

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, April 4, 2023

5:00 PM

Regular

Commission Chambers

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

A. CALL TO ORDER 5:02 PM

C. PLEDGE OF ALLEGIANCE

Chair Pritchett led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the January 24, 2023, Regular Meeting, February 2, 2023, Zoning Meeting, and the March 2, 2023, Zoning Meeting Minutes.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

E.1. Resolution, Re: Proclaiming the Week of April 9-15, 2023 as National Public Safety Telecommunicators Week

Chair Pritchett read aloud, and the Board adopted Resolution 23-029, acknowledging April 9-15, 2023, as National Public Safety Telecommunicators Week.

Result: Adopted

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

Wayne Ivey, Brevard County Sheriff, expressed his appreciation to the Board for recognizing these brave individuals that are truly the lifeline for the citizens and for the first responders; he stated most of them are not present today because they are actually working, handling calls, and things of that nature that they do each and every day; they are the ones who are responsible for saving lives; and when someone calls 9-1-1, they are talking to the telecommunicators from any of their agencies, and often talking to multiple agencies at the same time. He went on to say they deal with things most people cannot deal with; the critical incidences that take place, they deal with them each and every day; that is put on steroids, the stress levels that go on them, when an incident like the Kevin Stanton incident happens where they are not only trying to get people to help a fallen first responder, but they are trying to do everything they can themselves; and not being there to actually know what is happening, but knowing they are needed, and their loved one who they are responsible for has been hurt. He noted when the Board passes this Resolution, and he knows it passes this every year, he hopes the citizens realize that the telecommunicators across-the-board are the lifeline of not only their agency, but the brothers and sisters of partner agencies across-the-board; he could not be more proud of them for the work they do each and every day; they come to work with smiles on their faces and passion in their hearts for helping others; and he does not think people could ask for any more than that. He stated on behalf of their entire team, he thanks the Board for recognizing them for their hard work and their efforts to save lives.

Chief Patrick Voltaire, Fire Rescue Director, stated the stress that these folks are under is amazing; he expressed his appreciation to the Board for recognizing them; he stated just taking that first call on someone's worse day is no small feat; it is important that they are recognized and appreciated in the community; and looking out for all of the operational people out in the field and keeping them safe is a large task.

E.2. Resolution, Re: Proclaiming Child Abuse Prevention Month for the Month of April

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-030, acknowledging April 2023 as Child Abuse Prevention Month.

Result: Adopted

Mover: Rob Feltner

Seconder: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

Jessica Miles, Child Prevention Task Force of Brevard Chair, stated she also works for Brevard Cares, that provides services for families in need; Child Prevention Month is near and dear to their hearts, because it is why they do the work they do; Chair Pritchett mentioned the pinwheel; and the blue represents the bruises that children suffer due to abuse. She advised they work tirelessly in the County; the task force is all of the children abuse prevention agencies here; they are working to ensure the children in Brevard County grow up safe, happy, and healthy like this pinwheel and what it represents; people who see the pinwheels around will remember all of the children that have been lost, and the children that will be saved in the future due to the work being done; and she expressed her appreciation to the Board for its partnership.

E.3. Resolution, Re: Recognizing Eagle Scout Grant J. Newcombe

Commissioner Feltner read aloud, and the Board adopted Resolution No. 23-031, recognizing Grant J. Newcombe for attaining the rank of Eagle Scout.

Result: Adopted

Mover: Rob Feltner

Seconder: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

Chair Pritchett stated it is hard to be an Eagle Scout, so it is very impressive that Mr. Newcombe did all of this hard work and accomplished this; most of the Presidents of the United States were Eagle Scouts; and the Board is expecting a lot from him.

Mr. Newcombe advised he will try to deliver.

SELECTION OF VICE CHAIR

The Board selected Tom Goodson as the Vice Chair of the Board.

Result: Approved

Mover: Rob Feltner

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

DISTRICT 5 COMMISSION OFFICE AND STAFF

The Board authorized Danielle Stern, Chief of Staff, as appointing authority to make decisions for the District 5 Commission Office; and authorized keeping Janette Roig and Charlene Brown as full-time employees.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

ITEMS PULLED FROM THE CONSENT AGENDA

Commissioner Tobia pulled Item F.3., Approval, Re: Interlocal Agreement with the School Board of Brevard County, Florida, Regarding Improvements to Hoover Middle School, from the Agenda for discussion.

F.1. Approval, Re: Transportation Impact Fee Technical Advisory Committee for the South Mainland Benefit District Project Funding Recommendations

The Board approved the Grant-Valkaria project funding recommendation in the amount of \$445,000, as well as the re-appropriation of the City of West Melbourne project funding in the amount of \$750,000 as prepared by the Technical Advisory Committee for the South Mainland Benefit District on March 13, 2023; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing these appropriations.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

F.2. Resolution and Release Performance Bond, Re: Aripeka at Viera, Phase 1 - Developer: The Viera Company

The Board approved and adopted Resolution No. 23-032, releasing the Contract and Surety Performance Bond dated October 2021, for Aripeka at Viera, Phase 1, Developer: The Viera Company.

Result: Adopted
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, and Feltner
Excused: Zonka

F.4. Approval, Re: Budget Change Request

The Board reviewed and approved the Budget Change Requests as submitted.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, and Feltner
Excused: Zonka

F.5. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards

The Board appointed/reappointed **Christopher Davis** to the Employee Benefits and Insurance Advisory Committee, with term expiring December 31, 2023; **Corey Mecagni** to the Merritt Island Redevelopment Agency, with term expiring December 31, 2026; and **Cynthia Wall** to the Merritt Island Redevelopment Agency, with term expiring December 31, 2026.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, and Feltner
Excused: Zonka

F.6. Acknowledge, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, and Feltner
Excused: Zonka

F.7. Approval, Re: Annual Investment Performance Report Year Ended September 30, 2022

The Board accepted the Brevard County Annual Investment Performance Report, for the year ended September 30, 2022.

Result: Approved
Mover: John Tobia
Second: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, and Feltner
Excused: Zonka

F.3. Approval, Re: Interlocal Agreement with the School Board of Brevard County, Florida Regarding Improvements to Hoover Middle School

Commissioner Tobia stated he needed to pull this Item for all of the work staff went through, and he knows there have been many staff members on this, but he would like to mention Mary Ellen Donner, Parks and Recreation Director, and her staff for their hard work on this; this is going to result in some American Rescue Plan Act (ARPA) funding for lights, bleachers, shade, playground, which also has shade, removal of some baseball fields, new turf, as well as expanding a parking lot; additionally, he wants to thank the acting, temporary Interim Superintendent, Dr. Sue Hann, for her hard work at the Brevard County Public Schools; though Dr. Hann, he, and this Board may disagree on other parks, she put that aside and worked for the betterment of the community; and he certainly wants to thank her for that. He mentioned that the Brevard County School Board unanimously approved this interlocal agreement on March 28, 2023; School Board Member Jennifer Jenkins was more than willing to vote affirmatively for the \$3 million ARPA funds for these improvements; however, at the same meeting, she commented on a similar, yet much less dollar figure of \$30,000, and she said, "It makes me feel uncomfortable about the ethics behind it;" He noted hypocrisy is the scarlet letter of politics; and unfortunately, it is that type of behavior that shines a bad light on all elected officials. He pointed out, he should not watch School Board meetings, but they are so much more entertaining than the County Commission meetings, and he encourages the Board Members to watch; he expressed his appreciation again to staff for doing such a good job on this; he thinks this will be a great outcome; and there are a bunch of kids and parents who appreciate the hard work going into this.

Commissioner Feltner stated he had a request from a constituent about the proper use of ARPA funds; he asked if the County Attorney or County Manager could address that; and he asked if there is an issue using ARPA dollars on this.

Frank Abbate, County Manager, responded absolutely not, there is a variety of aspects and categories in which ARPA funds can be utilized; they were thoroughly reviewed by staff and the County Attorney's Office, County Manager's Office, and Budget Office; and this expenditure is within those guidelines.

The Board approved and executed the Interlocal Agreement with the School Board of Brevard County for improvements to Hoover Middle School; authorized execution of any renewals and amendments, upon the approval of the County Attorney's Office and Risk Management; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: Adopted

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

G. PUBLIC COMMENTS

David Pendley stated he wants to discuss some very serious deficiencies in the Animal Control division that they have in Brevard County; they are so bad that eventually, if they are not changed, someone is going to get seriously injured or they are going to be killed, and he is not exaggerating when he says that; he is not trying to blow this out of proportion; on December 23rd his wife was walking her son's little dog on the side of the house and their neighbors dog got out, attacked his wife, and the dog; only by a miracle did she make it back in the house; and the dog got bit, but she did not. He went on to say immediately they called Animal Control,

and they said give it a few days, someone will be there; they gave it three weeks; they called a minimum of eight times to the Sheriff's Department; and nobody even returned a phone call. He added after some very serious run in's with the neighbor, in desperation he drove to the Animal Control Department to speak to someone, and the lady said there was no one there he could speak with about Animal Control; he then went to Sheriff Ivey's Office; he had to be put on a list; and then they told him they would have to call him back. He stated he called Joe Hellebrand, he believes, that actually runs it, and requested a call back from him; no one would call him back; literally three weeks from the day he called, January 12th, an Animal Control Officer was there and took his complaint; a few days later, he gave them a few citations; and what has happened from January 23rd to the present, the dogs have gotten out and killed six of his neighbors chickens and bit two more people, and they still have the dogs, that is what is amazing. He pointed out if he were to jump over his fence and kill his neighbors' chickens, he would either be arrested or shot; if he attacked his neighbor, he would be arrested; when calling the Palm Bay Police, they say they cannot do anything; it takes three weeks for the Sheriff to get out there; and dogs have more rights than people do. He stated the statutes are written to protect the dogs rather than potential victims; he asked the Board to put a bug in Sheriff Ivey's ear and get these statutes changed so these dangerous dogs can be taken off of the streets; he reiterated someone is going to get hurt or killed unless they do; he stated even after the dogs are declared dangerous, the people still get to keep these animals; and they are going to get out again.

Chair Pritchett stated she was in a briefing yesterday, and Danielle Stern, Chief of Staff, from District 5, did brief her on this; Ms. Stern said they had contacted the Sheriff's Office; it is being worked on; she is just letting him know that is the information she received yesterday; and so he knows, people are aware of this.

Mr. Pendley noted Officer Hann was out there to take another complaint.

Chair Pritchett stated she just wanted to tell him that; she thinks someone is going to get back with him shortly, because it was a conversation yesterday; and so he knows, people have listened.

Anjani Sharma stated each day in the nation there are an average of 3,703 suicide attempts by young people grades 9-12; depression is now classified as the leading disability in ages 16-44; she comes before the Board as a young, concerned person regarding an issue that is affecting everyone that is bi-partisan and deserves immediate action, mental health; she is the founder of 'Minds Without Borders', a non-profit initiative dedicated to breakdown mental health barriers in Brevard County and across-the-globe by providing access to resources and support for all; and they believe that mental health is a universal human right and that everyone should have the opportunity to achieve optimal mental awareness. She continued by saying last year the Florida Department of Education passed legislation to teach students mental health awareness; twice a month public school teachers are expected to teach students about mental wellness; her initiative was sprouted by this, because as a high school student, she believes they deserve more, with all that is put on them, they deserve more; she comes to the Board because she believes it can make real change to an issue that affects everyone in this room; and this issue has affected her, her friends, and millions of youth across the world and the United States. She explained in the Space Coast alone, the Space Coast Health Foundation found that 27 percent of youth believe that their overall mental health is poor; although she is at the piloting stage, she is proud of the work they have done; they need the Board's support to continue their mission; the demand for mental health services has increased dramatically; and they need more resources to meet the needs of their community right here in Brevard County. She pointed out she wants to start this initiative at the grass roots level, by starting with Brevard County with the help of the Board; she asked for help in securing funding; but also in asking for

its support in raising awareness about the importance of mental health, especially the youth, like her; this is a political issue; legislators and community leaders have the power to affect a persons' health; and the Board has the power to support and fund this initiative. She stated in the Nations politics, people discuss such polarizing issues like gun violence, but she wants to talk about the underlying issue affecting everyone in this room, Brevard County youth, and affecting her personally. She expressed her appreciation to the Board for its consideration; and she stated she looks forward to it promoting mental health and wellness in Brevard County through empowering its youth and breaking the barriers which she is doing with her non-profit, 'Minds Without Borders'.

Chair Pritchett asked what college Ms. Sharma attends.

Ms. Sharma replied she is currently a senior at West Shore Junior/Senior High.

Chair Pritchett noted she is very impressed; Ms. Sharma is doing good work; and she expressed her appreciation to Ms. Sharma for caring about mental health.

Justin Harvey stated he would like to bring to the Board's attention a potential fraud on an enormous scale happening in Brevard County; there is now clear evidence of the National Aeronautics and Space Administration (NASA) using numerous methods to grossly mislead the public about astronauts being on the International Space Station (ISS); during interior ISS scenes from NASA's own live feed, the use of wires, harnesses, green screens, and virtual reality have been detected to achieve the appearance of a weightless environment; examples of this include astronauts fading in and out of the screen, green screen glitches, grabbing objects that are not really there, pulling on invisible wires, getting tangled in their harnesses, and even astronauts appearing out of thin air; and he asked, if they are really up there why are they using Hollywood techniques to take the footage. He went on to say unfortunately, he cannot show the Board these clips today, but he will be sending it to them; outside the ISS during space walks, air bubbles have been recorded on numerous occasions; he asked how it is possible for air bubbles to be present in the vacuum of space; he noted he once questioned astronaut Mark Kelly about this phenomenon; Mr. Kelly's body language and answers only created more questions; and in 2013, astronaut Luca Parmitano nearly drowned during a spacewalk when his helmet filled with water. He added this happened again this last year; air bubbles, helmets filling with water, and drowning; he asked are they in space or are they under water; he stated what is really interesting is they train for spacewalks in an underwater pool with a complete ISS replica; and surely they are not filming these spacewalks in an underwater pool and then editing them to appear as if they are in space, because that sure would be something. He advised he is calling on the Board of County Commissioners to open a full investigation into NASA's fraudulent practices and use of taxpayer dollars; it costs NASA \$3 billion per year to operate the ISS, and if they do not have a darned good explanation as to why they are faking these videos, he or the public would like a darned good explanation as to where their tax money is going; if they are indeed faking, it is the Board's duty to expose and eliminate this fraudulent and astronomically wasteful ISS Program; and he knows what the Board Members are thinking, NASA is part of the federal government and he or she is just a County Commissioner. He asked even if what he is saying is true, what can the Board do; he stated not only is this happening in Brevard County, but as public officials he or she has the platform and the ability to make a statement or hold a press conference alerting the public, State, and federal authorities to investigate further; the Board has the power to start the conversation; video evidence of everything he described today will be emailed to the Board, and he hopes it can get to the bottom of this; and he looks forward to the day that a \$3 billion annual budget is put towards the veterans, homeless, and maybe some of that mental health stuff the young lady just spoke about, and the revitalization of Brevard County.

Robert Burns stated he apologizes for his attire, as he was not planning to be there; he tried to get there to catch the Sheriff since this applies to him as well; he was in the middle of drafting an email; for some reason people think he is an attorney or holds some kind of office, and he does not do either; he often gets sent a lot of information that if he does not have the answer to, he tries to pass it to the Board; and this is in regard to the new permitless carry Bill that was passed. He went on to say he has gotten a lot of questions that he does not have the answers to; and he will read his rough-draft email to make sure he does not miss anything. He read, "With the new law that has passed allowing citizens to carry concealed without a permit, the number of those exercising their right to carry will likely increase significantly. As a result, there will be many of those carrying who may not be adequately trained in firearm safety laws, et cetera." He continued by saying that is one of the downfalls he saw of the Bill, that it removes that requirement to at least have some basic training on education of gun laws and gun safety. He read, "I think it is important that our local gun law enforcement conduct information campaigns informing citizens of how to safely exercise their rights, reinforcing where they can and cannot carry, and maybe most importantly how they interact with law enforcement when they are carrying. In order to ensure the safety of the officers and the citizens, it should be very clear of what is required, as well as what to not do when encountering law enforcement while armed. For example, when approached by a law enforcement, do not just pull out your weapon to show them that you are armed, which could be interpreted as a threat. A citizen may honestly think it is best to show the officer the weapon thinking they are informing them, but it could be interpreted as a threat at the same time. What is the expectation? That needs to be clear. We do not want someone getting shot just because they were confused, misinformed, or frankly, just stupid. We also want officers getting home safely as well. Other questions from the public come along the lines of can a business prohibit from carrying my concealed weapon? For example, can Publix post a sign on their door saying, 'no concealed weapons allowed'? Is that enforceable, is that a crime to not comply with that, et cetera? I think we will see many businesses that take that approach and may cause confusion and confrontation. The public should be informed of what they can and cannot do in privately owned businesses. I can certainly see these policies being challenged by someone saying their rights are being infringed upon by this private business, not allowing them to carry their gun. Also, from the business owners' point of view, what are their options? Can they establish these policies, how do these policies have to be advertised, do we need a county or city ordinance for these types of things, should law enforcement or municipalities establish a consistent sticker or a banner to place on the door, et cetera?" He stated he is kind of out of time, but that is some of the concerns being brought to him today; and he thinks it should be gotten to before the law goes into effect.

H.1. Resolution, Re: Petition to Vacate Public Utility & Drainage Easement- 1710 Misty Way - "Whispering Woods Phase I" Plat Book 37, Page 4 - Titusville - Michael A. & Dana D. St. Jean

Chair Pritchett called for a public hearing to consider a petition to vacate a public utility and drainage easement on 1710 Misty Way, Whispering Woods Phase I, Plat Book 37, Page 4, in Titusville, as petitioned by Michael A. and Dana D. St. Jean.

Marc Bernath, Public Works Director, stated this Item is a petition to vacate a public utility and drainage easement at 1710 Misty Way; it is in District 1; it is vacating part of a 10-foot wide public utility and drainage easement; and there are no issues.

There being no comments or objections, the Board adopted Resolution No. 23-033, vacating a public utility and drainage easement at 1710 Misty Way, Whispering Woods, Phase I, Titusville, Plat Book 37, Page 4, as petitioned by Michael A. and Dana D. St. Jean.

Result: Adopted
Mover: John Tobia
Second: Rob Feltner
Ayes: Pritchett, Goodson, Tobia, and Feltner
Excused: Zonka

I.1. Direction, Re: Tourism Development Council's Recommendation to Use Cultural Carry Forward Funds to Pay for the Tourism + Indian River Lagoon Grant Program for the Fiscal Year 2023-24

Peter Cranis, Tourism Development Director, stated this Item is from the TDC seeking direction to use Cultural carry forward funds to pay for the Tourism + IRL Grant Program for the Fiscal Year 2023-24.

Chair Pritchett advised she is on this board, so when the discussion was started, Mr. Cranis and his staff made them aware that there was \$1 million left over from prior years; at that point, the board had some conversation; but it seemed pretty much of a no-brainer at that point to move that over instead of changing the money around in the Lagoon; and this could go directly to help compensate that fund, because this is not encumbered or allocated at this time.

Commissioner Goodson stated he provided a handout to the Clerk for the record; requests that are in Tallahassee right now, Senate and House, and if the Board notices, it is about \$124 million; if a quarter of that was received from the legislators, it would be \$25 million going into the Indian River Lagoon; that does not count the dredging at \$4 million at Sykes Creek, Eau Gallie Northeast Construction \$5 million, and \$4.5 million for the dredging of the intercoastal waterway; and all of that being said, he would like to move that the Board follows the TDCs original recommendation, and to spend Tourism + Lagoon Grant funding for 2024 until the County sees what it gets from the State and the Federal government.

Commissioner Feltner explained there are a few different arguments here today for TDC; and he asked how that will affect each on the motion.

Chair Pritchett asked if Commissioner Feltner is talking about the three different bullet points.

Commissioner Feltner advised he is talking about there are a few things on the Agenda today.

Commissioner Goodson stated the Board would not be pulling the money from Cultural Alliance; to just let it slide this year, because right now, if he is not mistaken, and Virginia Barker, Natural Resources Management Director, can answer this, with everything she has got going, still there is \$100 million in the fund for the Lagoon; and he asked why the Board is in such a rush to take \$1 from Cultural.

Commissioner Feltner noted he sees where Commissioner Goodson is going, and he thinks the Board can just vote no on this, which would leave the money; and he asked if that is correct.

Mr. Cranis replied affirmatively.

Chair Pritchett asked Commissioner Goodson to restate the motion.

Commissioner Goodson explained to follow the original recommendations of TDC and to spend Tourists Lagoon grant funding for 2023-24 Fiscal Year, and to revisit it in 2024-25.

Chair Pritchett asked so Commissioner Goodson is wanting to not move the Lagoon Fund over to the Beach Fund.

Commissioner Goodson advised it would remain there if he is not mistaken.

Mr. Cranis commented if this action is denied, the funds will remain in the Cultural Fund, and any funds that are in the Beach Fund would remain in the Beach Fund and not be used for IRL grants.

Chair Pritchett inquired if this will have gone ahead and still moved the Lagoon Fund where the County put the moratorium on it, in the Beach, because that was the TDC's request.

Mr. Cranis replied that is correct; and right now the TDC's recommendation is also that no Beach Funds will be used for anything other than Beach re-nourishment projects.

Chair Pritchett asked if it will be going back to the last meeting when the TDC recommendation of putting a moratorium on the Lagoon Funds and having it go to the Beach Funds, that is what Commissioner Goodson's trying to make a motion on.

Mr. Cranis replied affirmatively.

Commissioner Feltner mentioned he thinks if the Board just does not adopt this one, it can just go on to the next issue.

Commissioner Tobia stated he asked staff and the County Attorney's Office about this issue to write a motion that would put into effect what the recommendation of the TDC is, so he just tried to take their recommendation and put it into a motion, with the help of not only staff but the County Attorney's Office; what he got there was to stop diverting further funds from the Beach Funds for purposes other than Beach re-nourishment, and contractual obligations for Beach cleaning and Lori Wilson Park; the County has contractual obligations so that is why it has to be put in the motion; he did not want to include it in here, because he did not vote for that in the first place; but the County has contractual obligation, and that is the only reason it was added to this. He continued by saying that is what staff's suggestion was in all of this stuff; if the Board wants to go in another direction, it is welcome to; but taking at face value what the TDC voted for, that was one of the two motions he got out of that; and he is not trying to pull a fast one here. He stated there is a second set as to whether or not this would require the other part of that, which would be the Cultural stuff, whether or not if it changed the allocation of that if that would require an ordinance change, so there are a couple of balls in the air here; confusion is certainly understandable when dealing with motions by the TDC that require the Board to potentially make an ordinance change to effectuate them; and he is still trying to wrap his head around that one in all honesty.

Chair Pritchett stated she is going to try to paraphrase what Commissioner Goodson's motion is; the Indian River Lagoon Fund will stay intact, the Beach Fund will stay intact, and the Cultural Fund will stay intact; and that is the motion.

Commissioner Tobia stated as Chair Pritchett pointed out, there are unused, balance forward Cultural grants of roughly \$1 million; and he asked what the motion does with the unused \$1 million portion of the Cultural grants.

Commissioner Goodson advised his motion is to leave it alone.

Commissioner Feltner stated it will include that.

Commissioner Goodson exclaimed no.

Commissioner Feltner asked if Commissioner Goodson's motion would wrap that up.

Commissioner Goodson stated his motion would not allow messing with the Cultural Alliance money, even if there is \$1 million left over; and he does not believe it is \$800,000. Chair Pritchett pointed out it is \$1 million; and they gather \$800,000, so at the end of this year they will have \$1.8 million.

Commissioner Goodson's motion died due to a lack of a second.

Commissioner Feltner asked if the Board can vote not to do this today, or if it does not receive a second, it does not move on.

Mr. Cranis stated he believes if there is no action taken, nothing changes, the Cultural Funds stay intact, there is no direction for IRL grants, which comes up in a later Item J.3., and it can be discussed at that time; and he reiterated no action, as far as this Item, would leave things intact as they are.

Chair Pritchett stated they were trying at the TDC level, to get the extra \$1 million in the Beach Funds, because of the matching funds that come along, so the TDC really wanted to get \$1 million into the Beach re-nourishment funds; as of right now, the Board has stopped all of that, so they are still at the lower amount where the TDC wanted to move that higher amount over; it was sent back as directed by the Commission last time; they had recommended putting a moratorium on the Lagoon and moving it to the Beach; and the Board did not do that, it took it back to the TDC for discussion. She went on to say these are the three things the TDC discussed; the main conversation was they wanted the Board to be aware of how important the Beach Fund is; when Mr. Cranis brought up there is \$1 million sitting around, it just made sense to move it; she would be in favor of taking that \$1 million sitting in a Reserve Fund that will not be used and moving it over; and everything is made whole at this point. She pointed out she needs a motion at this point if the Board is just letting this go away or if it is doing anything.

Commissioner Tobia explained here is the issue he sees with this, and he does not disagree with Chair Pritchett, but again he asked staff regarding a motion; and this is what he got back. He stated the motion would be to direct staff to prepare an ordinance amending the Tourist Development Tax (TDT) budget plan to allow money built up in the Cultural Funds to be used to fund the Tourism and Indian River Grant Program in that 2023-24 budget year, so that is the motion; unfortunately, his understanding is it would require an ordinance change; here is the issue with the ordinance change, since there are only four Commissioners, it would need all four of them behind that, otherwise there would be no point in asking staff to put together an ordinance; now, he would vote for this; but he does not know where the three other Commissioners who are with this; and if he or she is against that, he respects that, but he would not want staff to prepare that ordinance.

Chair Pritchett noted the TDC legal counsel gave them a way that it would work without this; they said what they would do is to take the Cultural Funds and apply it to the Beach; and she asked if that can be done.

Commissioner Tobia replied he got this from the County Attorney 30 minutes ago, and he will punt it over to him.

Morris Richardson, County Attorney, stated the Cultural Funds fall under the first two pennies; the way the first two pennies can be spent, or allocated by percentages, there is an up to 10

percent in Cultural, and it is an up to so it can be zeroed out if the Board wants, it can take the accumulation; there is a Beach line item within the first two pennies, and that is a 30 percent, but it is a flat 30 percent; it is not an up to, it is not a minimum, it is 30 percent period; his understanding is that lever is at 30 percent; and he asked Mr. Cranis to correct him if he is wrong. He went on by saying the Board may have to amend that part of the Code to allow the Beach Fund to exceed 30 percent if it is going to rollover the Cultural Funds into the Beach.

Mr. Cranis stated he thinks that is correct.

Chair Pritchett pointed out the consensus of the group was they felt like the Beach needed to be moved up in priority as far as having funds for Beach re-nourishment and the erosion situation; that was a strong conversation; she believes unless there are four Commissioners to vote on this, it will fizzle out; but that is the recommendation of the TDC.

Commissioner Feltner commented he does not disagree that the Beach Re-Nourishment Fund needs to be built back up, that is a hard one to argue against; the issue is the carry-forward funds that are left in the Cultural; his preference would be to leave that alone, because, and this is just his opinion, the tourism industry is good today; there is nothing that says it will be that good tomorrow; and the Board can leave the TDC a little flexibility by leaving that money in there. He continued by saying the Board can revisit this in about a year if there is still money left in the Cultural Fund; and he asked if that can be done.

Mr. Cranis responded affirmatively.

Chair Pritchett stated a while ago the Board was voting on the Cultural Funds, and she did not catch this, Commissioner Tobia did, he had brought to the Board that they had an excess amount; when they found out they had an excess amount, all of a sudden they were giving every person who asked a double amount of money without requesting it; that gave her a great deal of heartburn; she went back and looked at it; she talked to the TDC board to make sure they had great oversight on these funds; they worked it very well last time; and the Board had them go back with the boat races as far as what they turned in. She explained she is not so sure that there is an excess amount in that fund that it would be better used somewhere else, advertising or something as far as getting more heads in beds; but that is an ongoing conversation with this Board, because if it makes those changes after hearing from the County Attorney, it is going to require four out of five votes; it is definitely something to look at; she encouraged each Board Member to watch the meetings; and she has learned a lot over the last two years on the TDC board. She stated she did some research on some items with TDC funds, and she made a top sheet; but all the other ones is all the data collected from revenues as far as everything that is collected from the years and all the expenses they have; she did an equity assessment through the Districts; and District 3 is not getting any of the TDC funds. She went on to say she knows some of the areas are in more of the highlight of it, but she thinks if the County is advertised better, and Melbourne Beach would do a little better with these dollars; she went through all of the money the County has coming in and out; what was interesting, and Commissioner Tobia brought this up a while ago, was about parks that are eligible for this; and a lot of them are beach parks. She stated she divided them up by the Districts; there is an extra \$6 million also sitting in the capital fund that she thought might be good, because Commissioner Goodson brought this up a while ago that some of these dollars could possibly be moved, so it is something for the Board to think about; there is a possibility the Board could take this excess, divide it over the whole County, and each Commissioner can pick the parks that need help with these tourism dollars; she knows District 1 is in great need of a new ballfield, because tournaments are hosted there every weekend, and they are unable to hold the capacity; and that is a lot of families coming in. She noted she wants to throw out this idea for the Board to think through, because there is a bit of an equity issue with this; Commissioner

Feltner has a lot of the United States Specialty Sports Association (USSSA), and there is a lot of tourism coming in; she does not think District 4 is getting enough of the love as far as the advertising and things going on in Viera; she thinks that discredits what the Board is trying to do; she thinks District 5 needs a lot more of these funds as well; and she reiterated she does not think District 3 is getting any of them. She stated she looked through this as she believes she has found funds to do the parks if Commissioner Goodson could take a little time to digest this and take a look at this; this is an idea she wanted to throw out for the Commissioners to think through; it completely starts rearranging the stuff; but this only takes an majority vote, it is not changing the way the dollars are spent, because these are all tourist beaches; and Commissioner Tobia did most of this work a while ago, she just called and had the work product sent out, and she should have listened to Commissioner Tobia a little stronger back then.

Commissioner Feltner asked if the TDT will be spread out like that across all of the parks in the County, or will only some of the parks qualify.

Commissioner Pritchett stated these are a list of some of the parks she received from Mary Ellen Donner, Parks and Recreation Director.

Frank Abbate, County Manager, commented this is a report that Parks and Recreation put together a while ago; it has been modified and updated; the parks here, because they bring in tournaments or are beach related, they put heads in beds, so these are the parks that Parks and Recreation Department came up with in various Districts that staff believes would be eligible for TDT funds; they are not all of the parks in the County; and he is speaking about what is on Page C from what Chair Pritchett handed out.

Chair Pritchett stated this gives the ability to help these parks greatly, because she knows a lot of them need some upgrades and they do serve quite a bit of tourism dollars as well.

Commissioner Tobia stated just to be clear, and he appreciates the credit, but this was actually former Commissioner Barfield's idea; this started with Lori Wilson Park; this was how the TDC was able fund Lori Wilson Park; his idea was back then, he did not want to treat the parks differently, so he asked staff to get him a list of other parks that met those statutory guidelines, and how much the County would spend to see if it could do the same thing; and he wanted the Board to know the County is currently doing this at the tune of millions of dollars for the upgrades to Lori Wilson Park.

Commissioner Feltner advised he does not have a problem discussing it further at a future meeting.

Chair Pritchett stated the next meeting she will put this back on the Agenda, and the Board can have a discussion; she is very strong on the equity issue; everyone is paying taxes; and everyone should get a return on their investments into the government.

The Board considered direction to staff regarding the TDCs recommendation to use Cultural carry-forward funds to pay for the Tourism + IRL Grant Program funded from the Tourism Development Tax (TDT) for Fiscal Year 2023-24, but took no action.

J.1. Board Discussion, Re: Annual Sewer and Water Maintenance Index Adjustment

Edward Fontanin, Utility Services Director, stated this Item is notification of the annual sewer and water maintenance adjustment; in 2021, the Board approved the implementation of the annual sewer and water rate increase utilizing the Consumer Price Index (CPI) of the sewer

and water maintenance index without a specific cap; as part of that motion, if the rate rises above more than 3.4 percent per year, it should be brought before the Board for notice and discussion; and as the index is a 4.41 percent, without an alternative direction from the Board, that staff may move forward.

The Board accepted staff's report regarding the annual CPI sewer and water maintenance index rate adjustment; and directed staff that they do not need to report the index adjustment to the Board of County Commissioners unless the proposed rate adjustment will exceed the CPI sewer and water maintenance index for that year.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

J.2. Approval, Re: Tourist Development Council (TDC) FY 2023-24 Cultural Support Grant Program Funding, Guidelines, Application and Scoresheet and Provide Staff Direction Regarding FY 2023-24 Major Event Grants

Peter Cranis, Tourism Development Office Director, stated Item J.2. has two parts to it; one is approving the Cultural Support Grant Program Funding, Guidelines, Application, and Scoresheet; the second part is providing staff direction regarding FY 2023-24 Major Events Grants.

The Board approved the TDC FY 2023-24 TDC Cultural Support Grant Program Guidelines, Application, and Committee Scoresheet; approved funding of the FY 2023-24 Cultural Support Grant Program applications which shall come before the Board for final funding approval as the grant application cycle commences; granted making legislative finding that Tourist Development Tax (TDT) funds are authorized for each grant pursuant to Section 125.010(5)(a)3, Florida Statutes, and Section 102-119(3)d of the Brevard County Code of Ordinances, because each grant supports an activity or event which has as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside Brevard County; authorized the Tourism Development Director to negotiate and sign all necessary grant agreements and related documents upon County Attorney's Office, Risk Management, and Purchasing Services approval; and directed the Tourism Development Office to create Guidelines, Application, Scoresheet, and funding with the Cultural Committee for applications to come before the Board for final funding approval as the grant application commences, regarding a FY 2023-24 Major Event Grant Program.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, and Feltner

Excused: Zonka

J.3. Approval, Re: Tourist Development Council (TDC) FY 2023-2024 Tourism + Lagoon Grant Program Funding, Guidelines, Application and Committee Scoresheet

Peter Cranis, Tourism Development Office Director, stated this Item is the Tourism + Lagoon Grant Program Funding, Guidelines, Application, and Committee Scoresheet; and just a note,

based on the conversation earlier, if this is approved, these funds would, in fact, come from the Beach Fund.

Commissioner Tobia advised he cannot make a motion on this one given the statement that was made by Mr. Cranis, because he would not be in favor of diverting those funds as previously stated.

Chair Pritchett asked if this is the one the Board did not approve the last time.

Mr. Cranis replied affirmatively.

Commissioner Goodson stated he would like to move to approve this Item.

Motion by Commissioner Goodson died due to lack of a second.

Chair Pritchett asked if the Board has any ideas of what to do; and she advised staff needs to be given direction.

Commissioner Feltner asked if the Board needs to do something else here, as it did not get a second on Commissioner Goodson's motion; and if the funds will stay in the Beach re-nourishment.

Mr. Cranis responded it would stay as is.

Chair Pritchett asked if the Board is still doing the moratorium on the Lagoon.

Mr. Cranis advised without this approval, then there will be no Tourism and Lagoon grants for next year.

Chair Pritchett asked if this puts the moratorium in place.

Mr. Cranis responded affirmatively.

Chair Pritchett stated she kind of likes what Commissioner Feltner threw in with his motion with that last time.

Commissioner Feltner pointed out he meant that as a compromise, but his preference would be that the money would stay in the Beach Fund; to the earlier point, those funds should be built up again, and then this can be revisited; he would be happy to revisit this each year; and right now, the prudent thing to do is build up the Beach Reserves.

Chair Pritchett asked if this keeps the amount in the Beach Reserves that the TDC was asking for.

Mr. Cranis replied yes, there would be no action taken, so those funds would remain as is.

Chair Pritchett inquired if they can move the Lagoon Funds over and use it in the Beach matching.

Mr. Cranis responded technically it all goes into the same fund, so they would not have an Indian River Lagoon Grant Program next coming year.

Morris Richardson, County Attorney, explained under the third penny, 65 percent of the revenue for that goes into the Beach Fund; it is allocated by priority with the top priority going to Beach re-nourishment; as a second priority there is the Indian River Lagoon Grant Fund Program; but it may only be funded if all of the obligations of the Beach Re-Nourishment Program are met, so there are not separate pots; and the Indian River Lagoon sort of follows as a second priority if money is available in the Beach Re-Nourishment Fund of the third penny.

Chair Pritchett stated so the Board just backed up what it did the last time, and it is just moving forward with the first recommendation of the TDC, so they can just do it at their will.

The Board considered the TDC FY 2023-2024 TDC Tourism + Lagoon Grant Program Guidelines, Application, and Committee Scoresheet; and considered funding of the FY 2023-2024 Tourism + Lagoon Grant Program applications which shall come before the Board for final funding approval as the grant application cycle commences, but took no action.

K.1. Board Report, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated he does have a Board Report; he would like to invite Chief Patrick Voltaire, Fire Rescue Director, to give the Board an update on the Ocean Lifeguard Program and its status; as the Board knows, since last year's hurricanes, it impacted beaches pretty significantly, and riptide issues have become a challenge; Fire Rescue is in the middle of addressing a number of issues; and he would like Chief Voltaire to give the Board an update about that.

Chief Voltaire stated he would like to start off in recognizing the Brevard County Ocean Rescue professionals; since November of 2022 to the present, they have conducted 392 rescues, and have made over 3,000 contacts with citizens and visitors; staff has identified a trend on Brevard's beaches; this led the leadership to approve the extension of the seasonal lifeguards; and Ocean Rescue continued to be proactive and began seasonal coverage earlier than programmed. He went on by saying since December 2022, there has been 10 significant ocean incidences, seven of those being on south beaches; this led to Indian River Beach requesting one full-time tower each to include cost data; Fire Rescue is developing a report with the purpose of defining the core of lifeguard services across-the-County; in this report, consideration of lifeguard tower location will be data-driven; and that would be based on beach usage, population, access, and parking areas. He noted they anticipate having this report complete in 45 days; program impacts to be evaluated and contributing factors are the increased number of rip currents, population increase across-the-County in the last two years, and resurgence of tourism post COVID; recruiting challenges of the post COVID workforce has been no different for Ocean Rescue; their seasonal program consists of primarily high school and college students; and tryouts are currently being conducted every weekend for seasonal positions to capture every potential candidate. He stated this past Sunday netted five moving through the hiring process, and this is the highest pass rate since starting in November; Ocean Rescue has also created a swim clinic to assist in getting candidates times down to a passing rate; once the test is passed, all necessary training is provided to the new lifeguards; they have also integrated the Fire Rescue Recruiter into this process to help their onboarding efforts; and in the response to the increase in ocean incidents, the County Manager approved the extension of seasonal lifeguards, which focused on the roving patrols. He added Ocean Rescue started the seasonal program earlier than defined in the agreements, increased education of rip current dangers through social media, beach signage, and face-to-face by the roving lifeguards; they are also partnered with Emergency Management to provide signage along the main highways leading into the most populated beaches; full-time towers were supported the week of Brevard County's spring break due to college and high school being out staff was available; that week itself resulted in 28 rescues and zero major incidences while out on duty; and lifeguards would

stay late after hours, and responded via mobile units as population, daylight, and rip current risks warranted such measures. He explained lifeguards are also using daily signage to identify the rip currents along the beach, and they will take them down day-to-day evaluating the rip current status on the beaches that they cover.

Chair Pritchett stated the County should probably work on getting more lifeguards; with the Tourist Development Tax (TDT) dollars around, and if the Board is able to do this, she thinks she would fully be in favor of lifeguards being taken out of the General Fund at that time; the Board needs to renegotiate with the cities, these costs have gone up; and she thinks it needs to work on raising the cities input on some of these Beaches as well. She went on to add it is not like it was in the 1980's, things have definitely changed; Brevard County is a growing community, it is growing with tourism; the County needs to look at this to get more heads in beds; as a Board it needs to look at these things, send the recommendations back to the Tourist Development Council (TDC), and have them vet them; and she expressed her appreciation to Chief Voltaire for all of his work.

Commissioner Felter asked if the County can use TDT funds to fund lifeguards.

Mr. Abbate replied statutorily that they would not be able to be used, but there are a variety of categories of TDC funds that can be used in different places in the organization, so depending on where some of those dollars are spent, there may be an opportunity to think out of the box, and pull General Fund monies, for example, capital projects; if staff was going to allocate some funds to various parks projects, that may provide for them to use General Fund dollars, which can be, at the Board's direction, shifted over to lifeguards; but it would not be done directly from TDT dollars; there are certain requirements that it can be done; and statutorily it is very limited to counties, very limited circumstances, and with certain populations, which Brevard County would not fall into that group.

Chair Pritchett asked if Mr. Abbate wants to talk about Sargassum Weed.

Mr. Abbate pointed out last year there was, it was not too bad in Brevard County, but other areas in Florida, Sargassum Weed became a problem; it is anticipated to be a growing problem this year; staff is not sure when it will be coming; he wanted the Board to know that staff, Natural Resources Management and Solid Waste Management are meeting to take steps, for example, making sure that Brevard County is in a position that if cleanup is necessary on the beaches because of the amount of Sargassum Weed, they have a program set up; they have already met to do that; and they are talking with Keep Brevard Beautiful, and starting a monitoring program for turtle nesting to make sure that all the necessary steps are taken if there has to be a program started of moving the Sargassum Weed from the beach, and bringing it over to Solid Waste Management that they are able to do that. He stated that will cause staff to start a monitoring program about 65 days in advance, so Natural Resources Management, Solid Waste Management, and they are speaking with Parks and Recreation as well making sure that all of the players are in place to take that action if and when it is necessary.

K.4. Board Report, Re: John Tobia, Commissioner District 3

Commissioner Tobia stated as he is sure the Board is aware, the State Legislation is currently meeting, so now is the time the Board is able to watch what goes on in Tallahassee and its impact in Brevard County; many times the Board thinks it is negative, other times maybe positive, but certain times he thinks the Board can learn from the steps they are taking, so he wants to throw something out here; on March 6th, Representative Tiffany Esposito filed House Bill 5, which would eliminate Enterprise Florida; and the Speaker of the House Paul Renner

stated, "Enterprise Florida has overpromised and under delivered for years and drained funds from higher priorities. Enterprise Florida is a public/private partnership with objectives of increasing economic diversity, attracting businesses for the State, assisting existing businesses in their development, \$14.4 million from the State in direct operating expenses, plus grants and other funds." He noted Enterprise Florida states on their own website, "Florida's one of the best places for business with pro-business climate and competitive costs. Florida's highly-skilled workforce is ready, willing, and able to help your business grow. Few states can match the scale and scope of Florida's key industries and assets, and from world class airports to seaports and roadways, Florida provides unmatched connectivity. Enterprise Florida covers the entire State and provides site recommendations to businesses." He stated he has to think this sounds a little bit like corporate welfare they are trying to do away with, and it sounds like an organization that the County may fund here; he wants to tell the Board the similarities to the Economic Development Council (EDC); the Space Coast EDC lists the following reasons for businesses to relocate to Brevard: Tech-ready workforce, transportation leader, favorable tax size, education of excellence, business-friendly, unmatched quality of life, powerhouse and pioneers referring to visiting organizations in the County; a March 13th *Florida TODAY* article shows that Brevard County is one of the top corporate relocation markets; and that was based on analysis by Boyd and Company. He continued by saying Boyd and Company is a leading internationally recognized consulting company and corporate site selection; they have 50 years counseling for corporation decision-making and policy-makers; their clients included Boeing, Pepsi, Visa, Hewlett-Packard, J. P. Morgan Chase, United Parcel Service (UPS), Royal Caribbean, and Dell TD Canada Trust; what they looked at when looking at Brevard County, attractive lifestyle, favorable operating costs, structures, strong travel and hospitality support services, positive demographics in business attraction trends, attractive housing markets for top executives, costs of labor, electric, land acquisition, construction, property taxes, sales taxes, and corporate travel; the reason he is pointing this out is they did not mention one single time any of the services that the EDC specifically provides; and the County pays for this. He stated in the County's last budget it was \$1.4 million; the EDC has received \$25,427,700 since 2006 alone; in a 2021 financial audit, the EDC salaries alone total \$841,108; if the State decides to eliminate Enterprise Florida, maybe Brevard County should consider looking at doing the same with the EDC; and he is just throwing that out there.

K.6. Board Report, Re: Rita Pritchett, Commissioner District 1, Chair

Chair Pritchett stated she talked to the County Attorney; Brevard had a voter-approved item on the ballot for workforce housing in this Commission before the new Commissioners worked real hard on trying to find a way to do this with workforce and affordable housing; there was a change made a while ago to be able to perhaps use some of the Tourist Development Tax (TDT) funds; if there are all of these hotels that are taking tourism, but people cannot afford to live in that area, that is another thing if the Board Members could think about as he or she is looking through this for ways to maybe help do that; the County Attorney said if the Board did it directly with TDT funds, it would have to be in partnership; there is a possibility perhaps of doing some of the infrastructure that does belong to the County to help entice people wanting to bring some sort of workforce housing into the area, which Brevard County is desperately in need of, because there is almost no inventory left at all; she really spent a lot of time on this; and if the Commission would really dig into this, she would really appreciate it.

Upon consensus of the Board, the meeting adjourned at 6:28 p.m.

ATTEST:

RACHEL SADOFF, CLERK

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

Approved by the Board on May 4, 2023