

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, April 19, 2022

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:02 AM

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

C. PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

E.1. Resolution, Re: Recognizing April 30th 2022 as Therapy Animal Day

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-035, recognizing April 30, 2022, as National Therapy Animal Day.

Frank Keiser stated a lot of people do not understand therapy animals; he is a Vietnam Veteran, and is 100 percent totally and permanently disabled; Millie, his dog, supplies a great deal of emotional support for him because 70 percent of his disability is Post Traumatic Stress Disorder (PTSD); and she is a love, which is exactly what he needs. He expressed his appreciation to the Board for the recognition.

Result: Adoped

Mover: Curt Smith

Seconder: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

E.2. Resolution, Re: Proclaiming May 2022 as Older Americans Month

Marty Hindsley stated he is happy to be here; it is a pleasure to be an opera volunteer for over 20 some years with the seniors, and mainly to touch their lives in a positive way.

Sandy Michelson stated she is an example of people who volunteer in later years of their lives; a person needs to be productive; and everyone is here to protect one another.

Mary Helen Hyde stated she is a registered nurse, and she is still actively doing it for 55 years, it is her heart; and she thanked the Board for the honor.

Chair Zonka stated she wants to read a little about each of the people being recognized, as follows: At age 76, Mary Helen Hyde has been a dedicated member of our community for nearly half a century. She is a role model and part of the management team at West Melbourne Health and Rehabilitation where she has worked for the past 14 years. In her own words, Mary feels that nursing is a calling feeling in your heart knowing it's the right thing to do, and not everyone can do it. She has worn many hats over the years on various shifts having taught first aid classes, Certified Nursing Assistant (CAN) classes, and recently stepped down from her position as Assistant Director of Nurses to work in the Myelodysplastic Syndromes (MDS) Department. Mary has dedicated her entire life to nursing excellence, caring for her patients, teaching patients, families, and staff and referring people to resources in our community. Sandy Michelson has been committed to opening her heart to the needs of the community with a focus on advancing the status of women globally, nationally, and locally through the Zonta Club of Melbourne where she is currently ambassador and past president. This caring attitude is reflected in its many service projects, such as education awareness, scholarship awards, and fundraising events. She has also served, or is currently serving, as a Trustee of the Greater

Palm Bay Chamber, the Melbourne Regional Chamber, West Melbourne Business Association, City of West Melbourne, Brevard Cultural Alliance, Weventure League of Extraordinary Investors, Junior Achievement, and Green Gables. Marty Hindsley of Satellite Beach is retired but is still an active volunteer with many organizations, such as the Founder and President of the 55-Plus Club, Kiwanis Club President, Aging Matters Retired Senior Program and Advisory Board Chairman. His previous endeavors include being a former United Way Volunteer Coordinator, former member of Brevard Commission on Aging, Senior Care of Brevard Chairperson, and Housing Authority of Brevard County Commission, as appointed by the Governor of Florida. His unselfish dedication to volunteerism deserves our humble gratitude.

Chair Zonka read aloud, and the Board adopted Resolution No. 22-036, proclaiming May 2022 as Older Americans Month.

Dr. John Potomski stated he has had the honor of serving on the Brevard County Commission on Aging for many years; as a physician he has been providing care to seniors in Brevard County for almost 39 years; as people may know, seniors in Brevard County have 32 percent of the population; whereas residents under the age of 18 make up 19 percent of the population; and these same seniors pay property taxes directly when they own their own home, but also indirectly when renting an apartment, assisted living facility, or even a nursing home which has to pay property taxes. He went on to say seniors continue to support the County and school systems long after their children finish school; as the Board knows, the school budget is the biggest single item on the property tax assessment; he like George H. W. Bush, or George Sr., is a compassionate conservative and a strong supporter of the Sheriff and strict law enforcement in Brevard County; he is also a compassionate individual that feels that the County should give back in some way to the seniors, especially those in need; and he praised the Commission for helping partially fund the Meals on Wheels Program, but this year there is a funding deficit that could affect many seniors dependent on this program. He noted many seniors have to choose between taking their medications or eating; he is supporting the refunding of community based organizations which serve the seniors and disabled adults in many other ways; he asked the Board to be compassionate and to support community based organizations with funding that helps many seniors; in some cases, the federal government contributes nine additional dollars; and this way it will help to do more for seniors in need who have helped them during their lifetimes, and continue to help the community in many ways.

Result: Adopted

Mover: Curt Smith

Seconder: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

F.1. First Amendment to the Professional Engineering Services Contract, Re: Brevard County and Environmental Consulting and Technology, Inc. (ECT)

The Board executed and approved the First Amendment to the Professional Engineering Services Contract between Brevard County and Environmental Consulting and Technology, Inc. (ECT).

Result: Approved

Mover: Rita Pritchett

Seconder: John Tobia

F.2. Time Extension Amendment, Re: Save Our Indian River Lagoon St. Johns River Water Management District Crane Creek / M-1 Canal Flow Restoration Project

The Board executed and approved a three-year time extension amendment for St. Johns River Water Management District (SJRWMD) Cost-Share Funding Interlocal Agreement Save Our Indian River Lagoon (SOIRL) 18-68, for Crane Creek/M-1 Canal Flow Restoration Project.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

F.3. Final Plat and Contract Approval, Re: Adelaide Phase 6A

Developer: The Viera Company

The Board executed and granted final plat approval for Adelaide Phase 6A – Developer: The Viera Company, 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: Rita Pritchett

Secunder: John Tobia

F.4. Acceptance, Re: Binding Development Plan with Justin M. Falscroft

The Board executed Binding Development Plan Agreement with Justin M. Falscroft for property on 3.96 acres, located at the north end of Friday Road, on the south side of S.R. 528, Cocoa.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

F.5. Final Plat and Contract Approval, Re: Reeling Park South, Phase 4

Developer: The Viera Company

The Board granted final plat approval for Reeling Park South Phase 4 – Developer: The Viera Company, 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: Rita Pritchett

Secunder: John Tobia

F.6. Acceptance, Re: Binding Development Plan with DeRosa Holdings, Inc.

The Board executed Binding Development Plan Agreement with DeRosa Holdings, Inc. for property on a parcel of land being a portion of Block H of A. & B. Bruners Re-subdivision of Blocks A, H, J, and K, and parts of Blocks C & I of A. L. Bruners Re-Subdivision of Burchfield & Bruners Addition to Crescent Beach, commencing at an iron rod monumenting the intersection of the west right-of-way line of Atlantic Avenue in Brevard County.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.7. Approval, Re: Resolution and Easement (Business) from Brevard County to Florida Power and Light for Lift Station W09

The Board executed and adopted Resolution No. 22-037, authorizing the conveyance of real property interest by the County; and executed and approved the Easement (Business) from Brevard County to Florida Power & Light (FPL) for Lift Station W09.

Result: Adopted
Mover: Rita Pritchett
Seconder: John Tobia

F.8. Approval, Re: Dedication of: 1) Warranty Deed and Bill of Sale from D.R. Horton, Inc. for Tract U of the Adamson Creek Phase One-C Subdivision for Lift Station W11 and 2) Quit-Claim Deed for Tract U from Adamson Creek Homeowners Association, Inc.

The Board accepted the Warranty Deed and Bill of Sale from D.R. Horton, Inc. for Tract U of the Adamson Creek Phase One-C Subdivision for Lift Station W11; and accepted the Quit Claim Deed from Adamson Creek Homeowners Association, Inc. for Tract U.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.9. Approval, Re: Donation of Drainage Easement from South Indian River Isles Homeowners Association, Inc., Required by Right of Way Permit for the Zone C Indian River Isles Septic to Sewer Project

The Board approved and accepted the Drainage Easement from South Indian River Isles Homeowners Association, Inc., required by Right-of-Way Permit for the Zone C Indian River Isles Septic to Sewer Project.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.10. Approval, Re: First Amendment to the existing Service Agreement for Fire Protection / Emergency Services with Merritt Island Volunteer Fire Department (MIVFD)

The Board approved and authorized the Chair to execute First Amendment to Existing Service Agreement between Brevard County and Merritt Island Volunteer Fire Department (MIVFD) by one year, for Fire Protection/Emergency Services; and approved merging Use of Space Agreement between Brevard County and MIVFD into the Service Agreement.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.11. Request for Special Meeting for an Executive Session, Re: Paul Bross, as Successor in Interest to (Eric and Amanda Obloy, Bambino Land Trust Dated 6-19-19) v. Brevard County, Florida, Case Number 05-2019-CA-035542-XXXX-XX

The Board approved the cost of advertising for, and the scheduling of, a special meeting for a private attorney-client session on May 17, 2022, at the conclusion of the meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statutes, for the purpose of discussing litigation strategy and settlement negotiations in the case of Paul Bross, as successor in interest to (Eric and Amanda Obloy, Bambino Land Trust dated 6-19-19) v. Brevard County, Florida, Case Number 05-2019-CA-035542-XXXX-XX.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.12. Approval, Re: Revisions to BCC-31 Sunset Review of Programs, Services, Ordinances, Policies and Administrative Orders; and authorize the Chair to Sign the Revised BCC-3

The Board approved and authorized the Chair to execute revisions to BCC-31, Sunset Review of Programs, Services, Ordinances, Policies, and Administrative Orders.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.13. Precinct Boundaries, Re: Altered and Added (Chapter 101.001(1) F.S.)

The Board approved the revised Precinct Boundaries due to the annexation by the City of West Melbourne.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

F.14. Bill Folder

The Board acknowledged receipt of the Bill Folder, as submitted.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia

G. PUBLIC COMMENTS

Dontavious Smith stated this past weekend, Cocoa had an event at Provost Park hosted by Taurus T. Macmathis, which was a fundraiser for the Rockledge Youth Football League and

Cheerleading Foundation; it was a black environment, a different environment, a lot of black music, gold teeth, a lot of colorful cars, and everything that the black community embraces; it was embraced by local law enforcement as well; and it went on from around 2:00 in the afternoon until around 6:30. He went on to say it was a large crowd; the expectations were shootings and fighting; a person could not find even one disruption from this weekend; he thinks the public's engagement with the citizens and the law enforcement was illustrated over the weekend, and if that is a glimpse of what their future is in this County, he is very excited; that is an exemplary model of what other counties should be modeled after; and there were guests from Miami, Orlando, West Palm Beach, and people from everywhere come visit the City of Cocoa. He noted to see that gathering on resurrection Sunday was amazing; and he thanked the Cities of Cocoa and Rockledge law enforcement for being so respectful to their culture, and to the citizens doing an event as such.

Sandra Sullivan stated she wants to talk about the Hightower Beach Preserve; tomorrow there will be a meeting in Tallahassee, she will be there, for the Florida Communities Trust (FCT) Governing Board; these lands were in Brevard County and were only annexed for the conservation of these lands; in fact, the City of Satellite Beach wrote a letter that she has previously provided to the Board; and it says generations of Brevard County residents will be forever indebted to the County for its foresight to preserve these lands, because Brevard County is the largest Loggerhead nesting in the world where 50 percent of endangered Greens in Florida now nest in Brevard County. She continued by saying the changes to be made tomorrow effect the management plan for Phase I and Phase 2; the County is co-applicant on Phase 2 and were a partner on Phase 1; it actually morphed into co-applicant because they could not get the land for the access, so they used the County's; that is why there is a joint management plan; the County has not yet weighed in as a co-applicant; and there is legal liability for the County, because of the controversial nature of these changes. She pointed out she has over 40,000 Florida citizen signatures; the petition site she can download, she can tell the Board exactly how many are in Brevard County, and she will be doing that today; she knows exactly the number of people who are in Florida; it matters to Florida and Brevard County residents; and this is a political issue. She stated the changes that are being made are two-fold; one, a High-Frequency (HF) radar system by Florida Institute of Technology (FIT) is to go on the site; the letter from FTC says, "The formal request detailing the nature of the project and how it will benefit the FTC site, what impacts are and cannot be detrimental;" she stated the proposed site have sea grapes which are protected and not allowed to be destroyed; and they cannot put four of these radar systems in there without destroying them. She added this is a four-inch conduit they claim they are laying on the sand, but the foliage is two and one-half foot high and very dense; it is also dense up at the top of the map; the reason they could not put it at Patrick Air Force Base is because they had sea grapes; and she asked the Board to put a letter on file with the FTC Governing Board.

H.1. Public Hearing, Re: Wireless Telecommunications Facilities Ordinance (Final Reading)

Chair Zonka called for a second public hearing to consider the Wireless Telecommunications Facilities ordinance.

Tad Calkins, Planning and Development Director, stated Item H.1. is asking the Board to conduct a public hearing to consider revisions to Chapter 62, Article 6, Division 7, addressing emerging wireless technology; the revisions amends the current Wireless Telecommunications Facilities definition to include small, wireless facilities as defined in State Statute, and establishes separation requirements from residential structures, child care facilities, and public and private schools; and if the Board has any questions, he is happy to answer.

There being no objections or comments, the Board conducted the second public hearing and adopted Ordinance No. 22-10, amending Chapter 62 of the Brevard County Code of Ordinances, Land Development Regulations, Article VI-Zoning Regulations, Division 7-Communications Facilities, Subdivision I-General Provisions, at Section 62-2403-Definitions, to amend the definition of wireless telecommunications facility; to further amend Subdivision II-Permit Levels and General Development Standards, at Section 62-2422-General Development Standards, in order to amend the standards as to minimum setbacks and to provide a waiver provision; creating a new Section 62-2425-Commercial Small Wireless Facility Locations, in order to address the placement of commercial small wireless facilities in residentially zoned classifications; providing for severability, conflicts, and area encompassed; and providing for an effective date and inclusion in Code.

Result: Adopted

Mover: Rita Pritchett

Secunder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

H.2. Proposed Amendment to Brevard County Code of Ordinances, Re: Section 74, Article VI Brevard County Code, Pertaining to Restrictions for Sexual Offenders and Sexual Predators

Chair Zonka called for a public hearing to consider a proposed amendment to the Brevard County Code of Ordinances, Section 74, Article VI, Brevard County Code, pertaining to restrictions for sexual offenders and sexual predators.

Abigail Jorandby, County Attorney, stated this is a proposed amendment to Brevard County Code of Ordinances, Section 74, Article VI, of the Brevard County Code pertaining to the restrictions for sexual offenders and sexual predators; the ordinance is addressing the exceptions that are permitted for the sexual offenders and sexual predators to be within the 1,000-foot buffer zone; specifically, these exceptions include official business at Brevard County Government Offices, as well as an additional exception for vote by mail or to obtain a vote by mail ballot; staff has flushed out some of the school property exceptions, which was already existing in the Ordinance to reflect the current State Statute, and providing for public meeting exceptions; and as for emergency meetings, part of that requirement will require any individual who is a sexual offender or sexual predator to register with the Sheriff's Sex Offender Register and Tracking Unit before actually coming for those meetings. She advised those are the changes for this ordinance; and it is essentially for the exceptions to allow individuals to attend public meetings, as well as government business.

There being no objections or comments, the Board adopted Ordinance No. 22-11, amending Chapter 74-Offenses and Miscellaneous Provisions at Article VI-Sexual Offenders and Sexual Predators, by amending Section 74-102-"Sexual Offenders and Sexual Predators" in order to provide additional exceptions; providing for inclusion in the Code of Ordinances; providing for conflicting provisions; providing for severability; providing for an effective date; and providing for an area encompassed and for other purposes.

Result: Adopted

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

I.1. Discussion, Re: Non- Mandatory Advisory Board

Commissioner Tobia stated he does not plan to deal with any of these today, he just wanted to find out if there was a possibility as the Board goes forward; he is very grateful for the success the Commission has had eliminating 10 boards; this is just the Commissioners thoughts on that; and he passed out a blank copy to each Commissioner to fill out. He went on to say he will tally the votes, but will make no motion to do away with anything for today.

Kristin Lortie stated she is a District 1 resident, and she is a moderator of a Facebook group called Cocoa Cares Facebook Group; due to today's Agenda, the Board has inspired her to come and address it personally; on the non-mandatory advisory boards, she joins Commissioner Pritchett in valuing the advisory boards; she thinks the Commission should be very careful before scraping these boards; and she is not in line with Commissioner Tobia unless there is a compelling reason. She went on to state she is surprised to find out 10 boards were eliminated; she does not follow or listen to all of the meetings; the Commissioner in District 1 has the most support for the advisory boards; these are volunteers who are willing to share their expertise and wisdom with the Commission; she thinks they should be applauded and encouraged; and she will be speaking again on the policy issues, because she has some issues to those. She noted before getting rid of an advisory board, the members should be invited to come and plead their case, and should have a pretty compelling argument for disbanding those; she is surprised the Commission has decided to spend time on launching this investigation on the advisory boards when they are providing a service to County; she thinks they can help save money just from one good decision from an advisory board; she is comforted as a taxpayer, the more advisory boards the County has; and if she had more time, she would research those disbanded boards, because she is not in support of letting go advisory boards who provide a service to the community, and she is skeptical on all of the costs that supposedly go into these. She stated these are people working on behalf of the County; and she does not understand why the Board is taking this strong of an action on the advisory boards.

Ron Jurgutis asked if he heard correctly that there is not going to be a motion to eliminate any boards at this time; he stated he agrees with the last citizen's comments; the volunteers who do work on these boards, take it very seriously; there should be a case made before anything further is eliminated, that the boards show up here and state their case; and then everyone knows what is truly going on, including the citizens.

Sandra Sullivan stated she would be looking at how to function the advisory boards rather than do away with them; there are a few problems with some of them; the Citizen Budget Review Committee, for example, came before the Board with suggestions to put alternates on that board, so they can be training the next people if someone is not attending regularly that they could have someone else step into that position; if these are being looked at to improve them, to address the issues; and she thinks that would be a better approach. She continued what concerns her about the list in particular is the number of fiduciary rewards that are on that list; this is about accountability and transparency for the County; one of the boards listed is the Audit Committee; she did some public records requests for this Committee; the audit plan that came out for RSM, what was missing were the same three sentences for the Save Our Indian river Lagoon (SOIRL) audit; there are issues with the SOIRL audit that should have been identified; and when looking at that board, there are no alternates. She stated the board's need to be looked at with consistency just like the Commission did with the Planning and Zoning board; the board's need to be improved and better functioning; it is better for everybody; it gives the assurance of accountability and transparency; she attends some of these board meetings; she is learning things from these meetings; and now the Commission wants to do

away with some of these advisory boards. She added accountability and transparency is good government, and to do anything less than that raises questions as to the Board's motives.

Commissioner Tobia expressed his appreciation to the Board for filling the information on the forms; he stated one individual stated they are in favor of all of the boards; there were four boards that two of three folks who want to as a minimum have discussions; those boards are Arts in Public Places, Building and Construction, Historical Commission, and the District 2 Canal Dredging Committee; and those will be brought up at a later time. He went on to say he can certainly put only one board at a time for discussion to give everyone the opportunity to meet with folks, and to let those advisory boards plead their case as to why they are necessary.

Chair Zonka stated some of these boards were looked up because they have not met in several years, because the Board did not view them as having value; some of them have met but had no product or information; this was just a list of non-mandatory boards; it was not something the Board was considering eliminating them all; and it was just a discussion or an informational piece.

The Board discussed non-mandatory Advisory Boards, but took no action.

I.2. Consideration of Solid Waste Management Department's Proposed Disposal Assessment Rates, Five-Year Capital Improvement Program and Financing Plan

Tom Mulligan, Solid Waste Management Interim Director, stated staff is requesting the Board to consider Solid Waste Management Department's Proposed Disposal Assessment Rates, Five-Year Capital Improvement Program and Financing Plan for that program, including associated proposed annual disposal assessment rates; to authorize staff to mail the required public hearing notice regarding consideration of proposed increases to the annual Solid Waste disposal assessment; to authorize the development, advertisement, and award of a competitive bid solicitation for printing and mailing services for that public notice of public hearing, including authorizing the County Manager to make any minor, but necessary, modifications to the public hearing notice before issuance; and to execute the contract for the printing and mailing services. He went on to say this request also authorizes staff to research the most efficient financing method for the Solid Waste Management Department's capital improvement funding needs, including a third-party engineering study that is required for financing; and to authorize the County Manager to approve all Budget Change Requests that may arise from the mailing, competitive solicitation, and the third-party engineering study.

Sandra Sullivan stated the benefit from attending these meetings for three and a half years is her perspective she has garnered on this particular topic; this subject, more than any other, of Solid Waste disposal has been discussed perhaps more than any other topic; she wants to call out why the County has this expense before the Board from her perspectives from attending these meetings; and for three years the Board talked about whether it was doing State Road (SR) 192 project or if it would be Florida Recyclers. She continued by saying May of last year, the Board had a meeting where it started construction of the SR 192 saying it was going to run out of dump space in Sarno during the summer, and something happened to the Florida Recyclers that the public does not know about of why it did not pan out; but the bottom line is in October the Board approved trucking trash and buying trucks to move trash around to different facilities; one Commissioner voted against that and said they were not going to vote for it unless it is figured out how to pay for it; and the public is going to pay for that, because this SR 192 facility will not be operational until 2026. She added for four years the County will be trucking trash because the County is reactive management, crisis management, not proactive management in planning for capital expenditures; at the Budget meeting the Board actually

said an impact study should be done to figure out how it was going to pay for this; that was nine months after the facility was started to be built; this is shameful; and the Board talks about accountability and transparency, that is why it is needed.

Kristin Lortie stated she is not as versed on this item as the last speaker; she did look at the Agenda topic, and she has a few observations; this is headed for a tax increase over time; she does not have the answer to the question if it is justified or needed; it does say though that if it is not done, the County will run out of capacity at the landfill; and what was curious for her was one particular facility on it that was going to get filled up two years sooner than it was expected to. She asked what the County is doing to encourage diverting trash into the landfills programs in order to advise residents, and programs to essentially charge the heavy waste users; she stated there are programs for this in other places; she is interested in seeing programs in Brevard County that help people reduce their overall consumption into the landfill so taxpayers do not have to have tax increases, and will not need all of the infrastructure; and if that could use an advisory board, she is all in favor of that, having volunteers and experts to look at other places in the country to find out what they are doing to help reduce the overall usage. She stated she is interested in reducing Brevard County's waste; it is having a population explosion; the waste problem is not going to get better; and she hopes someone is trying to come up with some ideas to be able to divert the tax increases in the future.

Ron Jurgutis stated as long as he has lived in Brevard County, trash has always been a subject; it seems to be to push it off, there is no solution, or there is some type of crisis going on that it is not addressed; this should have been addressed a long time ago; he hopes wherever this landfill is going to go is that people are very careful not to disturb the water table; and that could affect the citizens drinking water. He pointed out he is not happy with higher rates to go along with the inflation that is going on now; it has got to get done; and had it been addressed sooner, perhaps the costs would have been less.

Commissioner Pritchett stated this is a tough issue; before she was a Commissioner, she watched the meetings for four years; this has been an ongoing topic as far back as she can remember; the SR 192 site, work has started there, that was very difficult; this cannot be rushed into, because having a new dumpsite in a person's area, is not that comfortable; and what is so tough about that site is there is a lot of cattle there that graze. She went on by saying there would have been more time but Covid hit and many people did remodeling, and it quickly started filling up a few of these sites; the ability to have this work is going to happen, but costs and inflation is going up everywhere; and she thinks she heard it was going to be up 23 percent by the middle of the year after the start of the year. She reiterated this is not something that can be hurried, because it effects everybody; and she thanked the County Manager for all of his hard work and the thorough job he has done in trying to get the best job done for the community.

Commissioner Smith stated he wants to address a couple of things; this did not just happen, it is not something that the Board is Johnny come lately to; this is something the County has been working through since 2000 or 2002; it worked with Deseret Ranch to buy this property where the new landfill is going 20 years ago; and this has been in the plan for a long time. He went on to state the County did not get the last permit it needed until about a year ago; it is very difficult to get permitting for a landfill; had previous Commissions not been on the ball and gotten this rolling 20 years ago, where would the County be now regarding a place for the trash; and it would have to go to whatever county who was in the business of possibly taking Brevard County's trash. He added if the property was not obtained for a landfill, other counties could charge Brevard County anything they wanted to haul its trash; if the process were started now instead of 20 years ago, it could be 40 years before all necessary permits could be

obtained; there is a lot of misinformation out there; the County is on top of this situation and are moving forward with this; and he asked if the County Manager wanted to add anything.

Frank Abbate, County Manager, replied no, the Agenda Report has a good outline of the five or so items staff is asking the Board in the requested action; and staff is looking for approval of all five of those items, because it needs to be moved forward.

Commissioner Tobia advised the increase for the first year will be \$5.13; and he asked is that per year or as initially reported per month.

Mr. Mulligan replied that is per year.

Chair Zonka stated Ms. Sullivan has been coming to the Board meetings for three years, and she knows her feelings about the 192 site; she thinks Ms. Sullivan protested once on it; many people do not understand that landfill being at the entrance of Brevard County; she wishes Florida Recyclers would have worked out; and that would have bought the County a few years and it could have possibly found another location. She continued by saying she does not want to be at the mercy of another county; and Brevard County is kind of stuck.

The Board considered and discussed the Solid Waste Management Department's proposed Five-Year Capital Improvement Program (CIP), a financing plan for the CIP including associated proposed annual disposal assessment rates; authorized staff to mail the required Public Hearing Notice regarding consideration of proposed increases to the annual Solid Waste Disposal assessment; authorized staff to research the most efficient financing method for the Solid Waste Management Department's CIP funding needs, including a third-party engineering study that is required for financing; authorized the development, advertisement, and award of a competitive solicitation for printing and mailing services for a Notice of Public Hearing for proposed annual Solid Waste Disposal assessment rates, authorizing the County Manager to make minor, but necessary, modifications to the Public Hearing Notice, and to execute the contract for those mailing services as approved by the County Attorney's Office and Purchasing Services; and authorized the County Manager to approve all Budget Change Requests that may arise from the mailing competitive solicitation and for the third-party engineering study.

Result: Approved

Mover: Rita Pritchett

Seconder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

I.3. Discussion, Re: Non-Mandatory Advisory Board Uniformity Ordinance

Commissioner Tobia stated on April 5, 2022, at another Board meeting, he discussed a draft ordinance relating to uniformity of non-mandatory advisory boards; this ordinance does not affect mandatory boards or other boards that operate differently by Florida Statutes, Federal Law, the County's partnership boards, and no compromise of appointments; there have been very few changes from what was discussed; he will go over again, very briefly, the things that he was interested in bringing inline; first was meeting frequency, a limit of four meetings per year, exemptions due to workload in nature of the boards include Board of Adjustment, which conducts an average of 54 public hearings a year, and the Personnel Council, it is important that the board meets as often as possible to be able to meet any employee grievance or appeal; and secondly, the meeting time. He noted he appreciates the concern of Janice Scott who spoke at the April 5, 2022, meeting and included that a minimum of 75 percent of meetings must be held during regular business hours; she said not everyone could make business hours, so this would make one of those meetings take place outside of that; on

meeting locations, all meetings will be held at government facilities, annual reports, a uniform summary one-page report will be required of all County advisory boards and published in a regular agenda as well as posted online annually; staff time and expenditures for all of the boards other than those mandated by the federal law, staff time will be billed at \$50 per hour, indexed annually with Consumer Price Index (CPI), and a cap of \$3,000 for staff costs per year; and staff time includes, but is not limited to, attend those meetings, research, communication, and other tasks done on behalf of, or in relation to, a request made by a member of the advisory board. He stated for all boards, mandatory or not, all staff time requests must be made through the advisory board chair on behalf of the advisory board to the designated staff liaison; the attendance policy, an appointee who is absent 50 percent of the advisory board meetings at the end of the appointees current term is cause for immediate dismissal from said board; he expressed his thanks to Commissioner Smith who was concerned about the sunset provision that was discussed last time, however, has been removed from the current one, and he does not plan on putting that back in, so there is no sunset here; he advised Commissioner Smith is absolutely correct, future boards can remove that without the cause in there; and exceptions due to extenuating circumstances can be handled administratively by the County Manager. He stated he is happy to answer any questions, but the motion will be to approve legislative intent and permission to advertise for a public hearing for proposed amendments to Chapter 2, Brevard County Code of Ordinances relating to the advisory board regulations.

Kristin Lortie stated there are three things in this that she thinks are reasonable; one is the annual report, she believes that is a reasonable request; having the website information accessible; 50 percent attendance also seems reasonable; the list is much longer of the things she does not find reasonable; and one of them is meeting frequency. She went on to say the County has a lot of boards that meet more than four times a year; this is pennies on the dollar the Commission is chasing to try to save the County money; she heavily disagrees with that; the meeting times being 75 percent during the day, that could really interrupt a board; and if there are several boards that do meet in the evening, and 75 percent of their meetings have to be during the day, she sees that disruptive to the board. She noted she does not understand why the meetings have to be disrupted like this; they are meeting throughout the County now; now everyone is troubled to go and find a County building in order to meet; she asked what the purpose is; and \$50 an hour, as she said before, she is skeptical about these rates. She pointed out these rates are not real extra rates that go to the taxpayer, it is just the County saying it does not want its staff to be troubled by working on these advisory boards; another thing crossed out is keeping accurate meeting minutes; she does not understand why that would be; there are also cross outs for committees that she does not understand; and all requests by the chair for information, to some extent a person can say that maybe seems reasonable. She asked what if there is a chair that is not doing that great of a job, and there is a board member who is more diligent and wants to request information, what is the process for them if the chair decides their request is not prudent; she advised she sees a lot of problems with this request for what she sees as not much gain; she inquired if that can just be requested from these boards to receive an annual report, the Commission would like to have the website put up, and if there is really a problem with 50 percent attendance; even the potential inspiration has been to 50 percent of the meetings for this policy; and she is not an advocate of punitive policy that could be disruptive to the advisory boards, so she is opposed to this policy.

Ron Jurgutis stated as he has been told in the past by some, a County employee works for the County, certainly has to address issues to the Commission, but also works for the taxpayer; regardless of the board, if they are salaried employees, they are still going to be paid; as the previous speaker stated, how can something be done correctly if something is found and there are only four meetings a year; that needs to scrupulously be looked at as far as the boards to really understand; he would hope the Commissioners perhaps need to start attending these

boards in some way, shape, or form to see truly what is going on; and he is not saying the Board Members do not, but maybe some of these boards do need more time to go through relevant issues, or have a request process to justify more than four meetings. He added something cannot just be solved on various committees in four meeting a year; he asked as to a taxpayer concern, why is this being done; he stated citizen input is being limited; the Board should want people to get involved in these committees; and sometimes there are really good people out there who can help. He noted the County workers do a good job, but sometimes there needs to be a flyover, the bell rings, the idea comes out, and it is a ta-da moment.

Commissioner Tobia advised he does not have any comments concerning the public comments; he has made changes to the first draft to meet some participation from the audience as noted; he is willing to look at some of the stuff; but he is pretty happy with the work product the Board currently has in front of it.

Commissioner Smith stated as a speaker mentioned, if there are four meetings a year, maybe something important comes up in between, and they have to wait; and he asked if there is a provision that they can convene at a special session.

Commissioner Tobia responded affirmatively; he stated he looked at doing that one of two ways; one, bringing that to the Board to make an exception, or handing that power to the County Manager; he thinks it is probably better to hand it to the County Manager; he can make a decision unilaterally; and he thinks the Board all trusts the County Manager.

Commissioner Pritchett stated she likes Commissioner Tobia putting in for the County Manager to be able to make changes, because he knows what boards may need a little bit more on a task; she asked Abigail Jorandby, County Attorney, about the prompt minutes; she mentioned that, that is under State Law, so it does not really matter if the Board puts it in or not, it has to be done anyway; and she just wanted to mention that. She pointed out she had a request on page three where it speaks on attendances and absences; she would like to add the phrase, instead of waiting to the end of the term, that as soon as this threshold is met by the person, like a two-year term and the person has already missed half of the meetings within year one, she thinks that is the time to remove them and not wait to the end of their term.

Commissioner Tobia advised some thresholds will have to be set; and he asked if Commissioner Pritchett would prefer half of the meetings after the first year.

Commissioner Pritchett replied correct, instead of waiting until the end of their term; and it can say, shall be dismissed from the appointment to the advisory board as soon as this threshold is met.

Commissioner Tobia stated he has no hesitancy in making that change.

Commissioner Smith stated he thinks it is a great idea, because if there is an appointee and he or she habitually is absent and nobody slaps their knuckles, he or she just keeps being absent.

Commissioner Tobia noted he will make that change prior to it being advertised, and it will be adjusted accordingly.

Chair Zonka suggested maybe after four meetings would cure that issue; if there are two meetings and someone misses one of two that technically would hit the threshold; so maybe after four calendar meetings; and that way that would at least be a fair look.

Commissioner Tobia stated sounds good.

Commissioner Pritchett stated if there are some boards that meet eight times and they have to meet eight times, the County Manager has the ability and his wisdom now to continue that; she thinks Mr. Abbate has a good handle on that; and with that in there, she thinks it is a very good ordinance brought forward by Commissioner Tobia.

Chair Zonka stated her only concern regarding the ordinance is charging for staff time; and she asked who pays the staff time.

Commissioner Tobia replied he learned this the first day in economics, there is something called an opportunity cost; the County has many openings, 91 slots available, to fill spaces; when County employees are busy filling requests, he or she is not doing other duties; the opportunity cost for this is huge; and it is probably more than the \$50, because it is very difficult when the Board hears from constituents wondering why something has not happened. He went on to state the reason is because people are working hard filling public records requests for one individual; the goal is to deal with the opportunity cost; \$50 is a fair, round number; it provides 60 hours; and the County Manager has the ability to override that.

Chair Zonka advised she wanted to clarify that.

The Board reviewed the draft ordinance, and granted legislative intent and permission to advertise for proposed amendments to Chapter 2, Brevard County Code of Ordinances, related to advisory board regulations.

Result: Approved

Mover: John Tobia

Seconder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

I.4. Discussion, Re: AO-47, The Coordination of Public Records Request

Commissioner Pritchett stated this was discussed at the last meeting; this is an administrative order that if approved, Frank Abbate, County Manager, can work into the order; it is the same public records criteria that law enforcement uses, Florida Department of Law Enforcement (FDLE); and this is a tweaking and piggybacking of what is being done in the whole State as far as law enforcement with the public records requests.

Rick Heffelfinger stated he wants to make comments regarding other issues before he moves on, because he found them confusing; Commissioner Smith mentioned something about the 39 increase, and it has nothing to do with the landfill; that was a waste management contract to pick it up and send it to the landfill; he is glad there is a landfill, it is very nice; but the issue is really about the increase. He noted it is mixing apples and oranges; the landfill is now filling up; and with a 20-year process for a landfill, he is glad it was started 20 years ago.

Chair Zonka stated his time is supposed to be used for this topic.

Mr. Heffelfinger stated he does not know why the Board is spending so much time churning this; he asked who authors it, the County Manager; he stated it is basic policy; he asked if is there a question about costs or who is billing on a public records request; and he advised there is. He went on to say it is supposed to be the cheapest, most efficient way to get the record to the person; he does not know why a County Commissioner would get involved; he is sure they have a public records representative on their staff; every department has a public records

representative; and if the Board reviews the documents that control how the County is supposed to do it, it is pretty thorough. He added there is a lot of players, and people may not understand what that play is; the County Attorney is a records management liaison; there is a public records manager for the records management center; there is a records coordinator, which is the County Attorney's office; and most of it is County Attorney. He reiterated he does not know why the Board is getting involved; if he has a question for a County Commissioner, he guesses it goes to his or her staff; he had interaction with Commissioner Pritchett; he asked for a document that was returned to him as an electronic document; and he received two options, either a public records request or they could wait two days for them to scan it and send it. He noted he thinks the problem is not so much the costs cumulative, it is the flow of getting the records into the system.

Commissioner Pritchett advised Mr. Heffelfinger requested it on a Friday afternoon, and she did not have access to it; and if it would have been a Monday, she would have just scanned it and sent it right to him, so that is why there was a little bit of a pause there.

Sandra Sullivan stated to be perfectly honest, what this is about is increasing the costs of records requests and making them more difficult to get; good government is funded on the tenants of accountability and transparency; if the Board wants to be helpful, to put the public records requests on a website where anybody could look them up, search them, and download them; AO-47 was not on the last meeting; and she provided a copy of a records request she made at a meeting that was not loaded up to Legistar, and it was \$135. She stated the one she probably had the most heartburn with of the changes is unpaid invoices, if a requester has previously received an invoice and had not paid the costs associated with that request, the County will not provide records for subsequent records requests until such time as the past due amounts have been paid; she has a copy of a records request that she made; there is a statement in it that this is an estimate only; it says, "Brevard County is in receipt of your public records requests and the request has been forwarded to the appropriate departments and/or personnel to research;" a key part; and it continues, "A cost estimate will be provided to you prior to your filling the request." She pointed out she did requests, and it went to Natural Resources; they were requests that she does not think wanted to be provided to her; she got the rate of the highest paid person in there even though there are people per policy that could have provided that record; she has an email sent from Commissioner Lober's office that he paid for two of her public records requests; and she still has not gotten them. She added she would caution this intent to make records prohibited and to slow roll them, because this intent inevitably will end up in the courts; there are very strong sunshine laws here for transparency; and there has already been one instance that she has stated on public record and intent to postpone, delay, obstruct providing public records requests until after the Save Our Indian River Lagoon vote.

Kristin Lortie stated she is strongly opposed to this punitive policy, which she also thinks is petty that people are now having to pay for invoicing; Commissioner Tobia mentioned several times, because she watched the April 6, 2022, meeting, about how a requester had not paid for their request; she thinks it likely falls under this category of not having paid for the invoice that ended up being too expensive for the requester, which is not the intent of this policy; the policy is providing access to public records is a statutory duty imposed by the Legislature upon all record custodians, and should not be considered a profit-making or revenue generating operation; excessive, unwarranted special service charges deter individuals seeking public records from gaining access to the records which they are entitled; and the Board is indicating this is going to penalize a couple and that 99 percent of the people are not going to be effected. She went on by stating if she requests it from a Commissioner it will be \$30 instead of \$50; that gives her no comfort whatsoever; she did not know she would have to pay \$30 an hour to get

information from a Commissioner even if he or she decides not to charge that; and she has her own souvenir from March, which she has sent to all of the Commissioners, of \$159 to get one Request for Proposal (RFP) submission. She noted she does get 15 minutes free, because according to the policy, 16 minutes is considered extensive time; she cannot object to this strongly enough; it has been inspired through the requesters who are requesting too much information; she asked why the motives of people who want public information being questioned; and she stated if they want the public information they are entitled to get it. She stated the fact that law enforcement has the same punitive policy, gives her no comfort, it makes her wonder what is going on with law enforcement in Florida; in her research, she looked up Housing and Urban Development (HUD) because she has questions on housing; the HUD policy is much more reasonable, and says that all other requesters are charged for search time with the first two hours provided at no charge and duplication with the first 100 pages provided at no charge in all cases the total fee does not exceed \$25; and that sounds like a reasonable policy. She added when taxpayers are looking for information, they want good policy; she objects to the current policy; the proposed policy is so petty that it says, staff shall not be required to answer any questions regarding public records policy; and she reiterated her objection to this policy.

Ron Jurgutis stated no, no, no; a policy based on law enforcement that applies to a different jurisdictional situation, no; he attended the previous meeting; what he found interesting, and he should have done something about it, because this is based punitively against two individuals, their names were brought up by a Commissioner; and nothing else was mentioned, and that is wrong. He went on to say that shows this is biased, petty, and wrong; he asked why citizens want documentation; he stated they have heartburn; to get charged on top of it; he guesses it is an opportunity cost; and this is wrong. He stated the policy should be adjusted accordingly to ensure citizens have access; no citizen makes a request out of just wanting a request of tons of documents; there is something there; they smell or sense something; and he reiterated this is wrong and it is petty against two individuals.

Commissioner Pritchett stated she does not think the Commissioners should be paying people's public records requests out of staff funds; and she asked if the Board Members were doing that. She stated she did not think the Commissioners were doing that; she just found out staff was told not to help people with public records as far as defining their public records; they would put in a large public records; in the past they were able to ask people if he or she want to tweak a request down a little bit to get it more targeted to what they want; and they were told they are not allowed to do it. She went on by saying therefore there were huge public records costs coming through for them, so the County is back to what was originally being done; staff is going to help the public to find what they are looking for to get that down as well; Ms. Lortie could have done it very creatively, she could have gotten one page at a time, because the 15 minutes would have been free; before electronics, these were really expensive; and staff would have to dig them out of folders, run them off, so the electronics have helped greatly. She noted the goal is to get the public records out to the public as quickly as possible; maybe eventually everything will be online and a person can click and look at anything he or she wants; Commissioner Tobia brought up something earlier regarding opportunity costs; if staff is having to do excessive public records, is fine, but someone has to cover the costs; and although some people might not mind if it is all including taxpayers, other people mind greatly. She stated the Commissioners are put in his or her position to watch over everybody's interest; the best to get information to the public as they need it; but anytime someone does something excessively, there is always a little bit of a cost that has to follow with these things. She pointed out if someone puts in a public records request and the estimate comes out, all a person has to do is rescind it; if a person moves forward with it, staff starts working on it, and they are putting in the time, it has to be paid before submitting another public records request; she does not know why

that is a conversation, it is just appropriate; and when a person orders a sandwich at a restaurant, a person says they will not pay for it, the restaurant will not make them another one. She stated when staff receives 40 separate public records divided up and it could actually be only one request, a person may need a little help tweaking that down. She advised the reason for law enforcement, it is because it is State Law; she did her ethics courses last night and this was a heavy topic; this is the State Law and what is done for public records; she thinks it is a good thing; and it is really going to lower the cost of public records requests.

Chair Zonka asked Frank Abbate, County Manager, if there are Commissioners who pay for people's public records, or has that happened in the past.

Mr. Abbate replied yes; and he stated there was a request by a Commission Office to pay for he thinks three public records requests from their office budget; but that has not been processed by staff.

Chair Zonka advised she does not think that is appropriate. She went on to say this policy is going to save people money; a former Commissioner was charging his rate of \$55 an hour; now a Commissioner cannot do that; if it is a simple email, it will only take a minute to get; between the two individuals that Mr. Heffelfinger has an issue with their names being mentioned had probably 65 requests; and one of the individuals requested multiple personnel files of County staff. She added she is not sure to what purpose, but she does not know if the individual is fishing; but she has to wonder their intent, because it almost seems like bullying to her; there is a request of a Commission staffer, a browsing history request, and even a Commissioner who at his regular job got his personnel file requested. She noted this policy is actually going to save 99 percent of people money, but she questions the motives of people that are asking for 65 public records requests; she does not want staff to try to interpret people's public records requests or try to narrow it down, because she does not want staff to be accused of trying to withhold information; it is easy to make accusations, and staff cannot defend themselves; and that is just not fair.

Commissioner Pritchett stated they just got an email from a Commission Office, the Commissioner resigned; he received a request for his personnel file, which includes his birth certificate and driver's license; that is not okay; it might be legal, but she does not know if it is ethical; and she is going to work to make some changes that people's private personnel files do not get put out there. She went on by saying a birth certificate is protected by State Law; and it is just bullying.

The Board discussed AO-47, and directed the County Manager to begin making changes to AO-47.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

J.1. Discussion, Re: Emergency Medical Services Review Committee and the Emergency Medical Services Advisory Council

Commissioner Tobia stated he is going to go over two advisory boards; the first one is the Emergency Medical Services Advisory Council; they review hospital protocol and procedures and makes suggestions and feedback based on its findings; it is not State mandated; the function of the board can be handled by County staff; and this board meets virtually twice a

year so they can satisfy the direction of the board, however, the last time they met to do any essential work was in 2019. He continued by saying prior to this, there is no record of the board meeting for any substantive reason within the past seven years, which is as long as the board record retention goes back; the second one is Emergency Medical Services Review Committee; it reviews Certificate of Public Necessity and Convenience or (COPNC) certificates; it is not State mandated; and the function of this board can be handled by County staff. He added this COPNC approval must come to the Board of County Commissioners for approval regardless of the existence of this advisory board; this board has not met for over 15 years; the last time it met was 2005; he originally sought to combine these boards with the Emergency Medical Service Council, but while their names are similar, their functions would potentially create some conflict; and after advice from staff, he would like to dissolve the Emergency Medical Services Review Committee, which has not meet since 2005, and to take the tasks performed by the Board. He noted Matthew Wallace, Public Safety Group, is present to answer any questions.

The Board discussed and granted legislative intent and permission to advertise for a public hearing to amend Brevard County Code relating to Emergency Medical Services Review Committee and to dissolve the Committee.

Result: Approved

Mover: John Tobia

Secunder: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

PUBLIC COMMENTS

Ron Jurgutis stated perhaps some of these issues can be resolved in a different manner; perhaps in the budget can create a first in this County, maybe anywhere, to create a position called Citizens Council, an advocate for the citizens that when there are certain requests or issues coming up they can speak to them to see how that can be handled; this is not a council that presents the Commissioners, staff, and so forth, but a citizens council; and it would be for legal advice to citizens related to Brevard County matters.

Kristin Lortie stated she wants to cover a couple of things under public comment; one is the Consent Agenda; the Consent Agenda for today's meeting had 14 items on it; that is a lot of County business that is under the Consent Agenda; and she had no idea the Consent Agenda ever existed. She noted anyone watching is served to be aware of the Consent Agenda, and to familiarize themselves with it due to the backup that is available; the Consent Agenda items are not even read aloud; at the Titusville meetings, they read the Consent Agenda aloud; at least people know a little about it; and she finds it very commendable practice. She expressed her appreciation for Frank Abbate, County Manager; she appreciates in the Florida TODAY article, he simply said they did not get some of the things right in the County's paperwork, and it is being cleaned up; that was one of the highlights of the article; she thinks the citizen watch dogs should be able to do what they do without their motives being questioned; and seagrass and the Lagoon is one of the hottest topics in this County. She stated if there are two troublemaker's that cost \$1,000 a month that is \$1,000 of taxpayer money that is well-spent; she is glad the article did get written by the newspaper; she is curious why they are only doing two or three requests a month; she did protest her invoice; and these invoices are often falling under the extensive time due to redaction. She added when she actually received the information because she protested, there was no information redacted; she wants people to watch out for these redaction time costs allowing these hefty invoices to be charged to citizens; she personally validated that is not the case; and there are hefty fees going on even with the

new disputed policy. She stated she appreciates the public being able to speak here; it was nice to meet Commissioner Pritchett; this is her first time at the meetings; and she reiterated how glad she is that the public can speak up.

L.4. John Tobia, Commissioner District 3

Commissioner Tobia stated Billy Prasad is no longer with his office, he is with the County; his lovely bride-to-be, Bethany Iliff, has stepped up to that role; he is proud to say she is the new Chief of Staff, even though Billy's suggestion was that she be commander-in-chief, which is probably closer to the way she really does run that office; they have a new person, Brian Bond, who is in the audience; and he appreciates his time with the County and the Sheriff's Office.

L.5. Curt Smith, Commissioner District 4, Vice Chair

Commissioner Smith stated he has a travel request; if the Board agrees, he will be traveling and representing the Board on the Economic Development Commission trip to Washington, D.C. on May 17 through 18, 2022, which also include a meeting in the Pentagon; and the estimated expense would be somewhere between \$1,500 and \$1,600.

Commissioner Pritchett stated she thinks when the Board made an adjustment last time, it is under his office budget for those types of things; but she is glad to know he is going.

L.3. Rita Pritchett, Commissioner District 1

Commissioner Pritchett stated everyone in her office resigned at the same time; she is not mean, she promises; one of them moved up north to work with his dad to take over his multi-million dollar business; Carol Mascellino has been there a long time and was ready to just move on; she brought two of the new staff with her, Suzette Maners and Cecilia Quist; and she expressed her appreciate for everyone's patience while they are all being trained again.

L.5. Curt Smith, Commissioner District 4, Vice Chair (Continued)

Commissioner Smith stated as the County's representative to Central Florida Expressway (CFX), he would like to bring the Board up-to-date; they had their monthly meeting Thursday; CFX's year-to-date gross revenue is \$399 million; it is a very efficient operation; and the net of that is \$204 million for future projects. He continued currently there is 60 miles of widening projects underway, and 27 miles of milling and resurfacing; it is continuing to see a decrease in cash and toll by plate; five years ago, the cash and toll by plate was 17 percent of total revenue; currently it is just shy of four percent; and toll by plate is fairly stable even when the rates of toll by plate versus transponders has doubled. He noted it is interesting that people who would rather pay by plate than use a credit card, they just feel it is an invasion of privacy, they just continue to pay the extra \$1.50 or \$2.00 that toll by plate incurs; it is the only toll agency in the State that offers volume discounts; if a person goes through the tolls 20 times, he or she get a rate decrease, and if it is 30 times, another decrease in tolls; and it is a nice gesture on CFX's part. He stated he would like to write a letter to Governor Ron DeSantis; there is a vacancy on the Board of County Commissioners; there have been a lot of rumors of whether that vacancy is going to be filled or not; he thinks the Board's input would be important for the Governor's office to hear; he reiterated he would like the Board to send a letter; and the County is in a unique position that going forward with only four Commissioners in a Charter County like Brevard County is, it incurs issues that other counties do not have. He advised there is a burden in Brevard County until the Governor appoints someone; for example, two/two ties hampers the Board ability to move forward on those items that require a super majority of

four votes; with only four Commissioners, the super majority now becomes not a super majority, but a unanimous majority; these problems will persist for the business of the County for the next seven months unless Governor DeSantis makes an appointment available to fill the empty position; and in short, unless the Governor fills this position, the Board's ability to conduct the business of the County will be hamstrung and unnecessarily difficult.

Chair Zonka stated she has no problem with that; and she asked Commissioner Smith if he would compose the letter for her signature.

Commissioner Smith stated he is not sure if he ever mentioned this story, but in the fall of 2020 he was stopped at this red light, and this red light is at Wickham Road heading west right at Murrell Road; to the right is Murrell Road, and it winds through Suntree in Viera; to the left is the Zoo, there is a nice, big Zoo sign, and ovetop of it is the sign that says Murrell Road; and he thought it was weird and they should have their own name for a road like Zoo Trail Road. He went on to say it inspired him to reach out to Keith Winston who is the Director of Brevard Zoo; he suggested the name of the road be changed; he reached out to Eden Bentley, who was the County Attorney at the time to find out how difficult that would be; and Ms. Bentley said it would be no problem at all. He stated he talked to Mr. Winston and said to maybe encourage the elementary schools in the County area involved and have some kind of a contest in naming the road; that was done; they had over 4,000 kids, and this is what they come up with; the road will now become Wildlife Way instead of Murrell Road; and so there is Wildlife Way on the street sign, a big Brevard sign, and the kids of Pinewood Elementary should be thanked for coming up with that answer.

L.6. Kristine Zonka, Commissioner District 5, Chair

Chair Zonka stated she has one item to speak to the Board about; she wants to ask Governor Ron DeSantis not to veto the Brevard Zoo's budget request; she thinks it is \$950,000; it is actually for the aquarium project; and if the Board is not happy with it, she is happy to sign it as an individual.

Commissioner Tobia advised while he is not in support of this from Chair Zonka's perspective, this brings an added light to it; if Chair Zonka thinks the Governor will support it, great; he does not think it is the greatest idea; he does not know the Governor personally and has not had any conversation with him about it; and he does not know on this one.

Chair Zonka stated maybe she will speak with Brevard Zoo Director, Keith Winston, about it first; and she asked if the Board is opposed to her writing the letter after she speaks with Mr. Winston.

Commissioner Smith replied no, he has some ideas, so he will make a telephone call.

EXECUTIVE SESSION

Chair Zonka read as follows: As authorized by Section 286-011, Section 8, Florida Statutes, the Brevard County Board of County Commissioners will now commence an attorney client session to discuss litigation and strategy in settlement negotiations in the case of Rachel M. Sadoff, in her official capacity as Brevard County Clerk of the Circuit Court and Comptroller v. Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida, Case Number 05-2019-CA-058736-XXXX-XX. The persons attending the attorney/client session are Rita Pritchett, Commissioner District 1, John Tobia, Commissioner District 3, Curt Smith, Commissioner District 4, Kristine Zonka, Commissioner District 5, Frank Abbate, County Manager, Abigail Jorandby, County Attorney, and the Court Reporter. The attorney client session will be held in the County Manager's conference room, Third Floor of Building C, of the Brevard County Operations Center, 2725 Judge Fran Jamieson Way, Viera, Florida 32940. The estimated length of the attorney client session is one hour or less. I will now entertain a motion to temporarily adjourn to reconvene in the County Manager's conference room.

Upon motion and vote, the Board adjourned at 10:47 a.m.

ATTEST:

RACHEL SADOFF, CLERK

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