

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, January 24, 2023**

**9:00 AM**

**Regular**

**Commission Chambers**

**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 Kristine Zonka

**A. CALL TO ORDER 9:00 AM**

**C. PLEDGE OF ALLEGIANCE**

Commissioner Feltner led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the minutes of the October 6, 2022 Zoning Meeting, October 25, 2022 Regular Meeting, November 3, 2022 Zoning Meeting, November 15, 2022 Regular Meeting, and the November 22, 2022 Regular Meeting.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** Tom Goodson

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

**E.1. Resolution, Re: Recognizing 10th Anniversary of Women in Defense Space Coast Chapter**

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-002, recognizing the 10th Anniversary of Women in Defense Space Coast Chapter.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** Rob Feltner

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

Inga Young stated on behalf of the Women in the Space Coast Chapter, they give their heartfelt thanks; their website is scwid.org; as Chair Pritchett mentioned, they have awarded over \$76,000 to local Brevard County students pursuing Science, Technology, Engineering, and Mathematics (STEM) or Science, Technology, Engineering, the Arts, and Mathematics (STEAM) college higher education; and she expressed her appreciation to the Board for the Resolution.

**E.2. Resolution, Re: Honoring Fritz VanVolkenburgh**

Commissioner Goodson read aloud, and the Board adopted Resolution No. 23-003, honoring Fritz VanVolkenburgh for his dedicated service to Brevard County.

**Result:** Adopted

**Mover:** Tom Goodson

**Second:** John Tobia

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

Fritz VanVolkenburgh stated he pleaded with Commissioner Goodson not to have this Resolution, but he would not have it; he believes the District 2 office is in great shape; staff is doing a great job, and he has a lot of confidence in them; he expressed his appreciation to

County staff as they have been unbelievable to work with; and he noted he means all staff, the ones out in the field, in the office, and ones who cannot attend the Board meetings. He advised he has a gift for the Board Members, it is under \$25, and no government money was used for it; and he distributed the gifts to the Board.

**F.1. Florida Fish and Wildlife Conservation Commission Contract Number FWC21215 - Aquatic Vegetation Control Services**

Sandra Sullivan stated while she appreciates the importance of addressing aquatic weeds, a little background in history, they used to do it via mechanical harvesting up until 2010; during the recession, the Governor of Florida at that time switched to broadcast spraying of herbicides; as a thought, the goal here is to remove the nutrient loading from the water bodies; and from the Florida Wildlife Commissions (FWC) perspective, some of these plants they say are not indigenous, actually water lettuce is, but aside. She went on by saying the County could have a win-win situation if it mechanically harvested these, because then it would be improving the water quality at the same time; there is enough science out that this is very bad and that it is time to push back from the local level on the State and say their goal is to remove them, the County can remove them better and help improve the water quality at the same time; she asked the Board to remember this is being sprayed on the County's drinking water source, Lake Washington; and these are poison. She advised she provided the Board a list of the chemicals that are used, the list of places sprayed by the County, data on how amazing Water Hyacinth is for uptake of nutrient loading, and the safety sheet of the chemical they primarily use; she noted this is maybe fatal with contact of skin; these are not safe chemicals; they are very toxic to aquatic life with long-lasting effects, along with being very toxic to the soil environment; and some of these chemicals persist in the soils, bonding very tightly for decades.

Commissioner Feltner advised he will be voting no on Item F.1., without comment.

The Board approved and authorized the Chair to sign the State of Florida, Florida Fish and Wildlife Conservation Commission, Contract Number FWC21215 – Aquatic Vegetation Control Services.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, and Zonka

**Nays:** Feltner

**F.2. Waiver Request, Re: Waiver of Wall Requirement for CRS Cocoa-Grissom Pkwy (22WV00021)(21SP00041)**

The Board granted a waiver of wall requirement for CRS Cocoa-Grissom Parkway, Section 62-3202(h)(10), to avoid placing the wall in an existing wetland.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.3. Plat Modification and Waiver, Re: Rambling Acres West Addition  
Developers: Church Street Realty, LLC; W. Kelly McLendon, Trustee; and  
Hunter's Brooke Titusville, LLC.**

Sandra Sullivan stated this Item came before Planning and Zoning and it did not pass unanimously, it was a bit tight, so to come back and change this one is a concern to her; everyone saw a lot of flooding with Hurricane Ian; the issue is that this is on the Zone A Flood Map; this is the Federal Emergency Management Agency (FEMA) map that the County is supposed to abide by in not doing development on Zone V, Zone VE, which is coastal high hazard area, and Zone A is a special flood zone; in the letter that went out by the County, it said that the request to replat under Section 62-2805(d) waiving the flood zone limitations; actually, when looking up that section, it says the County is not allowed to rezone the flood zone, explicitly; and what is being looked at is jurisdictional flood plain wetlands that are not allowed to be developed on. She added this is a conservation block for the development in yellow; this was mitigation for the wetlands already affected; she urged the Board to say no to this, because there is an insurance crisis; she pointed out Florida lost six insurance companies prior to Hurricane Ian; the State has lost 10 insurance companies now; and Universal is not writing any new policies after May, are looking at leaving Florida, and they are Florida's largest insurer. She commented protecting the most vulnerable areas that are impacted by hurricanes that act as a water area to store that water, and the water has to go somewhere; and she reiterated she would like for the Board to say no to this Agenda Item because of its own requirements, and if it wants to do anything, to send it back to the Planning and Zoning board.

The Board approved applicants' request for modification to an approved final plat per Section 62-2897 and a request to replat under Section 62-2805(d) for Rambling Acres West Addition – Developers: Church Street Realty, LLC, W. Kelly McLendon, Trustee, and Hunter's Brooke Titusville, LLC; and waived the flood zone limitations and postponing the lot grading plan, drainage plan, and compensatory storage calculations until a request for land alteration or building permit is submitted, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.4. Acceptance, Re: Binding Development Plan with Protea Senior Living Melbourne, LLC**

The Board accepted and executed Binding Development Plan with Protea Senior Living Melbourne, LLC, for property beginning at a point on the Westerly right-of-way line of U.S. Highway 1, said point being 187.5 feet East of and 875.07 feet north of the southeast corner of the NE ¼ of the SW 14 of Section 19, Township 26 South, and Range 37 East, in Brevard County.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.5. Approval, Re: Dedication by Warranty Deed for Tract S, Laurasia Phase 1 and Bill of Sale from The Viera Company, for the benefit of Lift Station W40**

The Board accepted the Warranty Deed and Bill of Sale from The Viera Company for Tract S, Laurasia Phase 1, for the benefit of Lift Station W40.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.6. Approval, Re: Resolution and Lease with the Department of the Air Force for Land Use at Port St. John Boat Ramp**

The Board authorized the Department of the Air Force (Air Force) to conduct environmental testing at the Port St. John Boat Ramp; approved and adopted Resolution No. 23-004; and approved and authorized the Chair to execute the Lease with the Air Force at the location for installation of weather monitoring equipment.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.7. Approval, Re: Property Access License Contract with Jesse O. Duenas-Fay Lake Wilderness Park**

The Board approved and authorized the Parks and Recreation Director to execute a Property Access License Contract and any renewals with Jesse O. Duenas – Fay Lake Park.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.8. Approval, Re: Board Directed Revisions to the EEL Land Acquisition Manual Related to the Composition of Members on the EEL Selection and Management Committee (SMC)**

The Board approved and adopted Resolution No. 23-005, amending the EEL Land Acquisition Manual Selection and Management Committee to update the membership composition; and authorized staff to update the Land Acquisition Manual and Sanctuary Management Manual for Board consideration following the February 16, 2023, Budget Workshop to ensure both Board-approved manuals are current relative to the most recent referendum and consistent with any further direction from the Board regarding program funding and operations.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.9. Approval, Re: Environmentally Endangered Lands (EELS) Limited General Obligation Bond Resolution for Bond Validation**

The Board approved and adopted Resolution No. 23-006, authorizing the issuance of not exceeding \$50,000,000 in aggregate principal amount of Brevard County, Florida, limited

general obligation bonds (Environmentally Endangered Lands Program) at one time or from time-to-time, to finance the acquisition of Environmentally Endangered Lands within the County and other related capital improvements; providing for the payment of said bonds from ad valorem taxation levied in an amount which shall not exceed 0.1465 mills on all taxable property in the County; making certain covenants and agreements in connection therewith; providing for the rights of the holders of such bonds; providing other matters; and providing an effective date.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**Nay:** Tobia

**F.10. Resolution of Necessity, Re: Acquisition of Easements for the Mid-Reach Segment of the Brevard County Shore Protection Project, Resolution of Authority to Act, and Authorization for Related Required Actions**

The Board approved and adopted Resolution No. 23-007, for Mid-Reach Segment of the Brevard County Shore Protection Project; approved the County Attorney's Office and staff be directed to proceed with this action in accordance with the statutory requirements set forth in Chapters 73 and 74, Florida Statutes, to "quick-take" proceedings; authorized the Chair to make the required pre-suit offer to the landowners at the appraised value of each easement, and execute all documents in connection therewith, if accepted; authorized the Chair to execute all Certifications of Lands for the Mid-Reach of Brevard County Shore Protection Project as prepared by the County Attorney's Office; and approved and adopted Resolution No. 23-008, authorizing Mike McGarry, Program Manager for Beaches, Boating and Waterways, Natural Resources Department, and Dr. Kevin R. Bodge, PhD, PE of Olsen Associates, Inc. to make engineering and project management related commitments on the County's behalf in condemnation proceedings regarding Brevard County Shore Protection Project – Mid-Reach Segment.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.11. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards**

The Board appointed/reappointed **Andy Barber** to the Merritt Island Redevelopment Agency (MIRA), with term expiring December 31, 2026; **Debbie Thomas** to the Planning and Zoning Board, with term expiring December 31, 2024; and **Matthew Boucher** to the Tourist Development Council, with term expiring December 31, 2026.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.12. Letter of Support to Representative Tyler Sirois, Re: Designating a Portion of State Road 518 in Brevard County as the "Deputy Sheriff Barbara Ann Pill Memorial Highway."**

The Board approved and authorized the Chair to sign a Letter of Support to Representative Tyler Sirois for designating a portion of State Road 518 in Brevard County as the “Deputy Sheriff Barbara Ann Pill Memorial Highway.”

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.13. Acknowledgement, Re: Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**H.1. Public Hearing, Re: Consideration of Ad Valorem Tax Abatement Ordinance for Rogue Valley Microdevices, Inc.**

Chair Pritchett called for a public hearing to consider ad valorem tax abatement ordinance for Rogue Valley Microdevices, Inc.

Karen Conde, Assistant to the County Manager, stated on December 20, 2022, the Board adopted a Resolution authorizing the Economic Development Commission (EDC) of Florida’s Space Coast to conduct an economic impact analysis, and the Property Appraiser to conduct the required financial analysis; both impacts are contained within this Agenda Report; this Item is a public hearing considering an ad valorem tax abatement ordinance for Rogue Valley Microdevices; the EDC conducted an economic impact analysis of the company, and has provided the Board with its recommendation as to the extent and length of tax abatement; and the EDC is recommending a 70 percent abatement for seven years. She advised the Board that present from the EDC of Florida’s Space Coast for any questions today is Edgar Campa-Palafox, the Vice President of Business Development.

Sandra Sullivan stated she has spoken on this issue a number of times over the last few years, so she will keep it real short; when in a recession, she understands the need for tax abatements, it stimulates the economy; she just does not understand when the Space Coast is literally just rocketing in terms of growth, why the County needs tax abatements; she does not think it is fiscally conservative for the taxpayers, especially when the County has so many infrastructure needs associated with its growth that the tax money could really be used for so the taxpayers do not get burdened more; and looking forward, the ordinances for tax abatements should really be revisited by the County and adjusted to where there is more flexibility when it is in high growth, it does not need these benefits.

Commissioner Tobia stated he has a few questions for the representative from the EDC; and he asked in the Executive Summary of Rogue Valley Microdevices (RVM), they state that they are looking at Arizona, Texas, and Palm Bay, Florida; and he asked if that is correct.

Mr. Campa-Palafox replied affirmatively; he stated the company is in a competitive position looking in Texas, Arizona, and Florida, the only location in Florida is Palm Bay.

Commissioner Tobia inquired what area, city, and county are they looking for in Arizona, and to save time, what city and county in Texas.

Mr. Campa-Palafox responded the company disclosed in Arizona they were looking in the Phoenix area, and in Texas, they did not disclose that location. Commissioner Tobia asked what tax abatement was offered in the City of Phoenix, State of Arizona, or whatever county Phoenix is in; and he stated he will be asking the same question for the city, state, and county in Texas.

Mr. Campa-Palafox advised they do not have information from what other states and counties do; they operate in different ways in Florida; Florida has a Sunshine Law that requires a lot of things to become public; they know they are in a competitive position in those states; he reiterated they do not have those packages; however, normally Arizona is a very competitive state; and the Board has probably seen in the news that Phoenix has been attracting a lot of microdevices and semi-conductors.

Commissioner Tobia commented he was just looking for a number, and Mr. Campa-Palafox was clear, he said he did not have one; the EDC's own mission statement says to ensure the Space Coast remains globally competitive, they must maintain a keen awareness of the latest engineering trends, business intelligence, and competitive advantage; and he asked how the County competes globally and maintains keen awareness, yet it does not know what these other counties and states are offering.

Mr. Campa-Palafox replied the world of economic development is very competitive, specifically Texas and Arizona are states that are very aggressive in economic development; but states work in different ways on packages; normally, they are not public; and when engaging with companies, they are gaging what tools are available, how they are able to provide a compelling package to locate here, and obviously, trying to win the project.

Commissioner Tobia asked in other words, he does not know.

Mr. Campa-Palafox responded for this specific case, they do not know.

Commissioner Tobia advised in an interview with KOIN 6 News, RVM's founder and Chief Executive Officer (CEO) Jessica Gomez stated that, "Merely throwing money away on a problem without objectives, accountability, or deliverables would not be tolerable;" and he asked, as Jessica Gomez is the company the EDC is shilling up here for, why the County would, in her words, throw money at RVM without knowledge of any incentives from other entities.

Mr. Campa-Palafox replied again, he is not at liberty to comment on comments CEO may have made.

Commissioner Tobia pointed out that was a public comment made on KOIN 6 News.

Mr. Campa-Palafox responded he is not able to comment about what another CEO is commenting about.

Commissioner Tobia stated Mr. Campa-Palafox is the company that deals with this agency, so he assumed he was dealing with the CEO, apparently that may not be the case; Ms. Gomez stated that during her run for governor, she ran for governor, reckless tax and spending policies coming out of Washington, D.C. and Oregon have left Oregonians less well off, and as governor she would advocate for fiscal, responsible budget that funds essential public safety and provides tax relief for every day Oregonians who are struggling to get by; and he asked why does this apply to citizens of Oregon but not wealthy business owners in Florida.



Mr. Campa-Palafox advised again, he is not able to comment on what a CEO of a company is mentioning.

Commissioner Tobia noted it is a CEO of a company that he is schilling for; RVM's average wage is quite good compared to the 2020 median wage, it is above; but as sure as he is aware of, and he pointed out in the past, these numbers are skewed because there are five jobs that have six-figure salaries; and he inquired if it concerns Mr. Campa-Palafox that the average job is well-below the average median wage.

Mr. Campa-Palafox replied on the package the EDC provided, all of the positions are disclosed, what they are expecting or proposing to hire.

Commissioner Tobia advised he just said that, and he will repeat the question, because Mr. Campa-Palafox is not answering; there are 30 jobs, five of them have a six-figure salary; if the executive jobs are taken out and the bulk of the jobs are looked at, the remaining 25, they fall below the median average; and he again asked if it concerns Mr. Campa-Palafox that jobs are being brought in that are below an average, in fact, there are 16 of them.

Mr. Campa-Palafox responded the ordinance of the County does not stipulate that the high-end positions need to be removed.

Commissioner Tobia asked him yes or no.

Mr. Campa-Palafox pointed out that is his answer.

Commissioner Tobia commented Ms. Gomez stated in an interview on 2 News, it is great when a person runs for governor or any office that there is a lot on the record, "For a struggling family to have an affordable place to live and a good-paying job . . . is essential;" according to Dave Ramsey, a financial expert, a person should never spend more than 25 percent of their net income on housing; he picked one of the lower jobs, \$31,000 gross income; he did not make this number up, it was on the packet Mr. Campa-Palafox provided to the Board; and that would equate to a net, according to the federal government, of \$26,668. He went on to say 25 percent of that per month means that person who is being incentivized would have to find rent for \$555 a month; and he asked where in Brevard County a person can get even a one bedroom apartment for \$555.

Chair Pritchett stated she is not sure that is his . . .

Commissioner Tobia noted their job is incentivizing.

Chair Pritchett stated she knows he is making points, and it is good, but she is just not sure this gentleman is the right person to answer that; and the Board gets his point.

Commissioner Tobia explained he would not want to be up here defending low-paying jobs; and he thanked Mr. Campa-Palafox for his time. He continued by saying the total abatement between the City of Palm Bay and Brevard County will be \$1,040,496; dividing that by 30 jobs, the City and County would be paying \$37,950 per job; that is more than some of the jobs are even paying; 16 of these jobs being incentivized are below the median average; and he thanked Ms. Sullivan, and stated Governor DeSantis just announced that Florida has an unemployment rate of 2 ½ percent. He added he does not know if the time is now the County should be foregoing more than \$1 million of tax revenue to get 16 jobs that pay below the median in the State of Florida; based on the jobs EDC is bringing on, people are going to need public assistance; he asked how much is that going to cost the taxpayer; he noted half of these

jobs are below the median, and the County would be giving over \$1 million; and Florida is competing with other states. He stated to put this in perspective, when he goes to Las Vegas and is sitting at a 10 and a six, he has to make a decision to hit or stand; he does not make that decision independently, he looks at what the dealer has handed him; and Mr. Campa-Palafox is asking this Board to make a decision without knowing all of the facts, and the facts it does know are despicable. He advised he will be voting no on this.

Chair Pritchett stated she had a conversation in the meeting, and Kathy Wall, Central Services Director, had mentioned that during the process she had voted no, but she wanted to give her a little bit more insight; and she asked Ms. Wall to elaborate on what she mentioned at the meeting.

Ms. Wall explained the package that was given to staff from the EDC had two exemptions, an exemption for real property, and an exemption for tangible personal property; one of the things she noticed was the real property was not owned by the applicant, nor did they have a pass-through letter from the owner of the property that the exemption would actually be passed to the applicant; she asked if this included tangible as well as personal property; they indicated yes; and she indicated what her concern was, so she voted no for that. She went on by saying when they got the package back from the EDC, Ms. Condi and she worked with the County Attorney's Office to make some changes to the ordinance, which they did; the fourth whereas clause, it states they have informed staff that they are either going to purchase the property or lease it from the owner of the property; the second change made was in Section 2C where they say the County has to get proof that they actually paid or leased, and have a pass-through letter that the exemption will go to that applicant; and the problem was where the exemption was going, to the applicant or the person who owned the real property.

Commissioner Zonka stated she understands the County needs jobs in all forms, lower paying, median income paying, and higher paying; just as those numbers Commissioner Tobia talked about being skewed by the real high wages and the real low wages, everyone has a different education and training level, so she is not even having heartburn about the lower paying wages, because there is someone who needs this job; this is a voter-approved tax abatement; if the Board wants to change it, maybe it may want to put it back on the ballot or to do a better job of informing the public before he or she votes on something like this; but she will support it because all jobs are good jobs, and the County is in a competitive market. She noted a private business is not going to provide the Board with its financials.

Chair Pritchett stated she sees where they are going to make a substantial contribution in capital, and those types of things kind of have to stick around once they do it; she knows if this does not go forward, it just stops anyway.

Mr. Campa-Palafox stated the amount of capital investment they are proposing is \$25 million in new equipment and lease improvements of that building; as Chair Pritchett mentioned, the program is performance-based; if they do not make those improvements in that program, basically they do not get anything; in addition, what County staff mentioned, they are putting another safeguard there with an incentive agreement, besides just the annual report that happens every year, so this program has its safeguards; and just in case a company is not performing, they are able to get out of the program and obviously not receive if they do not perform.

Chair Pritchett asked if there are any other microdevice companies in the area.

Mr. Campa-Palafox pointed out there is one company in Palm Bay; they changed names several times, but they are now owned by an international company named Renesas; they are

allowed 300 employees roughly; they manufacture semi-conductors for a phone, its power manager semi-conductor is manufactured by them; and if it is a car, when a person is driving and they have a camera, a semi-conductor comes from them as well. He stated the pandemic showed people how semi-conductors are crucial for so many aspects in modern life; and even for a critical aspect of national security for that manufacturing to be brought to the United States, not just for modern life but for national security.

Chair Pritchett stated she is in agreement with some of the items Commissioner Zonka spoke on; and she knows this is the second presence of this type of item, which is a real need nationwide, so it is kind of good to get this kind of business into the area.

Commissioner Tobia asked Mr. Campa-Palafox about the company that has 300 jobs.

Mr. Campa-Palafox responded roughly, he does not know specifically how many they have.

Commissioner Tobia inquired how much incentives from federal, state, county, or cities provide to that company.

Mr. Campa-Palafox replied the company has been in the Space Coast since the 70's; he cannot comment how much support they received when they were originally locating in Palm Bay; and Renasas acquired the company later, and is now under that ownership of that international entity.

Commissioner Tobia asked to the best of Mr. Campa-Palafox's knowledge, that company is not receiving any tax abatements right now.

Mr. Campa-Palafox responded not to his knowledge, but again, he is not able to comment on what happened in the 70's.

Commissioner Tobia asked if Mr. Campa-Palafox finds any problems that these two companies are doing the same service, one providing more than a million dollars in tax incentives, and another one not.

Mr. Campa-Palafox advised from what he is hearing, they are not competitors.

Commissioner Tobia pointed out Mr. Campa-Palafox said they were in the same industry.

Mr. Campa-Palafox noted a company can be making automobiles, and can be making BMW's or making Ford's, and the companies may not be in the same segment selling the same cars, so they do make semi-conductors and are in the same industry, but his understanding is they are not selling exactly to the same customers.

Commissioner Tobia stated either way, he appreciates what Commissioner Zonka said, the voters did approve this; but he does not think they had the knowledge that the County was going to spend millions of dollars incentivizing jobs; it is skewed, not because of low paying jobs, a lot of these are low paying jobs, in fact, half of them are low-paying; to be clear, he has no problem with a \$31,000 job; his first job was \$4.15 bagging groceries at Goodings; he was proud of that \$4.15; and what he is ashamed of, as an elected official, is that he is going to incentivize through taxpayers money what could be going to fire, or a whole bunch of government programs incentivizing low-paying jobs. He commented the government coming out of taxpayers' expense to bring in low-paying jobs, that is what he finds disgusting.

Commissioner Zonka commented the County has low-paying jobs, lower than the median wage

in Brevard County if the Board is pointing fingers.

Chair Pritchett explained there is a mix of the low and high; at her office, if people come in with the skills, he or she gets paid more; but if someone fresh out of high school is looking for a beginner job, she does not agree with paying them \$50,000 to \$60,000 a year as compared to people who are already qualified in their industry; the County is already facing a little crisis in the nation as far as trying to get salaries with costs going up; and she suggested tightening belts and saving.

Motion by Commissioner Zonka, seconded by Chair Pritchett, to approve the Item.

There being no further comments or objections, the Board conducted a public hearing and denied consideration of adopting an ordinance for an economic development ad valorem tax abatement for Rogue Valley Microdevices, Inc. for seven years at 70 percent of the real and tangible personal property that the company invests in Brevard County, Florida, and is added to the County's property tax.

**Result:** Denied

**Mover:** Kristine Zonka

**Seconded:** Rita Pritchett

**Ayes:** Pritchett, and Zonka

**Nay:** Goodson, Tobia, and Feltner

**J.1. Approval, Re: Contract for Sale and Purchase from PMJL LLC for 5041 Martin Lane, West Melbourne, as an Advanced Acquisition for the Hollywood Boulevard Widening Project**

Marc Bernath, Public Works Director, stated this Item is a contract that was presented to the County by PMJL LLC; it is for 5041 Martin Lane in West Melbourne, as part of the advanced acquisition for the Hollywood Boulevard Widening Project; it is in District 3; the appraisal value for the home is \$185,000; and Mr. Cooper from PMJL LLC has offered \$250,000.

L. S. Cooper stated he is trying to make his life a little easier; if he waits for the County to take it over in a year or two, unfortunately, his wife has cancer and he will be the caretaker; and it would be a bad time to deal with business at that time. He explained the reason they are asking more than the appraisal is he does not think the appraisal was an adversarial relationship with them; he did not understand the whole process; he would not even meet him at the property; but they do a lot of work with Section 8; and a three-bedroom home with Section 8 he can get \$2,300 rent. He went on to say they work with the foster kids program; they work with the group that has like two people on social security and one person dies, they cannot afford, they work with helping people on the Section 8 side; for him to buy a house, he showed a realtor appraisal that they work with would cost him \$225,000 to \$235,000, so he cannot understand the appraisal price; they did not count it as a rental property; and he worked hard to get where he is, he just wants to remain whole. He noted if they can find a place where they can work together on this, make a win/win for both the County and he; if he waits until the County takes over, he can get the shysters, and he hates lawyers, but he talked to them and they told him what he could get; that is not right; on his own to make his life simpler knowing the County will take over this property; and he is trying to move the time up. He added he was hoping he and the County could meet somewhere in the middle and he can remain whole, so he can keep helping people in the County.

Commissioner Tobia stated he has been here six years, and the Board has never had an

applicant come up here and bargain for something; Mr. Cooper pointed out he had some concerns with the appraisal; and he asked if Mr. Cooper has another appraisal for this Board to look at from a certified public appraiser.

Mr. Cooper replied no.

Commissioner Tobia stated Mr. Cooper has probably noticed that housing prices are on their way down as interest rates are going up, so it is fair to say that prices on housing are largely coming down; and he inquired if Mr. Cooper were to sell it through an appraisal process, would he have to pay real estate commissions.

Mr. Cooper responded yes.

Commissioner Tobia stated traditionally, it is three percent to a buyer's agent, three percent to the seller's agent, plus closing costs, so somewhere in the area of eight or nine, plus the fees the County would have to pay for, so he would receive that \$185,000; and he asked if Mr. Cooper understands that.

Mr. Cooper replied affirmatively.

Commissioner Tobia advised he appreciates Mr. Cooper showing up here, he loves firsts; and he will not be supporting this, because he is way out in left field, and he has not provided the Board with any other data.

Mr. Cooper pointed out he cannot buy a three-bedroom rental in today's market at that figure.

Commissioner Tobia mentioned that is not an appraisal; and the Board is using public dollars, so it has to go by that. He went on to say the County is millions of dollars away from doing this whole project, whether it does it whole hog or if it is cut into thirds; this is not the one final remaining piece; there are market declines; the Board does not know what that appraisal will be when Mr. Cooper decides to sell; and he thinks accepting this value at above appraisal with no number attached to it, sets a very terrible precedent for the other properties out there that will inevitably come to the Board and ask for several thousand dollars more than the actual appraisal. He commented if this was the last property that would be one thing, but the County does not have the money to cover all of that; while he greatly appreciates Mr. Cooper for coming here and fighting for his property, without any definitive numbers, he will most likely choose Section 3 and reject the offer.

Commissioner Zonka asked staff if they have an idea of eminent domain what it would cost in attorney's fees, or an estimate of those additional dollars.

Morris Richardson, County Attorney, replied it is very difficult to know right now because the County would not be condemning this property at the current time, it would be some time down-the-road before it would be looking at land and acquisition, so a lot of it would obviously depend on where the appraisal comes in at the time it was done.

Commissioner Zonka asked for an approximate range.

Attorney Richardson advised talking about the current appraised value, the County offered an appraised value, and they did not accept that, it may cost the County, if it offered \$185,000, a likely outcome would cost between \$215,000 and \$285,000 to acquire it through eminent domain with much of that going to the seller's attorneys, and then it would have the opportunity costs and time involved in litigating it.

Commissioner Zonka asked if the County has paid more than the appraised value in the past.

Mr. Bernath advised for this particular project, the County has not; and in the order of 30 properties, there is about 90 in total, whether it is the full take or partial take.

Commissioner Zonka noted the County has taken it in other areas, just not for this project.

Chair Pritchett stated she is comfortable not doing this right now, and then coming back later.

The Board considered the acquisition of 5041 Martin Lane, West Melbourne as an Advanced Acquisition for the Hollywood Boulevard Widening Project, and selected Option 3 to reject the offer.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

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

#### **J.4. Approval, Re: Carry Forward FY 2021/2022 Balance into FY 2022/2023**

Tim Bobanic, Supervisor of Elections, stated the purpose of the Agenda Item is to request a carry-forward of excess funds of Fiscal Year 2021/2022 of a balance of \$555,925.06 into the current Fiscal Year 2022/2023; the purpose of this is two-fold, one is to implement recommendations by the Department of Homeland Security to implement security measures for the front of their elections support center; many of the Commissioners have served on the canvassing board and know the elections support center was really never designed to house the public; due to recent legislative mandates, they have an increased presence of public meetings and election observation; and in addition to this, they also are requesting money to move their server rack, which is still located in the Viera office, where they originally conducted tabulations, and to move that over to the elections support center.

Commissioner Tobia explained he is in support of this under two conditions; he asked if Mr. Bobanic is willing to commit to establish that the 2022/2023 baseline budget, the adopted budget should not include this amount being carried forward.

Mr. Bobanic replied affirmatively.

Commissioner Tobia asked if Mr. Bobanic commits, when developing the Fiscal Year 2023/2024 request, that the Supervisor of Elections should not exceed the 2022/2023 baseline budget by the lesser of three percent or the change in Consumer Price Index (CPI).

Mr. Bobanic responded he does not know if he can commit to that right now, simply because the budget year that is being worked on will consist of really three and one-half elections, which is the most elections they have; they go through four-year cycles, so they have a November municipal election, they have a March presidential preference primary election, which only happens every four years, the August primary election, and then they have approximately a quarter to one-third of the cost of the general election all occurring in the budget year they are going to be working on; of course, like his predecessor, they want to be good stewards of taxpayer money; they apply for any grants they obviously have available to them, which run the process right now with the State; but, until he gets into the actual budget, because he processes, especially since this is his first one, looking at some of the unfunded mandates that might come from the legislature this year, there is a lot of talk of additional election legislation,

so once they get into that, he can pledge they will have the most cost-effective budget they can possibly have.

Commissioner Tobia expressed his appreciation to Mr. Bobanic, but he stated the Board is under a mandate to come in, regardless of extraneous factors, to come in at three percent, or whichever is less; he appreciates him trying to do that; but without making that commitment and asking for a carried-forward budget, it is very difficult that he would be asking for even more, plus that \$500,000 is a little hard to stomach that he will not come in at three percent; the same three percent the majority of the Board is willing to do; and he has never voted for it. He noted if he comes in under that three percent, he would greatly appreciate that; but since he is not willing to commit, he unfortunately cannot support it.

Mr. Bobanic advised he would be very happy to do his absolute best, but until he gets into the budget process, he does not want to guarantee something.

Chair Pritchett stated she is going to support this, especially since it is not being carried forward with the baseline; she knows Mr. Bobanic is getting his grounding right now; it is really hard to understand how he is getting a budget going; for him to say a certain thing right now would be irresponsible; and she appreciates the fact he is going to do his best to try to keep it as low as he can. She went on by saying they had some discussions about some items, he is already willing to look at those things and to move things where they should be, and to try to fix the items he has to cut costs.

Commissioner Zonka stated it is impossible for Mr. Bobanic to know what is coming down from the State, so she thinks he would be disingenuous if he could have a crystal ball and say the State will send him a bunch of unfunded mandates that are going to exceed the three percent.

The Board approved a request by the Brevard County Supervisor of Elections to carry forward the excess FY 2021/2022 balance of \$555,925.06 into FY 2022/2023 for the buildout of the vestibule at the Election Support Center for \$475,000 and the server infrastructure relocation for \$75,000.

**Result:** Approved

**Mover:** Kristine Zonka

**Seconder:** Tom Goodson

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

**Nay:** Tobia

#### **I.1. Board Consideration, Re: Appointment to the Affordable Housing Advisory Committee**

Chair Pritchett asked if Ian Golden, Housing and Human Services Director, was here to provide the Board with some ballots regarding this item.

Mr. Golden stated this item is for the Affordable Housing Advisory Committee; it is a State-mandated board to receive State housing initiatives partnership funds; it has 11 members which are prescribed by Statute; each member sits in a specific category; and this position is in the category for an advocate for affordable housing. He went on to say there are four volunteers who are applying for that position; in front of the Board is a revised ballot, which staff tried to make similar to a ballot the Board will see later, it is a ranked ballot; it will have each Commissioners name already on it; he asks the Board Members to vote two points for his or her number one selection; one point for the number two selection; and staff will tally it, and bring it back to the Board with the results. He added the Agenda Item does provide options, the

Board can obviously just choose whoever it wants to, and direct staff to go back out and re-advertise.

Commissioner Zonka stated she is sure the Commission had a chance to look at the applications; with that she chose Vinnie Richardson; and she would like to make a motion to appoint Vinnie Richardson.

Motion died due to lack of a second.

Chair Pritchett advised the Board will come back to this after staff tallies the ballots.

**I.2. Approval, Re: Request Approval of Brevard Energy LLC Landfill Gas Purchase Contract, Lease Contract, and Lease Resolution.**

Tom Mulligan, Solid Waste Management Director, stated he is asking the Board to approve and authorize the Chair to execute the amended and restated landfill gas purchase contract, amended and restated lease contract, and a lease resolution with Brevard Energy, LLC; this is a continuation from October 11th when the Board directed Solid Waste to assemble a negotiation committee to work out modified terms to the contract and the lease; he believes they have reached a mutually advantageous situation; the major bullet points in the modifications can be found in the Agenda Report; and they do have representatives from Brevard Energy, LLC if the Board has any questions.

The Board approved and adopted Resolution No. 23-009, authorizing the lease of County property; and approved and authorized the Chair to execute the Amended and Restated Landfill Gas Purchase Contract and Lease Contract with Brevard Energy, LLC.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** John Tobia

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

**I.6. Approval, Re: Final Ranking and Appointment of EEL Selection and Management Committee (SMC) Members**

Chair Pritchett advised that Robert Jordan removed himself from the list; and while staff is looking at the data on that, the Board is going to Item I.3., Dissolution of the Building and Construction Advisory Committee.

**I.3. Dissolution, Re: Building and Construction Advisory Committee**

Commissioner Tobia stated on January 10, 2023, the Board decided to take a further look in dissolving the Building and Construction Advisory Committee, the Historical Commission, and the Marine Advisory Council; as a side note, he strongly disagrees with keeping Arts in Public Places; but he will not mention that again, because according to Commissioner Goodson, the Board is willing to give up somebody's whole key to life, and they should enjoy it. He expressed his appreciation to staff for the ongoing conversations in his office, the County Attorney's Office for their timeliness with the dissolution documents; he stated the Board has the unique opportunity to decrease government; these three boards can be absorbed by staff; and the Board can see by the one pagers he has attached, and they can be gone over separately. He continued by saying before he does that, and he appreciates the Chair jumping all over the place on this, and he is still in shock by one of the votes that came previously; with the Chair's permission, he would like to ask Commissioner Goodson which of these boards are most



important to him, because these are pennies compared to the amount of savings that was just provided.

Commissioner Goodson advised all of them are important; these people serve for no money, and they are not government; if Commissioner Tobia wants to call this a governing board, the only government on this board is County staff; if they do one good thing for the community, he would say they are warranted; and he reiterated they all are important.

Commissioner Tobia reiterated he is still in shock for the vote, and the Economic Development Commission (EDC) is probably in shock as well is a matter of importance; he strongly disagrees with Commissioner Goodson; there are numerous historical commissions out there that can do this; the group that is going to get short changed on this is his office staff who has worked very diligently on this stuff; but he wants to thank not only Commissioner Goodson, but Commissioner Feltner; and he is giving Commissioner Goodson a pass here because he greatly appreciates his support on the more important thing. He noted had he known that, he would not have wasted his staff's time, these people's time, and Commissioner Goodson's time; and he would like to pull Items I.3., Dissolution of the Building and Construction Advisory Committee, I.4., Dissolution of the Historical Commission, and I.5., Dissolution of the Marine Advisory Council from the Agenda.

The Board removed Item I.3., Dissolution of the Building and Construction Advisory Committee, from the Agenda.

**Result:** Approved

**Mover:** John Tobia

**Second:** Kristine Zonka

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

Commissioner Goodson stated he wants to compliment Commissioner Tobia on his wisdom; he is extremely intelligent; he asked Commissioner Tobia not to always give him a pass; and at his age, he kind of likes when he beats him up.

Chair Pritchett expressed her appreciation to Commissioner Tobia for this; she stated the Board has spent numerous months' really compacting boards and making a lot of changes; she expressed her appreciation to the advisory boards and all they do; she noted these boards probably save the County a lot of money, because they help staff with a lot of the things staff has to do, so it may save the County one or two staff members down-the-road; and many of the people on these boards are very qualified and professional people.

Commissioner Tobia explained he will not be bringing this up again under his tenure; he hopes people do not worry about that; he asked to please get the County's seal date correct; and he mentioned that does still bother him.

#### **I.4. Dissolution, Re: Historical Commission**

The Board removed Item I.4., Dissolution of the Historical Commission, from the Agenda.

**Result:** Approved

**Mover:** John Tobia

**Second:** Kristine Zonka

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

#### **I.5. Dissolution, Re: Marine Advisory Council**

The Board removed Item I.5., Dissolution of the Marine Advisory Council, from the Agenda.

**Result:** Approved

**Mover:** John Tobia

**Second:** Kristine Zonka

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

**Board Consideration, Re: Appointment to the Affordable Housing Advisory Committee (continued)**

Ian Golden, Housing and Human Services Director, stated staff tallied the votes and it ended up with a tie between Robert Klimkowski and Vinnie L. Richardson, so they have a second ballot if the Board would like that.

Chair Pritchett stated she would love that.

Mr. Golden asked the Board to please choose one person.

The Board appointed **Robert Lee Klimkowski, Jr.** to the Affordable Housing Advisory Council, with said term expiring June 30, 2024.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**J.2. Approval, Re: Solar PV Permitting Fee Waiver Extension**

Commissioner Tobia stated Brevard County Solar PV permitting fee waiver will expire on February 24, 2023; on February 25, 2020, Chair Pritchett expressed concerns about potential cost increase; she was 100 percent correct on this one; however, pointing out that an increase cost is good two-fold; one, there is more than one-half a million dollars for fee savings for constituents; and two, more than 2,400 permits have been pulled showing a strong forward motion of clean energy in reducing negative environmental impacts and energy independence. He continued by saying this is extremely important to him, so he suggested the Board implement some parameters that it can maintain the liability of this program; he expressed his appreciation to staff for helping come up with this so the Board can encourage this type of behavior, but again, putting some safeguards in it; one, excluding commercial, this should be focused in on residential, so much applications are residential in nature, yet commercial projects come at a much higher cost with a much higher permitting fee; these waivers are more likely to be unnoticed by 10 builders and much higher dollar projects, but have a bigger hit on the Planning and Development budget; and number two, put a cap on the amount waived per permit. He pointed out the amount he came up with was \$250; 71.6 percent of permits would be completely waived; that \$250 permit would cover the bulk of housing projects or projects on houses anywhere in the neighborhood, depending on the amount per kilowatt, \$70 to \$150 a month; many applicants may not be aware that they qualify for a waiver, because the contractor is issuing the permit and does not necessarily remit the savings to the homeowner; and his initial thought was to refund an amount to the homeowner, however, using a refund system would cause all sorts of problems. He went on to say it is not just sending a check; there are a bunch of State fees, surcharges, and record keeping that make that an impossibility; he asked how does the County rectify this by making sure the business is not only collecting but not remitting that; two-fold, the Board requires that the builder check a box stating that they will

remit the savings created by the permit fee to the homeowner; following up, upon completion of the permit the County also sends a letter mailed to the homeowner thanking them for their use of clean energy, and informing them by Board's decision that they should have received a rebate in the amount of that permit savings so they are aware of it. He explained this is not saying that the contractors do not do this, but this double-checks that the homeowner is aware; he is not going to screw up twice, so instead of making this in perpetuity, he would like to put in those parameters, and have this come back to the Board in a year to see how putting these safeguards in has any impact on this program; these three changes, plus the year, he thinks can make this good program viable, saving constituents money and furthering good environmental decisions at the same time; and that is the idea, and he is open to suggestions.

Chair Pritchett stated she thinks the process got a little complicated; she would be more apt to either remove it, because the County is getting more tourism, and it was almost a quarter of a million dollars last year, which has to be absorbed somewhere; she thinks people are getting either more prone to doing solar or it is just the incentive that is helping them; she guesses the data would have to be looked at, but she does see the increases; and she would be willing to just split the permit costs of people applying for it, and that would get the County back to the year before dollar amount. She went on by saying if it keeps going up, she is going to be in favor of removing it; everyone else has to start covering these fees somewhere; that is what she would support if Commissioner Tobia is okay with it; she appreciates him bringing this back; she was actually not going to do it again this year because of staffing costs, because it is becoming a very good, reliable energy source program; and that is where she is.

Commissioner Goodson inquired how Commissioner Tobia would treat it if the contractor pulled the permit for the homeowner and then the contractor said they figured that \$250 in their price; he stated there is always going to be that unscrupulous contractor who is not going to give away any money; and he asked how he would approach that.

Commissioner Tobia replied that would be a conversation between the contractor and the homeowner; if the homeowner saw that \$250 deduction when they received the letter in the mail at the end of the project saying there was a \$250 permit fee waiver, the homeowner would be aware of that because of the conversation they had with the contractor that, that \$250 would come off of the top; what he is concerned about is the contractor either not remitting that or not deducting, and just keeping that; he is not saying that is happening, but the County can safeguard that with one letter that would go out; and at .50 cents a letter, or whatever it is, it would cost about \$1,000.

Commissioner Goodson asked if staff were to do this letter all over the County to every homeowner that asked for solar power and asked for a credit, and does staff have a number available that this will cost.

Chair Pritchett advised it is a competitive market, and the builder has to get prices down anyway, so what the County is trying to do is solar going in if the builder is willing to do it is still a plus for what the Board is trying to do for clean energy, so that is why she thinks it is getting a little complicated.

Tad Calkins, Planning and Development Director, stated he believes the item is for a resolution, and it would come back to the Board; he does not have a cost that it would be for the letter; he believes Commissioner Tobia's estimate is close, but staff does not have a specific cost; and staff can take a look at that and bring it back with the resolution if the Board was to go forward with this, along with any information it would want to see.

Commissioner Goodson pointed out the Board just spent two to three months talking about

advisory boards costs, and now the Board is adding costs to another agency, but it is for the best.

Commissioner Tobia noted he estimated \$1,000; in 2022, according to Planning and Zoning's numbers, there were 1,081 permits pulled; the County collects the homeowners' address, so he estimated with postage, time, and all that stuff a dollar per, it will be in that \$1,000 range; and he did not want the Board to think this was a number, willy nilly.

Commissioner Zonka stated talking about money lost to the County to do services, this is money lost to staff; oftentimes homeowners are granted special tax incentives through their state and through their government; she does not know why they will need local government to subsidize permits; she will have to think about this when it comes back; but she does not know that she will be in favor of it.

Commissioner Tobia asked if he could get Commissioner Goodson or Commissioner Feltner on this, because if he does not have support on this one, he does not want to waste staff's time on this, it can just be ended the way it is.

Commissioner Goodson advised he has no problem with it at all.

The Board approved extending the Solar PV Permit Fee Waiver Program for one calendar year; and directed staff to draft a resolution including the following new criteria: applies to residential applications only, caps the waiver amount at \$250 per permit, send a letter to the homeowner that their permitting fee has been waived, and bring it back to the Board in one year for renewal.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Goodson, Tobia, Feltner, and Zonka

**Nay:** Pritchett

**Approval, Re: Final Ranking and Appointment of EEL Selection and Management Committee (SMC) Members (continued)**

Mary Ellen Donner, Parks and Recreation Director, stated for the four seats for science that the Commission ranked, number one ranked was Lisa Toland, number two ranked was John Shepherd, number three ranked was Maryann Civil, and number four ranked was Elizabeth Becker; the Tourist Development Council (TDC) recommended appointment, which is Mac McLouth; and for the business, finance, or real estate applicants, the number one selection was Jim T. Swann, and there was a four-way tie for the second seat under business, finance, or real estate. She continued by saying the four-way tie was between Jason P. Miller, Lisa M. Neal, Sara T. Stern, and Sandra Sullivan.

The Board reviewed and ranked applicants; and appointed the four highest-ranked science applicants **Lisa Toland, John Shepherd, Maryann Civil, and Elizabeth Becker**; and appointed the recommended Tourist Development Council (TDC) appointee **Mac McLouth**.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** Rob Feltner

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

Ms. Donner stated Jason P. Miller was the number one ranked for the final seat under business, finance, or real estate.

The Board reviewed and ranked applicants; and appointed the two highest-ranked business, finance, or real estate applicants **Jim T. Swann** and **Jason P. Miller**.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

Discussion, Re: Negotiate with County Manager to Continue in His Position

Chair Pritchett stated Commissioner Zonka has to leave for a very important appointment; but before she leaves, she wants to include her in on this discussion; the Board is either going to have to go out and look or find a way to keep Frank Abbate, County Manager; and from the process she has been through since she has been on this Board of trying to ascertain the right person, she wants to see what the Commission's thoughts are. She went on by saying she would love to negotiate something with Mr. Abbate past the time period; what this means is he will have to come out of Deferred Retirement Option Program (DROP) and lose a whole bunch of money; she talked to him earlier, and he loves the County enough that he would be willing to negotiate some ideas; she wants to see if the Board Members would allow him to come back with some ideas; she knows it will cost him money down-the-road, but would like to hear ways the Board can negotiate to keep him past the amount of time with the DROP; and she reiterated he would lose a lot of money coming out of DROP.

Commissioner Zonka stated she has spoken to Mr. Abbate; there is no secret trick; he is not asking for more money; he is committed to the County; and she would be amicable to that.

Commissioner Tobia stated he would like to make a motion to give the Chair authority, it is probably a lot easier than having the rest of the Board negotiate with Mr. Abbate, for her to negotiate with him and bring a work product back to the Board to look at.

Commissioner Goodson asked if there is a time period on this; and for how long does the Board wish to retain Mr. Abbate.

Chair Pritchett advised she would like to keep him for the time period in which she is here; she does not know about the rest of the Board, but it would be a strong advantage to keep him as long as he will work; as Commissioner Zonka says, this one time a person is always three votes away from being unemployed; it is the County Manager's job to serve the Board; and that is what the Board is trying to do as elected officials.

The Board authorized the Chair to negotiate with the County Manager to continue his position with the County, and to bring a work product back to the Board for its consideration.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

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

\*The Board recessed at 10:31 a.m. and reconvened at 10:40 a.m.

## **K. PUBLIC COMMENTS**

Commissioner Zonka's absence was noted at this time.

Gregory Miller stated he wants to address the changes being applied to the Brevard County campgrounds; he did some research to look at how taxes are structured in the County of Brevard; they are looking at a price increase in the campgrounds; he can justify some of the increases because the County residents are probably paying taxes, and they do not; and he reiterated he looked at the taxes and how they are calculated. He went on to say he looked at the website [taxrate.org](http://taxrate.org) from Brevard County; the tax rate here is .87 of one percent of the fair market value of a home; the fair market value is \$186,900; that translates into \$1,618 property taxes a year for the resident of Brevard; by looking at that monthly, it is \$135 a month; and if that is translating into what is being paid, the residents are paying \$807 to camp, and they are paying \$1,186, so they are paying \$379 premium, much more than the people locally are paying. He noted if a person is looking at equity, they are out of equity; that is discrimination against them being on the outside by the amount of \$379; in addition to paying more taxes than they are, in terms of their rent, they are also looking at a difference of how much time they have to rent the property; they have 12 months to the day to book a site, residents have 13 months, so they are discriminated against with rent and amount of time they can book the site; and economically, if the snow birds are not coming in, the State of Florida has \$40 billion of revenue coming into the State per year from tourism, from people outside. He stated he does not have the breakdown of how Brevard County shares in that but nevertheless there is going to be a significant amount of breakdown.

Commissioner Tobia asked if Mr. Miller is from Michigan.

Mr. Miller replied affirmatively.

Commissioner Tobia advised it is a wonderful state, great education system; University of Michigan, just to put this in perspective, they did not raise rent for residents higher than Consumer Price Index (CPI), so Mr. Miller is concerned about out-of-state; he wants to pick Michigan because he hears people complaining over and over again; assuming the University of Michigan determined he would be a decent applicant, if he was in the State of Michigan, the tuition this year is \$16,178; if he was, as he is, a Florida resident, that same tuition is \$53,232; and he understands where he is coming from, but Michigan does the exact same thing as Florida. He went on to say he appreciates everyone's concern up here, but this is how Florida structures taxes; they give benefits to in-state and charge just costs out-of-state; Michigan does it to Florida residents, and he is just now feeling it this way; he appreciates Mr. Miller's time, but it is disingenuous to come up and say Brevard County is the only one who does it when in fact it is his state that charges three times more; someone who goes to Michigan would end up paying somewhere in the neighborhood of \$100,000 more in tuition and get that same degree four years later; and he wants to put things into perspective, not only for the Board, but certainly all of the residents of Brevard County that are listening. He added their rates did not go up more than three percent.

Mr. Miller asked if he can offer a rebuttal.

Chair Pritchett replied no, to move on; and she noted she is not going to let the Board talk anymore until it is completely done with public comment.

J. Barry Monaghan stated his concern is staying at Wickham Park with what is referred to as the Wickham shuffle; he has seen people come in and spend one day in a spot, have to move over to the next site in one day; a person is constantly moving; sometimes he or she stays for a while, sometimes it is a day; and he suggested the Board consider making part of the park for

short-term visitors, so that when there is an opening of say a month, and somebody comes in and wants to take one or two days in the middle, it means that people have to move every other day.

Dominic Ciarllo stated he has been coming to Wickham Park for 24 years; he started out when it did not have anything, they were promised a lot of stuff, and they did not get a lot of stuff; he would like to keep coming here; he is 82 years old now and he does not want to stop; the Board is almost like telling him he cannot do it anymore, coming to this great park; he has family in the area; and it is part of what their life is. He went on by saying he has a home up north and he has an RV down here; and the cost has been doubled with what they were paying.

Lawrence Smith asked if the Board considered writing a letter to its local businesses of the money the Board's new rules will effect; in a quick estimate, their group at Wickham would probably buy 1,000 meals outside on the market every month, times five, times cost of an average meal; they receive medical procedures here; they have surgeries done here; and he has had two surgeries done here himself. He continued by saying the money they bring in they pay for maintenance on vehicles, their trailers, and it is quite an economic impact he believes they have to the County; the amenities, the County has not done a thing in 16 years since he has been coming here; they have a broken down corn crib that they maintain for winter use by doing their tarps and so forth; but there is no swimming pool. He noted the gentleman who came to talk to them about the changes said the County went out to 40 campgrounds to try to align its fees, but by looking at what it got for those same fees at those campgrounds, they have large recreational halls, swimming pools, and Wickham Park has none of these; it just seems to be an economic loss to the County; it certainly impacts their lives; and the fees are acceptable as to average campgrounds, but those amenities are not in that price range. He stated there is a 90-day limit; the officials at Wickham Park are quite surprised when they say next year will be their last year; and he asked why they would come back for 90 days.

Betty Bennett stated she wants to reiterate on Mr. Smith's points about how much money they spend down here; it has to be advantageous to the County; her major point is the 90 days and not being able to stay longer than that, leave for two days, just so a resident can come in for two days and take that spot; and they are not guaranteed to be able to come back again after the 90 days is her main concern.

Claude Black asked the Board to call Kristine Gustke to speak before him.

Chair Pritchett stated no, Ms. Gustke will be next.

Mr. Black advised Ms. Gustke has some information to present to the Board that would be helpful before his presentation.

Chair Pritchett pointed out she cannot do that.

Mr. Black stated he and his wife appreciate the opportunity to come to Florida in the wintertime; he would, however, question Commissioner Tobia's analogy here; he just finished 25 years at a private college, and they do not charge Florida residents more to come there than anybody else; and Georgia does not charge Florida campers who may come up during the summer, so that analogy really does not work very well. He asked the Board to reconsider the rate increase, as his next speaker will point out to the Board, some extensive research; these increases were far greater than the cost of any other private or commercial campgrounds in the area; he stated he would like the Board to reconsider the 90-day restriction; most other private campgrounds do not have that reservation, that one can stay as long as one wants; based on the information the Board is going to receive from the next speaker, to look at this 118 percent rate increase; and it is way over the top, and puts this fee way outside of many of the other commercial and

private campgrounds in the area. He asked the Board to reconsider for the convenience of people who drive thousands of miles to visit Florida, the 90-day restriction; and it works a tremendous hardship on these folks.

Kristine Gustke provided the Board with a handout; she stated at the last meeting, many of them spoke of the changes in length of stay, reservation policy, and increase in fees; the discount for stays 30 days or longer was also estimated; they told the Board how much they treasure their winter home and what they add to the community and economy of Brevard County; attached is a list of local campgrounds in the area with prices and other information; and as the Board can see, the new rates for the County parks are much higher. She continued by saying they realize that a price increase is necessary but asks that the Board please reconsider the amount of that increase and/or bring back the discount for longer stays; and she asked the Board to reconsider the length of stay and reservation policy. She stated she thinks the State of Michigan gives money for that to make up for the non-residents, and as far as she knows, she does not think Brevard County gives money to make up for the non-residents.

Robert Abbott stated many of his compatriots have already expressed a great deal of his sentiment, so he will address just a couple of things; Commissioner Tobia is talking about Michigan State and its wonderful education, and that is great; they offer the amenities to support that, as does Florida State here; the amenities, and he will speak specifically to Wickham Park because that is where he has his experience, are sad; the restrooms are way beyond compare; Manatee Hammock has much nicer restrooms than Wickham Park; there is no pool; and he does not care about that. He went on to say to address really one important thing to him, and that is security in the campground; he asked if the Board has looked at the theft reports around Wickham Park from the last couple of years, the amount of property that has been stolen, because there is no security in that park; he asked if the Board has considered that; he asked if it knows there is a family currently being terrorized and vandalized by one individual who waltzes in and out of the park day and night anytime he wishes to; and he advised that is not security and not keeping the County's customers safe. He concluded by saying most of the snowbirds who come down here are retirees; they are on a fixed income; he asked what has happened to that fixed income over the last few years with all of the inflation; he stated another price increase is outrageous; and all they ask is that the County subtly raise the prices, and project it out for many years. He pointed out it gives people the opportunity to make better decisions; he asked why the park has not been expanded as it has tons of room in that area to put in new campgrounds; he stated they have been told they are coming in; there is a security pad put in three years ago; and there is no security there, but there is a pad put in. He asked the Board to consider having part of the campground for long-termers and others for short-termers; that way the people who have to come in for the weekend soccer game have Saturday and Sunday; he stated these people coming in from the County are not going to stay for any period of time, even if the rates are being doubled for them when they come in for the weekend, it is only covering four days of the County's seven-day revenue; the park is going to sit empty most of the time as it does in the summer; and the staff and maintenance people at Wickham Park are outstanding, and he hopes the Board gives them a great deal of credit.

Commissioner Goodson stated if a person is watching the State right now, the Senate is going through the same thing with its State parks; they are making it friendlier to taxpayers rather than out of State users; and he hopes the Board will be able to come to some sort of agreement that everybody will like.

Chair Pritchett stated government is not in the business of residential, and somehow she thinks if it gets too long-termed it will be setting up residential communities; it is really not something the Board should be doing; she still has heartburn with doing competition with the private sector; there are plenty of people out there trying to earn a living by owning these properties and renting them; they had the same issues with golf courses in the past; and she is probably



not likely going to vote for a long-term stay, because that should be getting out more in the private sector. She continued by saying as far as the County parks, they are for people to enjoy for a small period of time; as far as the cost, the County had to raise costs because it is costing it more money, and it cannot put that on the backs of the homeowners; and maybe by coming back later and if inflation goes down, who knows. She advised she hopes the people are still able to come and enjoy it and find a place where he or she is comfortable; her heart goes out to them, because they are the nicest people who show up to the meetings; and she moved on to the next comment card.

Larry Stewart stated he does not have an address currently, primarily because of the position taken by this Board, mostly Chair Pritchett, and Public Works staff; February will make two years that he sold his family's home to try to build a home on a piece of property; he was lead to believe that he could get granted a waiver that is outlined in the Municipal Code; there are five qualifying criteria for this waiver; he explained why he qualifies for those criteria; and he came before this Board in 2021. He went on to say in that meeting, Chair Pritchett demanded he obtain engineering that was not made as necessary in this particular Code, engineering he will never be able to obtain; he just wants to be granted the Code as written, and to be able to build his family's home; and he asked if anything is being done in order to make that happen.

Chair Pritchett asked Mr. Stewart if he was done with his public comment.

Mr. Stewart advised he is homeless because of this Board; he has done nothing wrong; he has given over 20 years of public safety service to this County as a firefighter/Emergency Medical Technician (EMT), and as a Brevard County Deputy; he is no longer employed as either of those, but he feels like he is being discriminated against; and he is looking for some help.

Chair Pritchett stated the day Mr. Stewart came forward, she was going to vote no on the waiver, but she needed him to get with County staff and figure it out.

Mr. Stewart noted he has tried to get with County staff.

Chair Pritchett stated that is what he is going to have to do, to comply with those things to do the path he is doing.

Mr. Stewart asked what the path is that he is doing.

Chair Pritchett stated he has to get with County staff, and he has hired a lawyer to figure out what he can do legally.

Mr. Stewart stated he hired an attorney and he assumes he is working for him; he does not know; maybe he is the County's attorney; Commissioner Zonka advised in May that she had reached out to him for advice during the time he was his attorney; and that was just admitted in email. He noted he is just looking for some help here; he wants to be granted the waiver as written in the Code that has been granted for numerous others in the past; and he reiterated he does not understand why he is getting discriminated against with this.

Sandra Sullivan stated she is very concerned about the Lagoon; she spoke at the Citizen Oversight Committee; she provided documentation showing the sea grass declining; she noted the Brevard County Lagoon Plan is focused on water nutrient level; and even where it is good, it continues to decline. She went on to say what is missing from the Lagoon Plan is pollution; she has spoken before about the National Estuary Program, and the ordinance references following that plan, which includes pollution; the voters were promised citizen oversight and audits; when looking at COC, by reading the ordinance it says they evaluate projects and then

they re-evaluate the performance of the projects and read just the plan; and the second part is not happening. She stated there is no performance data until this year where there is some on Grand Canal and Turkey Creek; when looking at those projects, they are not performing; in the plan it says this is experimental technology; this is a developing science that is being developed as the County has been doing it; if the Board Members are investing his or her portfolio, they would be putting it in good, performing investments; and it is the same thing for the Lagoon, to put the Lagoon tax into performing investments that are going to deliver. She explained the accountability in them not performing, the plan is not adjusted; to put it in risky investments really concerns her rather than tried and true approaches like stormwater treatment areas capturing that water; she showed the Board a picture of the Lagoon Plan that has been approved by the COC; she stated in 2019 when the plan was presented, it was rolled back from 66 percent muck tax, back to 26 percent; a fudge number was put into this plan that changed the numbers; and when removing the inflationary number, the County has increased this year from 26 percent to 36 percent for what she calls the muck tax. She pointed out people did not vote for the muck tax, they voted to clean up the Lagoon; this technology is risky; it is not developed science; the County should be deploying more of what the people were promised like AWT plant upgrades, infrastructure; they know infrastructure is a problem; they know during that timeframe there was huge amount of sewage going to the Lagoon; and she asked the Board to reject the Plan and bring it back to the 26 percent muck.

**L.4 Report, Re: John Tobia, Commissioner District 3**

Commissioner Tobia expressed his appreciation to the Board for granting the Chair the ability to send letters to both the City of Melbourne and the City of Cocoa; the Board heard back from the City of Melbourne, and they have signed off; he expressed his appreciation to Mayor Paul Alfrey, Vice Mayor Mark LaRusso, Council Member Tim Thomas, Council Member Yvonne Minus, who was here last time and he forgot to recognize her, Council Member Rachael Bassett, Council Member Mimi Handley, and Council Member Julie Sanders; the City of Cocoa does not have to do this, but 18 other cities have signed on to end a board that long since should be extinguished; and he just wants the Board to remember that its partners in local government many times are not partners, and Cocoa is a darned good example. He advised he wanted to blame this on the staff of Cocoa, but when the letter was sent from this Board to each member of that Council, it is clearly not a staff-driven thing, this is an elected official driven thing; the towers were built; in fact, they are being upgraded now; this should have been done so long ago; and the City of Cocoa will not sign that they want this board ended. He commented the Chair was accommodating and allowed him to get something on the big screen in under a 24-hour period because it appeared in the *Florida TODAY*; this is on the bottom section of the newspaper; he would like to point out his niece is on the bottom half of the newspaper not the top half; his wonderful sister-in-law is the Parent Teacher Organization (PTO) president at Indialantic Elementary, and did an amazing job for the school getting donations put together and some wonderful artists; and he expressed kudos to her.

Upon consensus of the Board, the meeting adjourned at 11:14 a.m.

ATTEST:

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RACHEL SADOFF, CLERK

RITA PRITCHETT, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA