he did not like the condos on the beach; but they built them anyway; and there are condos that look worse than this. He continued by saying as far as some of the misconceptions, he is the only one in Brevard County that actually built homes out of shipping containers; there is one in Palm

Bay, four in Jupiter, and four of them in West Palm; they are insurable and actually, stronger than block homes; they surpass all building codes and all wind codes, so as far as being moved by a hurricane, the lady's house is going to go before that shipping container; he did apply for a permit; and whether it was a mistake or not, it was issued. He noted there is some variance in the law and whether the County can actually pull back a permit after it is issued, unless it is a case of fraud, and values that large; he would like to see homes built out of these; there will be a lot more built in the County, one-story, two-story, and three-story; once it is being used for construction, it becomes a building material just like a piece of glass and a metal frame becomes a window; and they are buildable, they do meet all of the Codes, and they actually surpass the Building Codes for Florida. He reiterated whether one likes the look of it or not, he does not like to look at condos on the beach; he wants to go back to pine trees and horses; but one cannot go backwards; he would like to see it saved; he thinks the County made a mistake; he did what he was supposed to do; and it needs to be worked out.

Gwen Burley advised she lives one house away from Mr. Traska; she wants to follow-up with a couple of things that were spoken about already; number one, as far as Code goes, with a modern look of this structure, they have two places that she can think of, off of the top of her head, in her neighborhood on the corner of Beach Street and A-1-A, and another one on Pine Tree Drive on the corner of Shell Avenue, which are completely box modern and unattractive; this will actually look much better when it is done; she wants to speak about property values; Mr. Millian is worried about his property value, the Snyder's are worried about their property values, and she is going to say the townhouses are nothing special to look at; they are two-story, and look down on people's backyards; and nobody is worried about that. She stated she thinks the whole property value thing is if one is up against multi-family and two-story townhouses, his or her property values are going to be lower; as far as the people from Water's Edge, they have a different zoning than her neighborhood has; they are able to do vacation rentals there; they are not worried about their property values being devalued from that; she basically has a hotel against her backyard; there is nothing she can do about it, because that is legal; she really does not think they have any leg to stand on to complain about what is going on in her neighborhood; while she understands the Snyder's concerns, she believes that they should have stepped in much earlier; she thinks her neighborhood could have come up with an equitable solution to present to the Board, but that did not happen; and they ended up with a media circus that was started by them. She went on to say they trimmed every tree they had along the fence line, between them and Mr. Traska, which just enhanced their view, because they had a pretty private backyard before that; as far as the modifications that people are complaining about on this building, those were made because of third-party input that the County asked for, so he took the advice of a structural engineer, and the modification she does not think even negates what he put in for the permit application; and that is a ridiculous, small change that really does not change what he built.

Ronald V. Henson stated he rises in opposition of the settlement agreement; he lives on C Avenue; he cannot see this structure from his house, but he is within 500 feet of it; he does live in the neighborhood; there are a bunch of really nice people that live there and care about their neighborhood; his understanding about Codes and land use requirements are that they are for the benefit of the neighborhood; and they are well thought-out, are purposeful, and this violates that. He noted it came in from an error, but it needs to be corrected; he really believes the integrity of their neighborhood is at stake; this sets a precedent that he does not think people would want in Brevard County; they certainly would not want it in their community where families are living, trying to thrive, raising their children, and supporting all that is good in their community; and for those reasons, and for a lot of the other reasons that have been shared today, he stands in opposition of this settlement agreement.



\*The Board recessed at 10:29 a.m. and reconvened at 10:36 a.m.

Ms. Kelly expressed her appreciation for all of the public comments, and for the opportunity to address some of their concerns; she stated she thinks a lot of the comments circled around the current state of the structure, so Mr. Traska received a permit, began construction, and a stop-work order was issued; this was probably over a year ago, so nothing has changed with the structure; as it is now, it is not how it is intended to appear when it is completed; there is no doubt that right now it is not attractive; and he has not been able to make any improvements to the structure until this is resolved. She pointed out there are concerns about safety; Mr. Traska has had a structural engineer go through the plans, review the structure, and issue his opinion that as it is constructed it exceeds the Florida Building Code requirements by more than five times; this is not a mobile or modular home, this is a structure that is built on a pier foundation, just as multi-million dollar houses in some areas are; she is not an engineer and she does not think anybody else in here is, a structural engineer, but when they provide their professional opinion regarding the safety of the structure, there should be some credence given to that; everybody is concerned about the value of their property; and she has been to this property, she has been in this neighborhood, and arguably Mr. Traska's property is more valuable than anyone else's in the neighborhood. She advised he has put a lot of time, money, and effort into having an attractive property; if he is given the opportunity, this structure will not diminish the value of his neighbor's property, or his property, but will instead increase it based on appraisals that were done in preparation for litigation; there has been discussion about setbacks; and this structure meets the setback requirements under the Code.

\*Chair Steele passed the gavel to Vice Chair Pritchett.

Commissioner Steele commented this property is in his District, and has been a source of contention ever since it came to the Board in June; it is a real mess, it really is; he hates that Mr. Traska came in and got a permit from Brevard County, and built what he thought he could build; he reiterated he hates that and it is not a good thing; and he noted he is not going to try to get into any of the legal comments with regards to that because it would not be the right thing to do since he is not an attorney. He continued by saying he does not want any containers anywhere on a residential property, he just does not want it; now, the good news is for a lot of people here is that this is his last meeting he will be present in person; he will not be able to do anything about it in the future; but he can tell everyone that if it ever comes up, he would like Planning and Zoning to completely eliminate anything that is a container, which is attached to residential property; and that is just his opinion. He stated Mr. Traska is friends with a lot of his friends, people who think he is a very nice person; he does not know Mr. Traska from the Man in the Moon, but he understands why he did what he did; this is just not acceptable; he testifies in real estate cases all of the time, he has been doing it since 1990; honestly, this is a case that he has tried to do some research on in regards to the case Mr. Snyder was talking about, but he did not find anything; ultimately speaking, this seems to be, to him, only one place, which is to the courts; he does not disagree with one of the neighbors with regards to the property values going down tremendously; and he has driven by that place and thought, holy mackerel, that is ugly. He added, he has had appraisers in the car with him and drove by it, and everybody said the same thing, what in the world was that doing in the neighborhood; once again, he has all of the empathy in the world for Mr. Traska with regards to what happened and how he got where he is; but as far as he is concerned, if he could bulldoze it and start it all over again, that is what he would do; he does not have the authority to do that; personally speaking, there is nothing on any one of these options that he sees will get him anywhere, to try to deny them all, and ultimately end up in court to be able to remove the top container; and he does not think anything else can be removed because the bottom container is legal. He noted he certainly hopes the Planning and Zoning people are hearing him very clearly that it may be his

last meeting, but he can assure them he can come as an individual citizen to this and ask one of the other Commissioners to change the Zoning Ordinances so this will never happen again, because it is just not in the best interest of the neighbors; he does not buy the argument that the engineering is correct on that; he is not an engineer, but this is not his first rodeo; there is no way in the world that thing is not going to blow over with 140 mile per hour winds; one cannot convince him that it would stand that kind of winds; he stated he apologized to Mr. Traska that he cannot help him in any way in this particular situation; but he is just not on his side in this thing; and he and Mr. Traska will have to agree to disagree.

Commissioner Pritchett stated she wanted to throw this out by saying, a while ago this was a conversation the Board had, and it was a very long conversation about allowing these into residential areas; the Commissioners all had great concerns with it, so he or she set up some ideas of maybe what will work; but it was never the intent of this Board to allow these things to be lived in, or to be stacked; therefore, she is going to support Chair Steele in rejecting it; it was an employee error; and if an employee gave Mr. Traska the ability to put a Walmart in there, too, accidentally, it still would not fly; and for the intent of this Commission at that time, she reiterated she is going to support Chair Steele and reject it.

Commissioner Feltner asked if Chair Steele is going for Option 3.

Chair Steele asked to re-read Option 3, because he did not think that was appropriate; and he asked the County Attorney to read the three options again real fast so everyone can hear them.

Attorney Richardson responded affirmatively; he stated the first option is to accept the agreement as submitted, and direct staff to implement it with a follow-up agreement to be signed by the Board; the second would be if the Board wanted modifications to the settlement agreement, the Board would have to ask Mr. Traska if he voluntarily agreed to any changes the Board wanted; the third is to just reject the settlement outright, which will put the County back to where it was in February of this year with a Special Magistrate order saying the container has to come down; they still have some ability to appeal; and the County Attorney's Office has always been confident in their position and concern about facing an appeal on it.

Chair Steele advised that is where he is.

The Board approved Option 3: Reject the tentative settlement agreement; the Code Enforcement proceedings will no longer be abated; and Joseph Traska will continue to accrue fines until he either unstacks the shipping containers and obtains an approved revision to his building permit in full compliance with the Code, or returns the property to its original configuration prior to construction (i.e. removes the containers); and because of FLUDRA's tolling provision, Mr. Traska has time remaining to file an appeal of the Code Enforcement Special Magistrates Order, should he choose to do so.

**Result:** APPROVED

**Mover:** Jason Steele

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

## **J.2. Re-Appointment of Members and Alternates to the Save Our Indian River Lagoon Citizen Oversight Committee and Permission to Advertise for Volunteers to Fill Vacant Seats.**

\*Vice Chair Pritchett passed the gavel back to Chair Steele.

Commissioner Pritchett stated she would make a motion to approve.

Virginia Barker, Natural Resources Management Director, stated this is a multi-part Agenda, so in addition to considering approving the League of Cities reappointments, and the Board's reappointments, there is also selection of the Board's emeritus appointments; its choices are Stephan Ely or John Windsor; and then staff needs a supermajority vote to waive the term limits for whomever the Board picks, in addition to waiving the term limit for the League of Cities selection of Charlie Venuto.

Commissioner Tobia noted he understands the Board has term limits; and he asked if the League of Cities came up with an alternative for that individual, or does that individual meet the certain criteria in which a replacement cannot be found.

Ms. Barker replied in the prior Agenda, at this meeting, the Board created two emeritus positions, so the idea of those emeritus positions is that they would be filled by folks that have been on the committee since the beginning, have heard all of the prior Board direction, and the public comment; and by definition, they have exceeded their term limits and need that waiver.

Commissioner Tobia advised his understanding when the Board voted for the emeritus positions, it automatically bypassed that.

Ms. Barker remarked staff can come back and revise the County's uniform Policy on advisory committees to make that so this does not require a waiver every time; but for this go around, staff will need that waiver.

Commissioner Tobia pointed out Ms. Barker explained it well.

The Board approved waiving term limits by supermajority vote to appoint John Windsor as the emeritus member seat.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

The Board reviewed the meeting attendance records, resumes, and applications of the SOIRL COC members seeking reappointment; approved reappointing COC alternate Charlie Venuto recommended by the Space Coast League of Cities; approved reappointing voting members and alternates previously ranked and appointed by the County Commission, who are willing to continue their service; and authorized staff to advertise for new applicants for all remaining vacant fields of expertise on the COC.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

Commissioner Pritchett noted she wanted to say the other two candidates for that position are excellent as well.

### **J.3. Approval Re: Agreement between Brevard County and DAD 1300 N Atlantic**

**Cocoa LLC (DAD 1300) (Westin Cocoa Beach Resort) and assign oversight for the operations and maintenance of Lori Wilson Park to the Parks and Recreation Department (District 2)**

Mary Ellen Donner, Parks and Recreation Director, explained the Board has before it, for its consideration, an agreement between Brevard County and DAD 1300 N Atlantic Cocoa LLC; this agreement is regarding Lori Wilson Park and the Westin Corporation, the new hotel that is being built next to Lori Wilson Park; a couple of items that are of note in this agreement is they would have the ability to rent the southern portion of Lori Wilson Park for up to 100 days per year; they would be able to rent the entire park, north and south, up to 12 days a year; but that would be included in their 100 days. She went on to say there are some blackout dates; there was a thought that the community would like to use the park on specific days, Spring Break for Brevard County, certain holidays like July 4th, and Christmas; it is important to note that from November to April they would only be able to rent 11 days per month, and they would have the restriction of being able to rent two out of the four weekends in those months; the historic reservations the County has had at that park would be grandfathered in, so things like the air show that comes every other year, and some of the other events that have been historic would retain their dates for their events; and they would be able to rent the park up to three years in advance, assuming that their booking conventions would want to use a park. She commented if this agreement is ratified or approved, they would look to relocate the current dog park in the southern part of the park to the northern part of the park with additional amenities and improvements; they have the potential, if they so choose, to construct a golf cart path that connects the north and the south park; it is important to note that anyone can reserve this park; one can rent a pavilion or a green space, so the availability for park rental would still be there; the community uses this park, the dog park in particular would not be closed any time should the north part of the park be rented; and she is available for any questions the Board may have.

Commissioner Goodson asked if the County would have a direct impact on the dog park as far as what is going to be expected of them.

Ms. Donner replied yes, actually Attachment C of the Agenda Item are the amenities that are proposed to be in the new dog park.

Commissioner Goodson inquired if they are doing the new dog park and new bathrooms as well.

Ms. Donner responded no, there would be no new bathrooms contemplated at this point; and the bathrooms were replaced a year or so ago through Tourism.

Commissioner Goodson asked if the bathrooms would be on the south side of the park at the dog park now.

Ms. Donner replied there is a bathroom that is located adjacent to the dog park that they would have the ability, should they so choose, to either renovate or replace.

Commissioner Goodson asked if the daily fees of \$1,738 is just a portion of the park, and if one wanted to rent the whole park, he would assume it would double.

Ms. Donner responded correct.

Commissioner Goodson asked if it would double to \$3,500.

Ms. Donner replied the County has had historical rentals of the south area of \$4,000 or \$5,000

a day; right now it is a negotiated fee; and historically, the County has had a variety of costs.

Commissioner Goodson inquired if Ms. Donner has milestones set that if the County should do this, when it should expect them to do some of their work showing good faith; he stated he knows the County can get out of it in 90 days; but he asked again if they have a milestone to meet or can they wait years before they do so.

Ms. Donner advised there is nothing in the contract that addresses that; but through their discussions, obviously, they would be looking to book the park in conjunction with events once their event center and hotel is constructed.

Commissioner Goodson asked as far as parking, if they only do half of the park, would they only have half of the parking.

Ms. Donner replied there is some consideration that they could reconfigure the south area parking; and that is the reason why the dog park would be moved to the north so that they would gain more parking in the south area.

Commissioner Goodson stated as far as the understanding, the public would have access to the park; that is going to be a hard thing to do, because either the County would have to police it or they would have to police it; and he asked if that is correct.

Ms. Donner responded she is not sure she understands the question.

Commissioner Goodson asked if they rent one-half of the park, but then use the parking in the entire park, would that cut the public off from parking.

Ms. Donner replied correct; and she stated if they rent the south park, the north park parking would be open and available to anyone who wished to park there, an event person or a public person.

Commissioner Goodson asked if the public can rent the park three years out.

Ms. Donner responded the public currently can rent it one year in advance.

Commissioner Goodson asked if they can rent it at three years.

Ms. Donner replied correct, because they are booking events two or three years in advance as a convention normally would do.

Commissioner Goodson inquired if Ms. Donner thinks that is a concern of the public to be able to book the same as they can.

Ms. Donner advised she does not know, and she has not heard any feedback thus far.

Commissioner Goodson asked if she has 90 days if this does not work out to get out of it; and he stated he thought there was a 90-day clause that said if Brevard County is not happy, or they are not happy, either can get out of this.

Ms. Donner responded there is a termination clause in the contract.

Attorney Richardson pointed out it is a termination for cause, so if there is a breach of the

agreement by the other party, on 90 days' notice, the County can terminate it; and that clause does not provide a termination for convenience.

Chair Steele explained he was going to cut the public comments to two minutes, but in an abundance of caution with everybody that is here, he is going to allow them to speak for three minutes; he asked the speakers to please not repeat themselves, because there are tons of cards; and he noted the last thing he would like them to know is if he or she feels like what they were going to say has already been said, to just waive their time in opposition.

Deborah Coombs commented she is opposed to what is about to be thought about, proposed, and voted on; first and foremost, Lori Wilson Park belongs to the public; Westin Resort wants to basically take over access to the park, tear up, remove, and then rebuild a dog park, build access ramps, trails, et cetera, all in the guise of park enhancement; with all of this proposed construction, the environmental impact will be devastating, including thousands of hotel guests and event setups; and she asked what they plan to construct, and how much of this pristine hammock will they destroy. She continued by saying Lori Wilson Park is a beautiful spot on Cocoa Beach; there are not many of those left; the Board does realize the Save Our Coast Program emphasizes public access and conservation; if the Board votes to bend the rules and approves Westin's request, it is actually breaking the law; it is public land; and she asked how many other hotels or other businesses will the Board allow to take over neighboring properties and public places, because people want to use them. She asked if there is public access to all of the public emails this Commission has received for and against this proposal, just like its minutes of the meeting.

Attorney Richardson replied affirmatively; and he noted to please make a public records request.

Chuck Sheridan stated he would like to make it clear that he is not in favor of this agreement; he does understand that Lori Wilson Park is located in the middle of the City of Cocoa Beach and is a burden on the County on maintaining it; it is a large parcel of land, oceanfront, that he agrees is not being utilized to its potential; he agrees the parks need to be monetized to cover the cost of maintaining the facilities, but this is not the answer; Brevard is one of the only counties along the east coast that does not have a County-owned facility on the beach, or that generates income for the community; Jacksonville Beach in 1975 built a small convention center, Daytona has had an Amphitheatre, Palm Beach, Fort Lauderdale, and Miami have capitalized their public lands along the ocean for convention business; and the County has a cruise ship industry that it does not capitalize on at all. He mentioned he lived in St. Thomas for three years when he was building the Ritz Carlton Club; when getting off of the cruise ships, there is a line of the dollar taxis which the locals used that charged \$10 to \$20 to take people to the beach; they are charging \$30 to \$40 entry fees to the beaches, but are free to the locals; having this beach where the convention folks can park in the local beach parking and not pay anything is ludicrous; the community is growing and will continue to grow; and it will create more burdens on the County's resources. He noted the County contributed millions of dollars to help gain a stop on the Brightline in Cocoa; State Road (SR) 528, or the Bennett Causeway, is now starting to be widened, will attract more tourists to the community that are not here to take a cruise, but just wish to go to the beach, adding to the traffic along A-1-A; he understands A-1-A cannot be widened any further than it is; it has created quite a burden on the community in Cocoa Beach; there are several ways to solve this problem; and there are matching funds available for mass transit, a transit system could be used to take people from the Brightline station to the beaches; and with the widening of the SR 528 project, the County could save a couple of the bridges and not demolish them, which the money could be used as the County's portion for matching funds from Federal to get a tramway to take people from the Port or the

train station. He stated he would recommend to the Board to not approve this but to form a committee to study different options that are available to solve the traffic problem, the maintenance, and the costs of the parks along the beaches and the County, and to bring back to the Commission their recommendations; he would be happy to be a member of that committee; and he expressed his appreciation to the outgoing Board Members for his or her time on the Commission.

Keith Capizzi remarked as a surfer, he surfed this park on a regular basis; it is one of the only free places to actually park in Cocoa Beach, so it is very much needed; as the Mayor of Cocoa Beach, he speaks on behalf of the residents; while he understands the City does not have jurisdiction over this park, the residents of Cocoa Beach contribute County taxes to keep this park free and accessible to the public; and it is concerning that a 15-year commitment is being considered, considering one does not know exactly what is going to happen with this agreement and how it will play out. He went on to say their primary concern is ensuring that residents maintain access to the parking, the dog park, and the beach; additionally, a potential number of restricted use days rises concern; the term 'exclusive rights' is also concerning; typically, in the past, their park rentals have been limited to amenities like pavilions or fields, not necessarily the entire park; if the entire park was rented, it was for residents that could attend, and not a private entity; considering that a new Commission will soon be in place, it may be wise to delay this vote; and the incoming Commission will ultimately be dealing with the long-term effects of this decision. He stated he does recognize the appeal of this proposal to the County given the commitment to maintain the park to resort standards at Westin's expense, along with the payment of the standard rental rate; and however, further clarification and perhaps negotiations would be needed for the residents and him to feel comfortable with moving forward.

Jamie Hooper expressed her appreciation to the Board for its service; she stated five generations of her family have lived in Brevard County, came in 1915; her grandfather was one of the owners, along with Gus Edwards with Lori Wilson Park originally; she has a concern that there is a 45-year option, or she asked is it just a consideration; she is hoping that the Board will do just that, consider, and she does not think they have the right to lock this up for 45 years for future generations; and she hopes the Board will consider that. She noted there are two consecutive 15-year options after this 15-year option; she noticed that some things one does that is near and dear to the residents intrinsically, like the Special Olympics, Military Olympics, and there are autism surfing lessons that go on, on Saturdays there at the park; there is a lot of things community-wise that really, once again, mean a lot to the residents that they hope are not negated in the Board's consideration; this is her biggie, because nobody else is going to mention it, the County designed the dog park well aware that there were two Gopher Tortoise burrows that are active smack in the middle of the area that the dog park is going to be moved to; they have had property on Cocoa Beach for a number of years; and she lives across the street on June Drive. She added, residents in her neighborhood in the last 25 years have lost their Gopher Tortoise population, whether it is through the Coyotes, or A-1-A; Cocoa Beach is wildlife, and the Gopher Tortoises are very limited in their capacity and where they can live; Lori Wilson Park has thriving, it may be six, Gopher Tortoises; how they ended up here is because the grid was not done for Gopher Tortoise burrows when they did the nature trail; hence, the reason why those popped up over here is because the Gopher Tortoises were not protected with the previous development, so she would hope that the Board would please consider that the development that they are doing is upright and forthright; there is mention in the document that they are considering the Gopher Tortoises, so there is language in there that they are considering the Gopher Tortoises; and yet, with Parks and Recreation, they plan to put the dog park over the Gopher Tortoise holes. She asked the Board to consider some of those things, the 45-year option and the placement of the dog park where the Gopher Tortoise burrows are;

and she expressed her appreciation to the Board, for as some Commissioners it will be their last time.

Ruth Amato stated just no, conservation is conservation, it is not an exception to something, it is putting conservation for a specific purpose, not to be altered later down-the-road; public lands are public lands; they are not for sale, bribery, or whatever one wants to call it for a private hotel, or private owners; they are literally public lands for the citizens of the County; and she reiterated by saying no.

Jack Ratterman commented he is here to speak in opposition to the park; he feels like he has some connection to some of the people on the Board; he grew up with Commissioner Goodson; he offered one time to put up campaign posters for Commissioner Pritchett; Commissioner Tobia and he have wrestled a bunch of times in here, as they did not always agree; and he hopes he can get at least three votes to deny this. He pointed out this is not good for Brevard County or for the citizens; the Board and the citizens are still in this experiment with democracy, and that is to represent the people; he hopes the Board does, the outgoing Board; there is somebody out there in the hall that has a bust, Mr. Wickham; he was a huge person in this community; and he hopes the Board strives to look at what Mr. Wickham did for the community.

Joanne Terry mentioned she is here today to speak in opposition to this agreement; Lori Wilson Park is very popular with both residents and tourists; in fact, it is the number two top attraction in Cocoa Beach on Trip Advisor; as a resident of South Patrick Shores, she is very concerned that closing half of that park for as much as half of the weekends to the public, and the whole park for some of that time, will create even more crowds in South Patrick Shores and Satellite Beach parks and beach accesses; South Patrick Shores residents have already lost access to most of the free parking in Satellite Beach, because they are not in the City limits; Lori Wilson Park was recently closed for a private event; but it was not advertised on any website that she could find. She remarked people coming into Cocoa Beach from out of the area for the day, for the weekend, or for the week generally do not think to make sure a public park is going to be open to the public; if they make that long drive to get there and find it closed, and other Cocoa Beach parking closed or full, then they will drive south to find beach access and parking; even with the new parking fees, it is difficult to find parking on the weekends in South Patrick Shores and Satellite Beach; people will begin parking in the private parking lots and the residential neighborhoods there; and this will significantly impact the quality of life for all beachside residents. She stated fiscally, as it was shown on the website, there is no clear financial benefit to the County as shown by what was made available prior to this meeting; in fact, giving Westin Resort favorable treatment over other existing hotels and private rentals that rely on the park for beach access could expose the County to additional lawsuits; from a pure benefit versus drawback analysis, this agreement shows no benefit and many drawbacks to the residents to the beach cities, and creates additional risks to the County; there is already so much cement on the beachside, and more development is planned; and she asked the Board to consider the residents of the beachside in this decision, and vote no on this agreement.

Dan Reiter stated he does not know if any of the Commissioners surf, but Lori Wilson is a pretty important surf break, especially since the dredge of '05 started; there is a pretty big trough down in the streets; there is north blockage of the Cape, so between the pier and the streets, there is really only one spot to surf, Lori Wilson; and it is really popular, so it gets crowded. He continued by saying as a surfer and a Cocoa Beach local, they do live in sort of the tacit acceptance of the kooks, tourists, and the cruise ship people; they understand that a lot of times that the restaurants could be crowded; they are not going to be able to go to some of the places they like to go to; there is traffic and litter; and it is just not the locals who need



the lifeguards, it is the tourists. He advised there are about a 100 days per year, he would say, that Lori Wilson Park is the spot that all of the surfers from Sebastian up to the Cape go to; it is crowded, they use it, and it cannot be reserved in advance because as the waves come is when they want to use it; the fact, the Westin is already going to be coming in and tramping all over the local community; they understand there is a benefit to having a four-star resort, and so on, but they cannot threaten they are not going to come anymore as they are building the place, so their bargaining chip is off of the table; he does not know why there would be a need to give them Lori Wilson Park; and he can guarantee that most of the people who are affected by this are at school or at work right now. He noted there are hundreds and hundreds of people, surfers, who just heard about this yesterday, or whenever the Florida TODAY article came out, so there is a big movement and a big underground talk about how this is a really bad thing for Cocoa Beach, and for surfers; the County should weigh the \$1,500 bucks it is going to get per day against the good will it will lose from the community for renting out Lori Wilson Park; and the people of Cocoa Beach, he thinks, want better.

Angela Cobb commented that pretty much everyone already said what she was going to say; but she has worked on the beaches of Brevard County for 20 years; she is out there about 10 hours a day; one thing she noticed is trash and people walking on the dunes; she is constantly telling people to get off of the dunes; she is just afraid that if this park is rented for 100 days and people are coming out there for events and do not live in Cocoa Beach, and asked what it means for the environment, especially this golf cart trail they are going to put through; she asked is that going to affect the dunes; how much trash is going to be left on the beach after these events; and she stated if their tax money is paying for this park, people are basically paying for the hotel to make money and then have to pick up these people's trash. She requested that the Board reconsider this, and have it more specifically written as to what exactly is going on; she also knows there is a family business down there that he supports his business by having a business at Lori Wilson Park; she asked what that means for him if there are events going on, on the north and south side of the park; is he going to still have his business, or is the hotel going to come in and try to take that business from him during those events; she stated these are all things that are not written very clearly; and they need more understanding for all of this.

Judi Eberle commented she would like to be thankful for this auditorium full . . .

Chair Steele asked Ms. Eberle to do him a favor, please, to just address the Board, and try not to get the other folks involved with this.

Ms. Eberle stated she is in opposition of this proposal; it is against anything that Cocoa Beach residents, past residents . . . they are coming up on an anniversary that is going to be celebrated by Cocoa Beach residents, by businesses that have been there for years, even prior residents, their churches, and schools; if they were to give permission to give away something that is so valued by Cocoa Beach residents; the Chair asked her to address the Board; and she asked how many Commissioners live in Cocoa Beach and to raise his or her hands. She stated she appreciated his or her honesty and letting the audience know that the Board Members are willing to give his or her vote and approval of something . . . he or she does not live there; the Commissioners may live in Eau Gallie, Merritt Island, or in Brevard County, but Cocoa Beach is the space industry; Cocoa Beach was put on the map by people like her family, her husband, who has been at the Space Center for 35 years; Cocoa Beach is one of the second largest . . . it was quoted earlier how important this area is to tourism; she loves tourists, and loves it when people say it is tourist season; and that is tax dollars coming in. She remarked she loved how it was brought up about the tortoises; she asked what about the sea turtles when they come up; she asked is Westin going to be able to adhere to turning out their lights during nesting season;

she pointed out she has not heard that brought up; again, she is opposed, as it is a public park; it is a preserve; if preserving Cocoa Beach is important to the people who are here and the people who are listening, and whoever made the actual proposal on their letterhead saying that they were thinking this was a good idea, she wants everyone to know it is not a good idea; her and her family, and anybody else here . . . she has a few extra seconds . . . is the fact that no . . . she asked if the Chair can stop the beeping . . . no is a complete sentence; they do not approve of this, she does not approve of this; and she hopes the Commissioners all have wisdom enough to listen to the people who put the Commissioners where he or she is.

Jennifer Davis stated she had hoped not to take up the Commission's time, but she was actually approached by about 12 to 15 Cocoa Beach junior/senior high students about this meeting after they found out about it yesterday; they could not take the time off of school, they could not be here, so the Board could hear their voice, she promised she would share their concerns, because they still believe that their voices matters, which she thinks is what people want to teach their children; she thinks it has already been talked about how any approval of this agreement would be premature since they do not know the environmental impact; they have not had a good read on the tortoises or how are they going to destroy any part of the protected areas, and all that kind of stuff; and they have already talked about how it does not enhance or ensure the quality of life for all Brevard County residents, not just Cocoa Beach residents. She noted that is what surprised here about hearing from these junior/senior high students . . . she personally has four children, so she gets connected to all these different kids, and 40 percent of the students approximately at Cocoa Beach Junior/Senior High School do not reside in Cocoa Beach or the bigger geographical area of the school, and because of that, they have to travel in to go to school; she could not believe that out of 12 to 15 students, it represented almost a daily use of Lori Wilson Park; they went there with their surfboards before school, because they cannot check into school until 8:45 a.m., so they surf a little bit; they surf after school; and they meet with their team so they can practice stuff in the greenway. She stated they go there and look for a nice, quiet place on the beach to study; of only 12 to 15 students, she was able to add up daily use at Cocoa Beach by not Cocoa Beach residents, so they wanted to make sure the Board heard that; she actually lost her little quote she was supposed to read, and she is sorry; but they just wanted the Board to hear that this is a public park; their overall feeling was shock that it would even be considered letting someone buy with sparkly little things, in order to buy access to a park and lock out Brevard County residents from being able to use their park for, she thinks they said two weekends a month, let alone all of those days; and she asked the Board to vote in opposition of this agreement.

Keelee Coombs advised Lori Wilson is a park that exists for the people; the entire reason it exists is for the residents' public use; if any hotel visitors want beach access, then they can park at the hotel, and use the beach access there; Brevard County already gave this hotel \$30 million out of tax funds; they should have included parking in their site plan to accommodate the guests of the hotel, and not expect to use the public park for event parking; the Westin group say they will help the residents by relocating the dog park; but it is not benefit to take over half of the park for their own benefit. He went on to say if the Board allows this to happen, it will set a precedent for the use of public parks and private interests will win; as it currently stands, there is only a limited amount of public parks, and this would be detrimental for the community; this committee in opening said he or she represents the people's interests; allowing use of this hotel, private use of the public park is illegal, and most definitely the exact opposite of that; the plan that they have

in place states that two weekends of each month they will be using the park; and that is the busiest times for the residents as that is when everybody goes to the beach, which would be horrible. He noted there is absolutely no benefit to Brevard County residents to allow

privatization of public parks; the fact that this is even being considered is an injustice in itself; he asked the Board not to sell out to a corporation and bend to their will; the Board's job is literally to represent the people; to not do that would be beyond shameful; the Board has the opportunity to tell the people no; and that is exactly what it should do.

Donna Fowler commented she is totally opposed to this, whatever it is called, proposal; Cocoa Beach is slowly but surely losing its small town feel, it is no longer all these little restaurants that are coming up on the corner where a Chinese restaurant used to be; this company has the largest parcel of land that has beach access; she asked why they cannot use the biggest parcel of land for whatever they want to do, instead of doing the up to 100 days with Lori Wilson Park; she noted they were already approved a six-story building, because they own the Cocoa Beach Pier; and they were already approved for a six-story building to be built in their parking lot, which by the way, they charge \$30 per car for parking in their parking lot that gives access to the pier. She stated it is a lot of money, just like Disney and Sea World; she hopes the Board votes against this, because she agrees with what everybody else said.

Melissa Byron explained the resort is a welcome addition to the community; it took a piece of property that was in disrepair, and they are going to make a beautiful resort, which they, as citizens, is what they would really like, considering there was over 200 public safety responders who had to respond to that piece of property because there was a lot going on criminally that should not have been; she expressed her appreciation to Westin and Driftwood for coming; but she remarked no thanks Driftwood and Westin to taking over the public park; a public park is a public park, it is for the public; and they can rent it and they can follow the same regulations and rules that any individual or event would have to have at Lori Wilson Park. She went on to say they have had the surfing contest and air show, but they all follow the procedures; the other addition to this is it is putting an unfair burden on the City of Cocoa Beach, because Westin may rent the park from the County, but the beach access is a public beach for Cocoa Beach, so they are responsible for that, the City of Cocoa Beach is responsible for the cleaning of it, the beach rangers, et cetera; if they are going to go on the beach they will have to have a special event permit from the City of Cocoa Beach, which would defray any of the expenses that comes with this; the City of Cocoa Beach Ordinance states that one has to present to them 30 to 45 days before an event, so Westin would have to follow the rules like everyone else; at this point, the citizens are starting to realize, the County people will also start to realize, that this beach that is used . . . if one goes by on the weekends, it is packed; if the County takes away half of the park, half of the weekends and for 100 days, those people, as a previous speaker said, will go somewhere else; and they know exactly in Cocoa Beach where they go, into their neighborhoods, park in the neighborhoods, and impact the neighbors. She asked the Board to reconsider and table this so they can get a little better understanding of what kind of special events are being talked about; is it going to be like Buck Cherry, which nobody wants, or is it going to be something wholesome that everyone could enjoy; is it going to be closed to the public for their special events; she advised it would just be nice to have more information at this point; and she asked the Board again to just table it and go back to the drawing board to come up with something that the citizens and the County residents can all agree to.

Sandra Dzurek stated she is a new resident, has lived here two or three years, and is a dog owner; she walks 15 minutes to the dog park almost every day; there are a lot of them who are there on a regular basis; many of the people are older; some of them do not walk very well; by taking away the parking, they will not be able to visit the dog park; she asked what the point is in guaranteeing people get into the dog park, even if it is closed, if there is no parking; and she pointed out they have about four or five spots right now where they go, and people often double-park, so somebody will park behind another, and if one wants to get out, they will move them. She noted the County would be taking away that dog park from the residents, and that is

not right; the residents get a lot of parking on their streets and their neighborhoods; and the residents cannot be blamed if they want access to their own park it is wrong for Westin to be using the residents' beach as a parking lot, and not allowing residents to use the ocean.

Gregory Chattin commented he cannot believe the Board is considering this; this is a people's park; they have a very limited access; there is a \$75 billion corporation that the Board is putting above the people who live here, the people that voted for all of the Board Members; and he asked for people to raise their hands if he or she supports this place, and how many oppose it.

Chair Steele pointed out Mr. Chattin is not allowed to ask for a consensus of a vote.

Mr. Chattin advised he is asking the Board to ask for it.

Chair Steele stated he is not asking for it; he is going to sit here and listen to Mr. Chattin; he can finish; and the Board will take in his advice.

Mr. Chattin noted it is a real David and Goliath thing right here, a \$75 billion corporation that the County is taking the citizens' park away from the people that own it; the residents own it, they do not own it; the Board is taking away the prime times of the year, and giving it to a \$75 billion corporation; and he does not see how anyone can think that is a moral or ethical decision.

James Russo remarked he has been retired for 13 years; it takes a lot to get him out of a t-shirt, jeans, and get him up early in the morning to see the Board; he is here speaking in opposition of this; he has lived in Brevard County since 1958, members from his family are here; he lived across the street, or his family has owned a home across the street from Lori Wilson Park since 1966, so he has a little bit of a vested interest; he has been there so long that he is sort of the unofficial mayor of Bahama Boulevard, so he is here to speak, he guesses, a little bit on their behalf as well; and he reiterated he is speaking on opposition of this. He mentioned he knows the Board is doing its best to represent the people of Brevard County; approving this is not representing the residents of Brevard County, he assures the Board; Westin has been given previous gifts by both this Commission and the City of Cocoa Beach to bring them to town; they are in town now, and so be it; one of his biggest objections to this is 3.2; the County is going to allow them to rent the park for 100 days a years; and whoever drew this up, he wants to give them his compliments for doing it totally in their favor, because it would be letting them rent the park for 11 days in the middle of the winter if they want to. He continued by saying if they do not want to, they do not have to; they can use all 100 days between April 30th and September 30th; he asked if the Board realizes that allows them to rent the park if they so choose from about the middle of May, all through the summer, to about the middle of September; and he noted he guarantees they will do it. He pointed out, to him, it is revolting; he asked if one wants to restrict the number of days, they can have it per month, and why it is not done in the summer; he stated whoever drew this up was so generous to allow them to do it in the winter; but it also allowed them to rent it for 100 days all summer long for the next 15 years; and that is wrong. He stated he knows the Commissioners are here to represent the people of Brevard County, and in doing that, he knows he or she will vote against it.

Sandra Sullivan commented she is sure the Commission saw the news across all of Florida, it would not surprise her if it made national news; the outrage, the public outrage when the State proposed using its State parks for amenities for hotels; she asked if that was lost on the Board, and did he or she hear the outrage in the media; she stated to be clear, no, no, and hell no; and to keep hands off of Lori Wilson Park. She continued by saying this park has about a million visitors a year; the County just spent \$5 million renovating the bathrooms, boardwalks, a new

dog park, new fencing, new sod, and all of that; in 2017, when Driftwood bought that property in 2016, within the year, and Commissioner Tobia's name is on a lot of these emails, Lori Wilson Park is sandwiched between two Driftwood hotels, the Hilton and the Westin; that has to be so tempting to them; the County is turning this into a park for a developer; and this is a conceptual plan from 2017 when this Commission tried to do this stinky deal back then. She provided the Board a picture from Lori Wilson Park; she stated this is a monument funded by U.S. Department of Interior Land and Water Conservation Fund, State of Florida Recreation Development Assistance Program, Special Legislative Appropriation and Brevard County; via a records request, she has a copy of what those grants were; this park and the issue with why this did not happen in 2017, the plan then, was because this property is under agreements with the State and the Federal Government as being for public use only, and conservation, so when one looks at the park, half of the park is conservation area; she provided the Board with a picture; she asked if the Board sees that, half at the top and half in the middle; and she asked what is going to be done. She explained there is already a golf cart path in there; they are putting it through the conservation areas to connect the hotels; basically, this park will be an extension of the hotels, because the Board knows it is going to have another one for the north part, so it is very simple, hands off the residents' parks; the next one is going to be Driftwood down in unincorporated Indialantic; they are going to want Kenova; the County is going to roll over again; three Commissioners are leaving in two weeks; and she asked the Commission to let the new Board decide this, because this is just really bad.

Heather Elko stated it is just breathtaking to hear all of the comments from the audience, from the speakers; every one of them put together really important points; she has prepared notes, but what she really wants to ask the Board is what is so special about Westin and DAD; she pointed out they got their variance from the City of Cocoa Beach, they got a big gift from three voting members of the County Commission, two are no longer here, one is still here, that gave them a gift against what all of the citizens and businesses screamed to not do; now the camel's nose is in the tent; and he is inching forward to take up more space in the public area that is Lori Wilson Park. She went on to say when she heard Ms. Donner list all of the benefits that would accrue to the citizens if they made this agreement, she thought that is just a lot of shiny objects, oh, the dog park is going to be moved, and the residents will have 200 and some days because Driftwood is only going to use 100 days; the residents are going to have half of the weekends; she reiterated to her that is just a lot of confusing, shiny objects to get some kind of approval; it certainly did not pass the citizens smell test; and they all know that it stinks. She asked today, voicing the same comments a lot of others have made, to please do not approve this; whatever happens going forward, if it is the next Commission, that would be great; and if he or she says no, to stop the camel, keep the nose in the tent, that is far as the Board is going with it, and she would be very happy to see that as a result.

Marcie Adkins stated she moved here in 1967, so she has a lot of history in Brevard County; yesterday her husband, who did not fill out a speaker card, would say the same thing as she, but they went to Lori Wilson Park; they live in Grant/Valkaria, so she is not as familiar with it as she would like to be; she moved first to Satellite Beach, then moved to Indian Harbour Beach, and most of her high school/junior high years was in Indialantic, so it was a drive for her to get to Lori Wilson Park, but she wanted to see it; her perspective, like everyone else's, is no, just because she appreciates their public spaces, and she appreciates conservation; and Lori Wilson, and actually Val Steele, were big proponents of conservation. She mentioned Lori Wilson Park itself was established because she saw that it was an unauthorized dump, cleaned it up, and established it for conservation, and she so appreciates that; as she drove from Indialantic to Cocoa Beach, she knows that there is very little public space anymore, it makes her sad; when she got there she walked the whole park; she wore her exercise clothes because that is what she likes to do; there was not much exercise there; from her perspective,

it is a very small park; she parked her car at the north end, near the bathrooms; she walked the boardwalk to the north end; it was a short, little walk, a tenth of a mile; she got to the end of the boardwalk and she was faced with noise pollution already from the Hilton; there was a loud, blaring radio; and she did not like it. She noted she goes to a park for peace and quiet; she walked to the other end of the park, she heard all of this pounding, so more noise pollution; it was all the driving of the pilings for the Westin; she was aghast when she got there, because she hates development; the extended golf cart path from the park over there, just a few feet, it is like the Hilton is that wall, one would tear up all of that conservation land and put in a golf cart; and the paths are already not big enough for golf carts. She advised the agreement says no vegetation is going to be taken away, but it would have to be done to allow golf carts; it is such a small park that golf carts would not be needed; if a person wanted to come over and use the park, he or she could walk; and she thinks the golf cart thing is a no, the 100 days a year is an absolute no, as that is 27.4 percent of the time, no, never on weekends, and no to 15 years.

\*The Board recessed at 11:46 a.m. and reconvened at 11:50 a.m.

Herman Dobbs stated he served 32 years in uniform, and was happy to retire to the area where three generations of his family have lived, and his wife's family have lived; they live in Diana Shores; some of the things they love to do is surf, fish, and regularly go to Lori Wilson Park to take his family; as he is sure the Board is aware, fishing, surfing, and good weather does not lend itself to a 15-year calendar, it is access when it is; he would insist that the park still maintain access to the public on a 365-day a year basis; and there are a lot of opportunities and other arrangements that might be made with Westin that would guarantee access to all citizens of the area, and still accommodate some of the activities that they would like to do, golf carts not so much. He pointed out giving them exclusive 100-day use also prevents other small businesses and other interested parties from its use; it seems to be a trend, at least by State government and perhaps Brevard County, to even consider using public parks for that purpose; and he would hope the Commission would do the right thing and not delay this vote, but just decline this agreement all together at this meeting.

Commissioner Goodson asked if Mr. Dobbs would not want anyone to rent the park.

Mr. Dobbs responded no, renting the park as long as one can gain access, ensure there was access for parking for the local use, and access to the beach, if there are ways to do that, and not to impact conservation efforts.

Commissioner Goodson stated a person cannot even get parking on the beach, city parking, because it has to be paid for, and if it fills up, one would not even be able to get parking; and he asked if that is correct.

Mr. Dobbs replied that is correct; they pay for access at Jetty Park as Brevard County residents, and he goes there; but because of the dredging itself, a person cannot always take their family there; and there is really minimal to no surf.

Commissioner Goodson asked if it would be fair to say that the County should also get rid of Thunder on the Beach, Easter Sunrise Service, and the Cocoa Beach Air Show to make sure everyone can park.

There was an outburst from the audience.

Mr. Dobbs advised he does not agree with that at all; one can also gain access to the beach if

one needs to; he had a knee replacement, so he does not drag his fishing gear and surf board a mile down the beach to get to Lori Wilson Park; and he needs to be able to get on there.

Dave Netterstrom, former Cocoa Beach Mayor, commented one of the things he is hearing here today is the little bit of caught off guard, he guesses one might say; a lot of people are kind of blindsided, last minute, and oh, gosh, where did this come from; he thought he was speaking on behalf of just Cocoa Beach; but it sounds like it is more than just Cocoa Beach residents; Lori Wilson Park is a very emotional issue for Cocoa Beach; and it seems like they did not get an opportunity to be a part of the discussions to participate in this and to have some public conversation amongst themselves. He continued by saying it is a complicated solution for multiple different reasons; he asked the Board to table this to give the residents the opportunity to go back and have some public discussions within Cocoa Beach, to have conversations with the Board, have conversations with Driftwood, and to see if they digest and be a part of the conversation; he stated it would help tremendously the relationship with the Board, and he wants Driftwood and Cocoa Beach to also have a long-term relationship; and from a relationship point of view he thinks it would be important to just take a pause, hash this out a little bit more, and then bring it back in the future.

Janice Scott stated Cocoa Beach is going to celebrate its 100th Birthday in 2025; the logo is 'Jewel of the Space Coast'; she knows everyone thinks of world famous Cocoa Beach from Ron Jon's; they are world famous, and it is a beautiful place; but it is only four square miles. She went on to say when Driftwood came in for a permit, they are, as the gentleman mentioned, a \$75 billion corporation; the red carpet was rolled out; they got 30 percent density grandfathering; they have 502 rooms and a 77-foot building height; that is 32 feet higher than what the Code allows today; and she reiterated the red carpet was rolled out. She advised they got \$30 million from the Tourist Development Council (TDC) funds over the next 30 years; she asked the Commissioners if he or she knows what that would have done to all of the beaches and the beach parks; she stated she has served on the citizen advisory committee for the County parks for about seven years; this never came before them; last week when the Board's meeting was cancelled, it would have had the same participation here objecting to this; she recalls when the mid-evil festival was kicked out of Wickham Park earlier this year, the whole conversation was about not wanting a for-profit, private corporation in their park; they kicked out the mid-evil festival that had been going on there; and it was very popular for many years. She noted Lori Wilson Park is the location for the Mansfield Maritime Hammock; it is probably the last accessible maritime hammock on the eastern seaboard; it is beautiful and peaceful; the TDC just funded the rebuilding of the boardwalk; if the Commissioners have not been, he or she really need to go; five or 10 birds can be identified on any given day, and one can see the restoration of the native plants there; and this park was acquired for preservation. She explained she does not know how one controls preservation if the permeable surface is dug up and put in more parking and cement.

Nancy Happel stated she has a business in Cocoa Beach that is tourist-related; she grew up in Cocoa; she is old enough to remember when Lori Wilson Park was open and how exciting it was; she urged the Board to vote no on this project; it is a public park, not a park for businesses; this meeting is at 9:00 a.m.; and she thinks if this meeting was held in the evening at 5:00 or 6:00 p.m., the Board would find there would probably be hundreds of people here in opposition to this proposal.

Steve Winters commented he has lived in Brevard County most of his life, since he was 10 years old; he has lived in just about every beach community all along the coast from Cape Canaveral all the way down to Floridana Beach; he loves Cocoa Beach, he loves the whole Brevard County beach area; he is against this proposal; he does not know how many acres the

Westin property is, but he knows it is a giant area, a lot of property; and he does not know why they want to encroach onto Lori Wilson Park when they have so much property already. He mentioned he thinks it is just greed; he does not know why they would want to do that; it is a County park, and it is just not fair to the citizens that they would want to take over this park like they are proposing; he was friends with Lori Wilson; she used to pick him and his friends up all of the time when hitchhiking as a teenager living in Satellite Beach; she was a nice, kind person; and he also used to work on her Volkswagen Bug when he worked at Jim Hooper Volkswagen in Merritt Island. He noted Lori Wilson would be rolling in her grave is she knew what these people were trying to do to the park that is named after her; and he begged the Board to please not let this proposal go through.

Mary Jane Nail advised she is a long-time resident of Cocoa Beach, she has lived there since 1966 with her husband, but she came to Brevard County in 1949; in 1949 there were birds everywhere, she means blanketed the Banana River; there was wildlife everywhere; one does not see that anymore because of development; and Lori Wilson is rolling over in her grave. She went on to say she knew Lori Wilson; she was a very conscientious person in leaving that segment of Cocoa Beach for public use; she does not want the Board to table this and bring it back to another Commission; she wants the Board to kill it and kill it now; and she is not interested in conversations, she is interested in action. She pointed out the action would be all Commissioners benefit from the revenues of Cocoa Beach; he or she may not live there; she asked for the Commission to guess who generates the majority of the revenue for Brevard County; she stated Cocoa Beach is the goose with the golden egg; and she is here to tell the Board that the revenues are redistributed to all of the Commissioners, so each one is de facto Cocoa Beach residents, because he or she is benefiting. She explained she built her house in Cocoa Beach; she has 75,000 hits on YouTube because it was Florida's first most energy efficient house; she would not have built that had she known that it is going to turn into just a rape and pillage community of not allowing the citizens to benefit from the natural things they have in Cocoa Beach, namely the last thing that they have in Cocoa Beach, Lori Wilson Park; she is not asking the Board to defer, she is asking it to take action, to take action today and kill this; and there is not support for it whatsoever by anybody. She stated the County should have advertised it on Instagram, Tik Tok, or X; believe her, there would not be the capacity for the people; there would be overflow out into the parking lot; and she asked the Board again to kill it, kill it now.

Tracy Stewart stated she is out on the beach every day, she is a conservationist, as she rescues animals and turtles; they bring the Hatchback and Washback Turtles to Lori Wilson Park; she thinks this is a terrible idea; she thinks everybody she knows could not be here today; and she reiterated they are out on the beach every single day morning and night. She went on to say they gather on the beach, sometimes at Lori Wilson Park; this is just a rotten idea; she hopes the Board takes it into consideration that there is so many more eyes and ears that wanted to be here, that could not be here; and she hopes the Board makes the right decision, because it means everything to her and her friends.

Romann Chavannes remarked he has been a Brevard County resident since 1983, he has been a business owner since 2010 in Cocoa Beach, and he uses Lori Wilson Park almost every single day; it is a wonderful park like everybody has said; one thing that is a common theme is parking; parking is hard in Cocoa Beach; parking is hard in the public parks; they are right, every time he goes to Lori Wilson Park, it can be full; but if a person waits a little bit a family will back out and let them in. He advised what he hears here is Westin is going to be using this as a de facto valet parking lot; of course, they are going to put a cart path in so they can go back and forth to drop people off to their cars and pick them back up again; Commissioner Goodson was asking a speaker earlier about not having anybody rent the park; he understands there is a



subtle difference here between the public and private companies renting; he has put in applications to use Lori Wilson many times over the years for his own events; and the difference here is he would not be getting the same benefit as the Westin would. He pointed out he is not able to book three years in advance, there are things that he has to do; in fact, there are times where he cannot actually even put an application in prior to a certain timeframe; he does not think that was fair questions to that gentleman; he does not think he was saying that no one should rent the park; he thinks what he was really wanting to say, and what he is saying, is that it should be fair and level across-the-board; a private company should not have more power than a Cocoa Beach resident, or Brevard County resident, to use a public park; and it just seems kind of ridiculous and a little bit biased. He stated he opposes this, and he thinks they should make sure that the Westin should not even be able to use the parking lot for their own parking structure, because that kind of sounds like that is what they want to do; people are asking why do they want to use the park; the reason is because there are probably a couple of hundred parking spaces that would probably really benefit them; he has not looked at their site plan, so he does not know if they plan on putting a tiered parking lot on their property or not; but it seems like they need more space. He concluded by saying the impact of the wildlife is a huge issue; the wildlife preserve that is in between the two parking lots is absolutely beautiful; it is completely unused if one asks him; but maybe that is the whole point that one just does not see people there because it is a nice, quiet place, and people can go there every now and again; if a lot of people start coming to a wildlife area, it kind of defeats the purpose of having a nice, protected wildlife area, especially putting a cart path through it impacting all of the life that lives there; again, he opposes this; and he hopes the Board can all take the consideration of everybody here, and all of the people who legitimately could not be here today to express themselves.

Commissioner Goodson stated he knows everybody wants to kill it or pass it, so here is the situation; many of the speakers have quoted that the canopies and the woods will be damaged; in Section 8.10, it says under no circumstances shall they damage, trim, mutilate, mow, remove any vegetation, natural area, or animal species on the site protected by local, State, or Federal law, yada, yada, yada; what he would like to see is to pull this, forcing Westin to get with these people to make sure everybody has a draft of the agreement they can read and understand; and to pull it, and to have Westin work with the people to see if they can come to an agreement.

Chair Steele asked if Commissioner Goodson wants to table the Item.

Commissioner Goodson responded no, to pull it.

Chair Steele asked pull it till when.

Commissioner Goodson replied whenever they . . .

Someone spoke from the audience.

Chair Steele stated he apologized, he does not see any cards from the gentleman; and he asked his name.

Commissioner Goodson advised he is with Westin.

Chair Steele asked the gentleman to come up; he apologized to Commissioner Goodson; and he stated he wants to make sure this is completely fair.

Mack Watson advised he is the Associate General Counsel of Driftwood Capital; he expressed his appreciation to the Board for its consideration today; and he stated obviously, they are asking the Board to approve the agreement today, so he wanted to make himself available to answer any questions that the Commission may have.

Hector Arechiga stated he also has a card and he is part of Driftwood Capital.

Commissioner Pritchett mentioned this is the last meeting this Board has, and he or she has studied hard on this; she does not know that she would want to put it to a place where the Commission does not have an ability to have a vote or an impact on it, so she thinks the Board needs to probably finish a lot of the conversations to get some of the questions cleared up; a lot of the things that were being argued, if that was happening, she does not think those things are happening; she does know that right now the Westin Hotel, after they get put in, that they have the ability to already rent up to 100 days out of the year; any entity would; if a person reads it, they do under the Parks and Recreation Agreements; but what this does, it allows them to do it out in the future, so she thinks if they were holding, from what she heard, weddings or some type of events like that in the future where someone needs to wait to maybe next February to do this. She went on to say another thing she heard, and she needs to find out, is she does not believe Westin needs the parking, because they already have 800 parking spots going into this massive hotel; if everyone knew that there was a potential of 12 days a year where it will be closed down and there will not be public access; she thinks that is what she saw in the agreement; they are moving the outside areas for weddings and stuff like that, so she does not think this is really manipulating parking at all; she asked the Driftwood representatives to speak on that; and she thinks a lot of things heard today might have just been bad information going around. She asked staff if the County is protecting turtles, as that caught her attention; and she stated that is something that has to be worked through, and no one can do anything if the County makes sure the turtles are protected.

Ms. Donner replied that is correct; and staff works with Brevard Zoo when Gopher Tortoise dens are relocated.

There were outbursts from the audience.

Chair Steele asked the audience members to all be civil; and he stated everything needs to be gotten out on the table to get a fair answer today.

Commissioner Pritchett stated a couple of things she heard about were the lights on the beach; the County has things in place where they cannot have lights on the beach during turtle nesting season; it has to be complied with; the 15 years, she is not sure that is automatic; that does seem like a long length of time, so that might be something to have a conversation about; environmental issues, the environment cannot be messed with out there at all; and if one creates that path over, it will have to be above the foliage down there, because she knows that would be a great expense for the Westin if they end up getting it so it does not mess with it so people are not walking through it. She noted she knows they cannot mess with the conservation aspect out there; people are still going to have full access to their beach, other than that 12 days a year where they are going to have that ability to rent it for all day long; she thinks there is a lot of scary sounding information; right now if they moved in, the hotel is allowed to put in and rent that, they just cannot rent it out three years in advance, so if they wanted to do a big convention, they would not be able to do it; and that is part of it. She stated she thinks the benefit to the Brevard County citizens is the County does not have the money to fix that park up; and she asked how much the company was willing to invest to upgrade this park for the citizens.

Mr. Watson replied the budget has not been finalized, as they need to go through the budget together and get Commission approval; that is part of this process; but they are anticipating it being around a million dollars.

Commissioner Pritchett stated it is really going to need a lot of love; and the bathrooms need upgraded.

There were outbursts from the audience.

Chair Steele explained he is going to end up taking a 15 or 20-minute break if the audience members keep it up.

Commissioner Pritchett asked the audience to let the Commissioners talk; she advised they were not interrupted when they were talking; she wants to see what can be listened to and heard right now; everyone may not agree with her, but these are really good questions, just like they had good questions; she thinks those are the things that need to get out for everyone to hear it; but the County has been looking at this for a while, as she has watched the agreement come from the office; and the Board has had a lot of time to research it. She added, she would like to hear what the other Commissioners have to say with this; but she really would like for Chair Steele to have a vote on this; this is his last meeting; she knows he is not new to this issue himself; and this is a Brevard County park.

Chair Steele advised he appreciates it very much, but he is going to follow the lead of the Commissioner from the District, so whatever Commissioner Goodson is going to want is what he is going to do.

Commissioner Goodson stated his motion would be to pull it; also his motion would include to change the 15 years to eight; and making these people go to the community and discuss it and inform everybody of what is written in the agreement, rather than what proposes the County is going to kill tortoises.

Mr. Watson stated he is happy to address some of the issues that the crowd had asked about as well, and some of the misconceptions that they have negotiated within the agreement if the Board would like him to do so.

Chair Steele stated he cannot go with the eight years.

Commissioner Tobia noted he is confused about this motion because it is tabled to no date, and Commissioner Goodson wants to alter it; he asked how is something altered and tabled; and he stated he thinks those might be mutually exclusive.

Commissioner Feltner mentioned he was prepared not to vote for this today, so quite candidly, he thinks if Commissioner Goodson is to pull this, it probably would not come back to this Commission, it would be the next Commission; and he is going to bet right now, that does not pass, so it is fine with him as he was not planning on voting for this anyway.

Chair Steele advised he does not have a problem with not voting for it actually; and he wants Commissioner Goodson who is staying on the Board to take the lead.

Mr. Watson pointed out they have been negotiating this agreement together for six months.

Commissioner Goodson noted not with those people.

Mr. Watson stated that is why they feel it is appropriate to have a ruling on this today, and approval today.

Chair Steele remarked that Mr. Watson is heading down the wrong direction, because he is going to lose today, so if he were him he would sit there and let it be tabled and try to get into some conversation; and he thinks this thing is going to go right down the tubes.

Morris Richardson, County Attorney, stated this is not a Quasi-Judicial hearing today, so it does not need to be continued to a date certain, so if the Board wants to lay it on the table like Commissioner Goodson said earlier if he wants it to be pulled; maybe it can be rescheduled after there has been time for the developer to have a community discussion; and either of those motions would be the same result.

Commissioner Goodson explained he would want to table it, and he would be the one that would have the desire to meet with these people.

Someone from the audience stated they could not hear Commissioner Goodson.

Commissioner Goodson stated he would like to table it, and then these gentlemen can work with those people, and he will know if they do, to see if they can get some sort of understanding where everybody could be happy; he doubts it, but maybe; and he does not know if they know who pays for that park out there.

Chair Steele asked for a second on the tabling.

Commissioner Feltner asked if he can clarify; Commissioner Goodson said to table it, which insinuates it is coming back at a certain date, so just pulling it is just . . .

Commissioner Goodson remarked pulling it.

Commissioner Feltner asked if is just going to pull it.

Commissioner Goodson replied right.

Commissioner Feltner stated he will second the motion.

Commissioner Tobia explained this is for all of the Commissioners who are going to stay; this Board, he specifically, has made numerous overtures to the City of Cocoa Beach to take this park; first of all, they claimed five or six years ago that the park was in disrepair, so the TDC, from a former Commissioner, came forward and invested about \$4 million in this park; he has it down as boardwalks, crossovers, trees, north and south bathrooms, shower towers, and some fencing, so a lot of money was put into this park; it was brought up to better shape than it was in; and the City still did not want this park. He continued by saying to be very clear, the offer was not to sell the park to the City, this is in the City of Cocoa Beach, it was to hand it over to the City of Cocoa Beach; had the City decided the park was so important to them, they would have taken it and this would have been in their hands; it was asked if the Commissioners lived in Cocoa Beach; he stated he agrees that local issues can be better handled by local officials; what is not okay as someone who does not live in Cocoa Beach, the City decided they did not want this park; they did not care enough to take this park for free; they could have turned around and monetized this park for parking; but the richest thing he heard was the Mayor of

Cocoa Beach saying he liked the park because there was no parking fees associated with it. He pointed out the Mayor voted to collect millions of dollars in parking; they like it because it is free, but they will take everyone else's money; that is insane; now the City wants to get involved in something, though they are not willing to participate financially; this is an agreement between, which he was not a part of this agreement, a Commissioner's staff working together with this organization; he reiterated he had no input on it; and he saw it here, in all honesty, he would have liked to have seen the three years granted, not just to the organization, but to the public as well. He noted he thinks that would have probably made it a little bit better to have had that as an amendment; he thinks that would have moved it forward; the citizens are extremely important in this; what is not important, is the elected officials of the City of Cocoa Beach now caring that this is the most important thing to them, yet they were not willing to take this for free after \$4 million was invested, so he understands the citizens' anger; but it is directed at the wrong place, as it is not the Board, it is the elected officials of Cocoa Beach that on numerous occasions have said, no they do not want this for free. He advised he is disappointed now that the Board is not going to vote on this; but he can count the votes, and he sees that there are probably three Commissioners here to do that; he respects it; but he hopes as the Board continues forward, if Cocoa Beach really claims that this is so darned important, they would put their money where their mouths are, and say yes, they are willing to take this park, because when the Board continues acquiescing to somebody who is not part of this, it is giving up its authority as the County Commissioners to the City of Cocoa Beach, as it just did with lifeguards; the County is funding lifeguards on State beaches that are attached to city parks that the City is making millions of dollars in parking revenue; the way it works is there is the State legislature, the County Commission, and Cocoa Beach; and the way this is running things it is the State legislature, Cocoa Beach, and then the County Commission is following under the way that they are dictating. He mentioned it is terrible that the Board has allowed them to do this; yes, they bring in tons of revenue; but they should not be dictating terms up here, so he is just asking that for the Commissioners that stay.

Commissioner Pritchett stated she thinks this would have been a great investment to the community; that money that Westin got before, by the way, they did not get money, they got a reimbursement on advertising dollars out of the County's like \$70 million advertising that TDC uses; that can only be dollars above and beyond what was already coming into that facility, so if they want to know, that is the real information on that; she agrees that this is a County park; and she does know if Cocoa Beach would have got it, they would have charged for parking on it.

Chair Steele explained he is going to take a 30-minute break, if the audience does not quiet down, and he means it; they can just wait; and he thinks everyone are grown.

Commissioner Pritchett stated as Commissioner Tobia pointed out the County did take \$5 million of funds and helped to make that park a little bit better, as it was really trashy before; it could still use a lot of love; it is what the public uses, the tourists use it, and the citizens of Brevard County use it; it would have been nice to have gotten that upgraded a little with an upgraded dog park; whatever works out, works out; but she knows the Westin is going to be successful in its business anyway. She expressed her appreciation to them for taking a really bad property, and bringing in a quality hotel; she stated to end this on a high note, she knows the developer is also opening up the facility for all of the people to come in; they do not even have to stay there to enjoy all of the amenities going on in the hotel; she thinks it is a really wonderful project for all of the community; she thinks they are having like a surf thing in the pool; people can go out and enjoy that; and just a very excellent thing they are doing. She thanked them for bringing a \$200 million investment to the community.

Mr. Watson advised it is a \$467 million project.

Chair Steele advised each and every Commissioner has a District; he or she have protocol that has been pretty much followed; it is not absolutely a rule as it is not against the law for the Commissioners to do this, as it is what he or she normally does; Commissioner Goodson's District is the District in which Cocoa Beach lies; he has the main responsibility, that is where he runs, where he gets his votes if he decides to run, and that is what he does; he knows Cocoa Beach; one of the reasons he is voting to go along with Commissioner Goodson is because he can see the writing on the wall, as he knows what the votes are here; and the only way the applicant is going to get any help here is to withdraw it and get with the people to have some discussions and get it back where a point is, because it would be 3:2, and it would be against them. He stated he would suggest to end the discussion or ask the question; and he asked if anyone has any more discussion regarding withdrawing this now.

Chair Steele called for a vote on the motion.

The Board authorized pulling the agreement between Brevard County and DAD 1300 N Atlantic Cocoa LLC for DAD 1300 Westin Cocoa Beach Resort developers to meet with the people for a better understanding of assigning oversight for the operations and maintenance of Lori Wilson Park to the Parks and Recreation Department.

**Result:** APPROVED

**Mover:** Tom Goodson

**Second:** Rob Feltner

**Ayes:** Goodson, Feltner, and Steele

**Nay:** Pritchett, and Tobia

Chair Steele pointed out it is not dead, it just needs to be worked out as some things are important and need to be discussed, 100 days of consecutive rental needs to come out of that agreement; there are so many things that need to come out of that agreement to make it even a little bit palatable, it is crazy; but if Commissioner Goodson would have gone the other way, he would have gone with him; and that is where he stands.

**J.4. Staff Direction, re: Tourist Development Council's request to seek an Attorney General's Opinion regarding the use of Tourist Development Tax to pay for Lifeguards**

Peter Cranis, Tourism Development Director, stated J.4. is a request from the Tourist Development Council (TDC) to seek an Attorney General Opinion (AGO) regarding the use of Tourist Development Tax (TDT) for lifeguards.

Commissioner Pritchett stated she would make a motion to approve this Item.

Chair Steele stated he will second the Item; he wants to make a comment it; the AGO means nothing, it absolutely means nothing; it is just an opinion from the Attorney General's Office; why anybody thinks that the AGO is going to be more valuable than the County Attorney's opinion is absolutely insane; the person in the Attorney General's Office has been an attorney for maybe a year or two; and he or she is who writes the opinions. He noted he is going to vote for this because everybody thinks an AGO is needed; and he asked if the County Attorney has any comments on this.

Morris Richardson, County Attorney, responded no, sir, he has no objection to the TDC's

request.

Sandra Sullivan stated when this came up a year ago, she requested, and sent the Commissioners an email, citing two Attorney General legal opinions; in addition, citing State Statute that an AG legal opinion is gotten; the County has already spent nearly a million dollars last year; it has already appropriated money this year; the citizens just need to know that what is being done is legal, because she was at a meeting where Representative Randy Fine, at a Patriot's meeting, said this is not legal; and it is for that reason, and from what she has seen here, for example, giving Driftwood \$5 million. She stated that was a supermajority vote; the supermajority vote was in the TDC meeting; but if the driftwood move is done and the money is moved from capital to marketing, and take a vote to use it out of marketing, which is BS because the documents show it going directly from capital to Brightline, then a simple supermajority vote can be done; she does not trust the County Attorney, nor does she trust him since he did not investigate the allegations against Commissioner Tobia, which has been found true; she asked the Board to do the right thing here, since people have lost trust in this County, and in this Board, to go out to an AG legal opinion and hear from the State, because State Statute says it cannot be spent on this unless the County is smaller than 250,000; and she noted where the Board needs to put its focus is working with its State Legislature, which is what should have been done a year ago. She asked if the law should change, because is it reasonable that the TDC pays for lifeguards on the tourists beaches; she stated absolutely; she asked should it pay for the police and fire as well and help with some of the Emergency Medical Services (EMS) responses; she stated absolutely; and she asked the Board to work productively to an end goal to solve the problem rather than pretending like the law is not on the Commission's side.

Chair Steele called for a vote on the motion. The Board directed the County Attorney's Office to seek a State of Florida AGO regarding whether the use of Tourist Development Tax to pay for lifeguards in Brevard County is appropriate and legal.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconded:** Jason Steele

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

## K. PUBLIC COMMENTS

Janice Scott stated she wants to bring two things to the Board's attention; one of the things that came up in her discussions during the hurricane evacuations was Channel 27, the weather, kept saying, referring to the barrier island, north barrier island, and south barrier island; she made the comment that nothing was going on in central barrier island, because she serves on the parks advisory board and it is called the South and Central Parks Committee; but apparently, nobody else uses the phrase 'central' to define that Cocoa Beach is in Central Brevard; they only call it north and south; apparently, Cocoa Beach is in the south barrier island; and she asked the Board if it knows that. She went on to say she would appreciate it so much if someone would take a serious concern about hurricane evacuation at the barrier island; they have at least 1,500 more hotel rooms coming in Cape Canaveral/Cocoa Beach now that have already been planned that are not completed and also on the drawing board; it is very difficult to get across SR 520; at 2:00 in the afternoon from Plumosa to U.S. 1, because of that jog over the Hubert Humphry Bridge, past Cocoa Village; she knows Florida Department of Transportation (FDOT) have been working there; they put those suicide sidewalks where a person gets off of the main sidewalk that juts out into the roadway, so somebody coming along veers a little bit, and they will just bump a person off; she thinks it is serious that SR 520, in particular, she knows they are going to work SR 528, but neither of those improvements for

widening those evacuation routes are on the drawing board; and it probably takes 20 years.

Mary Jane Nail commented this is actually the reason she came today; she happens to be a member of the Parks and Recreation Board; they have been going over their policies and procedures; it seems as though there has been an interpretation by the County Attorney that when people come to be part of the audience, that it is not required for them to have those folks state their name or where they are from; she finds that incredible, because most boards want to know the name of people and they want to know where they are from; and for instance, the Board of County Commissioners. She stated she suggested to the Parks and Recreation Board for her to come here today and ask the Board why this is and can it be changed, because it seems to her that the County has a secure situation here; it has security inside and outside; it requires knowing who the speaker is and where he or she is from; now that they have the board meetings here rather than in their own communities, because of Commissioner Tobia; and she reiterated the Parks and Recreation Board members need to know who the speakers are and where they are from. She stated she does not know what it will take to get a reversal on this, but the fellow who is chairing it now, Mr. Roger Harden, believes that he and the other members have to comply with the suggestion of not asking for names and addresses; it is dangerous; and she asked the Board if the advisory board can have the same consideration as it and the cities have, a speaker must say who they are and where they are from.

Morris Richardson, County Attorney, stated he has never heard that; he is not sure where that came from; but absolutely, board members can ask someone who wants to speak under public comment for their name and where they reside; they are not required to provide it; but he reiterated they can certainly be asked; and there is no prohibition against that.

L.2. Morris Richardson, County Attorney

Morris Richardson, County Attorney, stated pursuant to Section 286.011 Florida Statutes, he is advising the Board that he is seeking its advice concerning litigation regarding re-nourishment of Mid-Reach Beaches, including litigation, in Case Number 05-2023-CA-15474-XXXX-XX, in the Circuit Court for the 18th Judicial Circuit, as well as related appellant cases; he requests the Board's consent to schedule an attorney/client session on November 12, 2024, if that date ends up being available, concurrent with the Board's regularly scheduled meeting for that date; and he does not need a vote on that if there is just a consensus of the Board.

The Board reached consensus to schedule a meeting on November 12, 2024, at the conclusion of the meeting of the Board of County Commissioners, pursuant to Section 286.011, Florida Statutes, for the purpose of discussing litigation in the case of Re-nourishment of Mid-Reach Beaches Case Number 05-2023-CA-15474-XXXX-XX.

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

Commissioner Pritchett stated there is one thing she would like to do; the Board was honored to have Chair Steele to serve with her for almost a whole term; he had to graciously step-in when the other Commissioner was lost; the Board has this plaque for Chair Steele for chairing for it this past year; and she presented Chair Steele with the plaque. She pointed out he has had to do this at a hard time; it is election time, and people get places emotionally that they normally do not; they actually, if she may say, kind of get mean, especially during a presidential election; he has done a great job, and handled it well; and she expressed her appreciation to Chair Steele.

L.6. Rob Feltner, Commissioner District 4

Commissioner Feltner stated prior to the hurricane coming, he went out and made sandbags at Wickham Park with about 20 of Brevard County's inmates; he does not think anyone sat down



for eight solid hours making sandbags; he got them food afterwards; everyone ate in the rain, as they had been rained on all day; they had a good sense of humor; and he expressed his appreciation to the inmates and Brevard County Sheriff's Office (BCSO) for their efforts. He stated the public was generous with them; it was a long wait; but everybody understood; and he is glad everyone took the storm seriously and made appropriate preparations.

L.7. Jason Steele, Commissioner District 5, Chair

Chair Steele expressed his appreciation to all of the wonderful staff of this County; the general public really do not get an insight of what staff goes through, what the Board does, and how everyone prepares; it is amazing what talented people who work in the County; he has had fights with Sandra Sullivan over the years; but he still thinks she is a wonderful person; and she is tenacious about what she does, and she has a right to do that. He stated at the end of the day, what the Commissioners do, as adults, is make decisions of what he or she thinks is right for this County; he has loved working with Commissioner Tobia; Commissioner Pritchett was the Chair when he came onboard, she mentored him; Commissioner Feltner threw him into the fire when he nominated him as Chair; and Commissioner Goodson went along with it. He went on by saying it was an absolute honor working with the Board Members; he expressed his appreciation to his staff; he noted it has been a tough time; when decisions are made like ones that were made today, it is difficult; but sometimes one does what one has to do to get it to work for everyone; and he thanked everyone, as he appreciated it.

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated today is National Make a Dog's Day; that includes everything but a new dog park in Lori Wilson Park; the useless Florida fact is in 1982, while cleaning land to develop the Windover Farms Subdivision in Titusville, over 200 separate, intact burial sites were located; archaeologists determined the sites were between seven and eight thousand years old, predating King Tut and the Great Pyramids by more than 2,000 years; and the material and the bodies were buried in what is believed to be the oldest woven fabric in the world. He went on to say the important one is the employee recognition for Keith Alward, Legislative Aide, District 1 Commission Office, and Road and Bridge specialist, with 43 years of service; Keith began working in Brevard County in 1976; during his time, he has worked with 19 different Commissioners, eight different County Managers, and served through 23 hurricanes and tropical storms; including his wife and father, Keith's family has more than 90 years of service to Brevard County; and while a heavy equipment operator, Keith assisted Brevard County Sheriff's Office (BCSO) by excavating muck from a small pond in search of a victim in a high profile murder case. He mentioned he has also been tasked with removing a 25 to 30-foot Humpback Whale from Melbourne Beach; it says here, and he does not know where this information came from, but that smell stuck with him for two weeks; he enjoys spending time with his daughter, playing golf, working out, and hanging out at the beach with his wonderful wife and a cooler of White Claw; he expressed his appreciation to Keith and his family for all of their service to Brevard County, as it has greatly benefited from it.

Commissioner Pritchett pointed out District 1 staff calls them Dana's dad and mom; they are definitely Dana's parents; they now have Dana's dog and cat; and everything they do, they just tell her about Dana, so it is kind of fun how much they love their child; Liz has been wonderful ever since she has known her, as she has so much knowledge; Keith is pretty good at this as well; he has come in caring about people; he is an amazing person and an asset to the County; and she expressed her appreciation to him.

Upon vote and motion, the meeting adjourned at 12:48 p.m.

**Result: APPROVED**

**Mover:** Rob Feltner

**Seconded:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele