

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, August 27, 2024

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:01 AM

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

C. PLEDGE OF ALLEGIANCE

Commissioner Rob Feltner led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the July 9, 2024 Regular meeting minutes, July 11 and August 1, 2024, Zoning meeting minutes, and the August 8, 2024 Special meeting (Melbourne-Tillman) minutes.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

Chair Steele's Additional Comments

Chair Steele stated he has a couple clean-up things; he apologizes for bringing this back up again, but apparently he did not fill out his reimbursement for his trip to Washington, D.C. correctly; he wants to be in absolute compliance with what the Clerk would like him to do; therefore, he needs a motion to approve a reimbursement of the funds for his trip to Washington, D.C. He noted that he ended up driving; the reason he ended up driving is because the computers and airlines were packed at the time and he did not want to take the risk of missing that; and that was not included in the motion for approval, therefore, he would appreciate a motion for approval of that with reimbursement for the mileage.

The Board approved reimbursement in the amount of \$2,742.88, of which \$1,182.50 was for mileage, for Chair Steele's travel expenses to Washington D.C.

Result: Approved
Mover: Tom Goodson
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

J.4. Approval to Extend the Existing TDC/MIRA Amphitheater Grant from April 6, 2024, to April 6, 2025 and Approval of a \$1.23 Million TDC Grant to Construct a Restrooms/Concessions Structure Adequate to Serve Existing and Future Large Events

Chair Steele mentioned he does not normally like to do this, however, Councilman Tim Thomas from the City of Melbourne is in attendance, he is on a tight schedule, and he needs to be at another meeting at 10:00 a.m. and there are only three cards; and he would like to go to Item J.4. next. He continued by saying this is the approval to extend the existing Tourist Development Council (TDC) Merritt Island Redevelopment Agency (MIRA) amphitheater grant

from April 6, 2024 to April 6, 2025; and approval of a \$1.23 million TDC grant to construct and restore concession structures adequate to serve existing and future large events.

Larry Lallo, Executive Director of Merritt Island Redevelopment Agency (MIRA), stated he has been working on this project for about five years with the MIRA Board; he knows a lot of it by heart, but he is a little anxious so please forgive him for that; he is going to start off with the request and then touch on some of the highlights; the request is that the Board approve the recommendations of the TDC; the TDC came forward with two recommendations that were submitted through a request from the MIRA Board; the first was that the TDC would extend the existing grant that was approved in 2020, of which some money has been expended for engineering and architecture, and to extend it to April 6, 2025; and if the Board approves this project today, it would be getting started in September. He advised the second request was for approval of \$1.23 million to upgrade the restrooms in the park for existing events, but also to accommodate events that would be utilized for the amphitheater; right now in the park area itself, there is just one restroom on a septic system with only two facilities in there; and there is no way that would accommodate a larger event or even the events they have right now. He continued on by saying on the fiscal impact side, as they went through the course of this project, like some projects, there was some vision building; the MIRA Board felt they needed to create a first class facility to accommodate the expectations that were in the grant; the addition of a restroom, they felt was very vital to serve initially in the first phase, 1,000 attendees to the event; it is expandable to 2,000 for an additional \$400,000; and that is not being asked for today. He stated during the course of this project they have been in several inflationary cycles, so the total cost of the project is \$7.8 million for a much improved project, despite the inflationary challenges; some good news is that the Brevard County delegation approved them to go forward to the Governor for \$1 million in appropriations, to assist with some inflationary costs; and that appropriation was approved and is in force as a Grant Agreement that has been executed to assist with those costs. He mentioned what he thinks is important is to look at the leverage; they have the State of Florida \$1 million grant towards that cost, 13 percent of the construction cost; MIRA would contribute \$4.4 million which is 57 percent of the cost; and the TDC grants, if the existing grant continuance is approved today and with the new grant, the TDC contribution would be 31 percent.

Chair Steele stated he has a couple questions because he is completely confused; and he asked the Tourism Development Office Executive Director, Peter Cranis, if this had come before the TDC for approval earlier on.

Mr. Cranis responded affirmatively, and he advised it came earlier this year.

Chair Steele asked if it was denied.

Mr. Cranis noted it was approved.

Chair Steele asked if it was approved by the Board of County Commissioners.

Mr. Cranis advised it was not, it had not made it to the Board at that time.

Chair Steele commented he thinks there was an Agenda Item on it, and it was tabled.

Frank Abbate, County Manager, stated he thinks the Item was pulled.

Chair Steele commented okay that is what happened.

Commissioner Feltner stated when he spoke with MIRA at the time they did not have all of the

costs finalized and he recommended that they pull it until they could better sort those things out; and this is MIRA bringing it back to the Board. He added it is just that simple.

Chair Steele stated the biggest concern has always been where they plan to park all of those cars; and he needs an answer to that question.

Mr. Lallo advised when they initially applied to the TDC this was a concern that was brought forth back in 2020; the MIRA board, at the time, worked with the veterans to locate potential shared parking facilities, but it was very informal; as they moved through the permitting process, the County graciously advised MIRA that it needed to get a parking study done; that was another thing they were waiting for; MIRA wanted to do it right to make sure that people if they are not parking on site, that there is a plan for where they can park, shared parking; the parking study has been approved by County staff; and the cost was \$30,000 and it is included in the attachments. He added it allows for on-site parking to accommodate the viewed tiering area of 2,500; if anyone is going to go to a larger event than that, he does not anticipate very many of those, in projections there are only two larger events, there is shared parking available within one-half mile, of probably 5,000 cars; the mall has 4,000 parking spaces; there are public and private parking spaces approaching 12,000 people within two miles; and anyone who would want to do a larger event would have to permit it of how they are going to transport people, how they would get people back and forth, and show the shared parking agreement.

Chair Steele asked if the parking study was done.

Mr. Lallo responded yes.

Chair Steele inquired if that was just an outline of what it said.

Mr. Lallo responded affirmatively.

Tim Thomas thanked the Board for allowing him to speak, and thanked Chair Steele for his statesman-like demeanor; he stated he is excited for this Board because it has an opportunity to make a decision today that is going to impact the residents in Brevard County from generation to generation; one of the things he is impressed with in this County is the interaction of the veterans with the youth, it is incredible; a lot of that is because of the great leadership with key veterans, and many of those are sitting behind him; a lot of that is also because there is a facility, the Veterans Memorial Center, that really kind of creates that synergy where the veterans can come together with the youth of the Country and focus on the values that people want them to have; the values of love of community, love of service, and love of nation; and during September all the way up until probably early spring, people can go out to the Veterans Memorial Center about every two weekends and see about 600 Reserve Officers' Training Corps (ROTC) cadets and probably another 600 parents watching these kids compete in leadership and athletic endeavors to improve their leadership skills and create those values of loyalty, duty, respect, selfless serve, honor, integrity, and personal courage. He continued on by saying these facilities and grants that are being asked for, that is just going to improve those facilities and continue to build upon that synergy that has a really unique atmosphere of these veterans having such a major impact on the youth in Brevard County; to explain how much of an impact it has, every one of the Joint Readiness Training Center (JRTC) programs in Brevard County, and a lot of it due to the interactions of the veterans in this community, are all honor units of distinction; that is the highest rating a JRTC Program can have in the Department of Defense; and the other thing is Brevard County's ROTC Programs in the high schools are some of the leaders in the nation in the number of students that get ROTC scholarships and appointments to the Service Academy. He noted a lot of that is because of the impact these veterans have on these students and the importance of the Veterans

Memorial Center and creating that synergy; he asked the Board to approve the grant requests; and he added this is going to help create the next generation of leaders for Brevard County and for the nation.

Donn Weaver stated it is his honor for the fourth time since 2015, to come before this Board to talk about the Veterans Memorial Center; he would like to emphasize this as a concept; while veterans do the day-to-day running of the center, it is a County Park, one of the best in the County, and it is operated on the basis of what the veterans think will give the best impact, not just to veterans, but to the community; since the State of Florida approved \$1.5 million in 2015, to build the best military museum in the County, immediately MIRA and the Board of County Commissioners of that day, stepped on and created the first phase of the park, then a second phase; Tourist Development built a new entrance way, that partnership between State, TDC, the County, and the community; when they got the museum, they were able to raise \$600,000 from the community; organizations, individuals, and businesses in-kind contributions to remake and outfit that museum and really set a high quality standard; and all along they realize that this is a Central Brevard place where people love to come. He mentioned in 2015 they connected to 100,000 visitors per year, now there are far more than that; once they have the amphitheater and the capability to have major events with pay, with payment back to the County for maintenance and continuation of the amphitheater, there is a real opportunity to better enhance the community; in the military there is a term called legacy; legacy means what is left for others; they really do appreciate the past 10 years when they received the grant for that museum; and he asked the Board to give consideration for this project because it is for more than veterans. He remarked he thinks that can be symbolized; the County has already designated a full-time position as manager and a half-time maintenance position, if the Board approves all this to make sure this works; the Board will be invited to all the events to keep on its calendar; as a citizen of Brevard County, someone who grew up here, he always says there are 74,000 veterans in Brevard County and the Veterans Memorial Center Park represents them and the entire community; the Center receives many visitors from overseas and around the country; and that will increase.

Jack Ratterman stated he would like to comment on the great job that Larry, Donn and Dean have done to get this facility moving down the road, also with the support of Commissioner Goodson; the amphitheater will add another star to the crown of being a top destination for all those who visit Florida and those that live in this amazing State and unique area; the Veterans Park and museum is the hub for them, the services, education, and celebrating their unselfish contributions to the nation and State; and this much needed facility will promote community spirit and be a "hey that is what is happening now," venue for symphony orchestras, outdoor plays, graduation, and other special community events, enriching all that attend the wide range of entertainment and education activities. He noted there are many other accolades, but would just note some of the brightest like the North Brevard Economic Development Zone (NBEDZ) analysis of the economic impact of \$69 million in 10 years, 40,500 annual attendees, and generating 11,500 room nights of heads in beds; adding that the North Merritt Island HOA, largest and oldest in the County, is 100 percent for honoring the community and veterans by approving this amphitheater; in closing he would like to express the thoughts of the great sports writer and commentary, Garland Rice, "When that one great scorer comes to write against your name, he writes not whether you won or lost, but how you played the game"; and he hopes this Board makes the right call and approves this amphitheater.

Cynthia Wall stated she has been a resident of Merritt Island for 16 years; she is looking forward to hopefully seeing this project go forward; she is speaking today on behalf of a 501C(3) established for the purpose of increasing the sense of community on Merritt Island called Community Advocacy for Merritt Island; they raise funds throughout the year from private citizens and small events and they take those funds and plow them right back into the

community whether it is through beautification, conservation, or a sense of community; last year they held their first annual holiday illumination celebration at the Brevard Veterans Center and it was attended by about 500 to 600 Merritt Island residents; and they are doing that again this year. She mentioned they are expecting to have about 2,000 residents; they are doing this in conjunction with Donn and the Brevard Veterans Center as a joint venture; they are having to build a stage in the parking lot just to accommodate the entertainment; they like to bring in live entertainment from the community; they involve businesses as vendors creating kind of a Christmas carnival-like atmosphere; they invite retail people to come and have the opportunity to sell to the community; but it is really about the place and it is a place where Merritt Island can come together. She continued by saying they do not have any other facility like that on Merritt Island, so for them to try to have a community feel, they need a gathering spot; she thinks that the Brevard Veterans Memorial Center, with this amphitheater, could create what is their very best opportunity to do that; and without it, they are still a community looking for places to gather, with extremely limited resources. She thanked the Board for its consideration.

Sandra Sullivan stated this project has tremendous opportunity for gathering places even for the various events that people have there for the veterans; the only concern she would like to bring up is pertaining to what is happening around this area; she just wants to put forth a suggestion that would help achieve what the desire is for this; as a Veterans Park serving veterans, people would like to keep it that way; perhaps if there is a revenue stream that comes in, hopefully profit positive, that a commitment is made to redirect those funds, or a portion of those funds, back to the veterans community, maybe with the homeless veterans, programs, or other veteran programs because her concern is that with some of the development that is going around, for example, Woodfield, Woodfield was a wetland piece of property zoned for four units, it was converted to PUD, as a PUD it was entitled to 25 percent more zoning, and somehow ended up with 377 units; and as the story goes, that it is being suggested this will be short-term rentals. She continued by saying then there is the fly-in that just got built; around that area there are short-term rental developments happening, meaning this is becoming a tourist hub; if this is serving the community and that is the greater good, wonderful; but if this is just to create a facility as a tourist destination, she thinks that money should be committed as a veterans facility to serving the veterans.

Commissioner Goodson stated as the Board knows it is in his District and he thinks MIRA has done an excellent job funding it throughout and they have been very patient; he would like to see the support of the Board for this item; and he asked if the County has already hired someone to run the venue.

Mr. Lallo stated no, the County Task Force made some recommendations on if the County were to manage it, they would potentially want a full-time manager to work with promoters and a half-time person to manage the maintenance; however, to his knowledge that has not been decided; the directions given to that task force were to create the qualifications to go out to the public if the amphitheater is built, for a Request for Proposal (RFP) to hopefully get a sustainable promoter to respond to that; and then hopefully it can be sustainable from that standpoint or some other alternative. He noted the MIRA board consists of all business people and residents of Merritt Island; and all are willing to step forward and assist with anything the County would need for business planning.

Commissioner Goodson asked the County Manager if he decides to hire somebody within the County if that would be brought to the Board for discussion prior to hiring a person.

Frank Abbate, County Manager, stated if the County went out for an RFP it could be brought back, if it were County staff it would not be brought back to the Board.

Commissioner Feltner stated he thought earlier in the discussions that ultimately this would end up with Parks and Recreation; and he inquired if that is correct.

Mr. Abbate advised that is correct, the County would be looking to staff it through the RFP process through Parks and Recreation.

Commissioner Goodson asked if the County would want to hire somebody with a great deal of experience promoting or getting this venue up and running that has skill; and he does not know if Parks and Recreation has any skill.

Mr. Abbate confirmed the qualifications would be the same whether they went out to RFP or it was going to be internal.

Chair Steele asked the Tourist Development Office Director if the TDC is coming up with \$1.2 million.

Mr. Cranis responded affirmatively; he stated the TDC approved \$1.23 million out of the Capital Fund; and they have held those funds, so they are available right now in that fund.

Chair Steele noted he is in complete agreement with this project, but his stomach is churning a little bit because once again, does anyone know how many heads-in-beds a facility like this is going to bring in; he knows it is important for the County and for the veterans; but this would be spending TDC monies with no real direct knowledge of what kind of heads-to-beds; and he asked if the TDC has any idea what of that is.

Mr. Cranis advised he would have to defer to MIRA on that.

Mr. Abbate stated there is an economic analysis that is included as an attachment in the Agenda Request which addresses that issue.

Chair Steele asked for confirmation that an economic analysis has been done; and he asked if Mr. Lallo has something he wants to say.

Mr. Lallo stated there was an economic impact analysis done; in his view, it was done pretty conservatively; MIRA asked NBEDZ to assist them with base data that was provided by the veterans; in terms of room nights, just on the select 34 events, of which would only be about half, the paid events, 40,545 attendees; and on the room nights it was 11,557.

Chair Steele asked if that was per year.

Mr. Lallo confirmed.

Commissioner Feltner stated just on the heads-in-beds, he thinks there is demand throughout the County for an events venue; that was part of an earlier discussion; he thinks some of these things that have ended up in the Parks could also go there instead of being in the Parks; maybe that would be a better fit; and that is his view on it.

The Board approved extending the existing TDC/MIRA Amphitheater Grant from April 6, 2024, to April 6, 2025; and approved a \$1.23 million TDC Grant to construct a restrooms/concessions structure adequate to serve existing and future large events.

Result: Approved
Mover: Tom Goodson
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

E.1. Resolution Acknowledging September as Hunger Action Month in Brevard County

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-072, acknowledging September as Hunger Action Month in Brevard County.

Stephanie Palacios, Second Harvest Food Bank expressed her appreciation to the Board for the Resolution. She stated this is a beautiful community with a lot of very generous people; it is important to her for people to elevate their neighbors who may be struggling to find where their next meal is coming from; Brevard County has 87 partnering agencies that are affiliated with Second Harvest Food Bank; these are community organizations that are doing this work every day; they are serving neighbors who are in need every day; therefore this work cannot be done without them or without the partnership that they have with Brevard County Government. She continued to say she is hoping their partnership with Brevard County Government will increase; Second Harvest Food Bank is investing in a large facility here in Brevard County, Melbourne; the Board should all be receiving an invite from her this week to their dedication event; and she would love to see all of the Commissioners out there to learn more about how they are investing in the neighbors of Brevard County; and she reiterated her appreciation for the Board's commitment in ending hunger in Central Florida.

Result: Adopted
Mover: Rob Feltner
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

E.2. Resolution Proclaiming the Month of August 2024 as Florida Water Professionals Month

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 24-073, proclaiming the month of August as Florida Water Professionals Month.

Marissa King expressed her appreciation for the Resolution; she stated she is honored to stand there and represent all of the workers in the waste water and stormwater industry and to receive the recognition; as utility workers they often go unnoticed and under-appreciated despite playing a crucial role in daily lives; the less people see of them, the better they are doing their jobs; wastewater and water treatment industries play a crucial role in maintaining the public health and protecting the environment, supporting industrial industries; they have on-going advancements and adherence to regulatory standards that are essential for ensuring the provision of safe and clean water; and the Florida Water and Pollution Control Operators Association (FWPCOA) is an organization that works diligently to provide the training opportunities and continuous education to members who are engaged in the production of drinking water, the collection and disposal of waste water, and the collection and treatment of stormwater. She noted they look forward to continuing to improve and enhance the processes to ensure public safety and environmental protections.

Result: Adopted
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

E.3. Resolution Commemorating Nancy Higgs

Chair Steele stated the resolution commemorating Nancy Higgs is well received today; Nancy was an incredible human being; they did not always get along, but that was part of her dynasty; she fought for what she believed was correct; he and Nancy traveled together many times to Tallahassee; they helped to purchase the Mullet Creek Islands and a variety of other things; and there are not enough things he can say in his heart about Nancy Higgs, she was a wonderful person.

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-074, recognizing and honoring the dedication and accomplishments of Nancy Higgs for her vision and efforts with Brevard County and the Lagoon.

Result: Adopted
Mover: Rob Feltner
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

The Board approved waiving Board Policy BCC-58; and approved renaming South Beach Community Park to Nancy Higgs Park, utilizing the South Beach Special Recreation District Municipal Service Taxing Unit (MSTU) to fund the sign replacements.

Commissioner Pritchett stated Commissioner Higgs called her a few times and gave her some suggestions; it was always wonderful hearing from her; if she did something well Commissioner Higgs would call and cheer her on; and Commissioner Schmitt did the same.

Result: Approved
Mover: Rob Feltner
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F. ITEMS PULLED FROM THE CONSENT AGENDA

Chair Steele pulled Item F.5., revision to BCC-100, Evaluation Procedures for Development for public comment.

F.5. Approval: Revisions to BCC-100, "Evaluation Procedures for Development Proposals Pursuant to the Live Local Act which are not Otherwise Permissible"

Sandra Sullivan stated she wants to thank the Board for some of the changes; this is Senate Bill 102, the Live Local, and the one she calls, "you will own nothing and be happy law"; she appreciates some of the changes that the Board made, in particular one of them, if the proposed development is adjacent to two or more sides of a parcel zoned for single-family, within a residential development with at least 25 contiguous single-family units, it is restricting

the height to basically 150 percent of the single-family homes adjacent or three-stories; she is appreciative to see that; there have been people who filled this chambers in the past over such a development; and there is one that she would ask the Board to make an amendment to. She went on to say under Senate Bill 328 changes, a county must consider reducing parking requirements, and they changed it from a major transit stop to a transit stop; in the changes that were made, it would be nice if there was something specific of where it is considered, because it does not say it has to be approved, it just says it must be considered; in the County's land development regulations, as the County has now, the barrier islands are protected from bonus density because it is recognized that the barrier island is an issue because it is 56.5 hours for evacuation, or critical evacuation deficiency; and lives can be lost if more density is placed on the barrier island. She commented she would be appreciative if the Board would consider a change to amend this and say it will be considered, but where the Board will not consider it; for example, because of the protection of the barrier islands, and in fact, under 163.3 State statute, concurrency requires that the County be no more than 16 hours in a category 5 and Brevard County is 56.5 hours; there is a legitimate basis for rejecting it; a major transit stop is where there are multiple, like two bus stops or Brightline and a bus stop, and it is being changed basically to within a quarter of a mile of any bus stop; now the County can reduce the 20 percent parking requirement and put more density on a property; and she would very much appreciate it if the Board would consider the public safety aspect of the barrier island and add that restriction in there, which the Board can do because it says it must consider, but it can have legitimate reasons for rejecting.

F.1. Approval to Submit Grant Application and Execute Associated Agreement, Modifications, and Amendments Upon Awarding of the Department of Environmental Protection's (DEP) Wetlands Restoration and Protection Grant for the Honest Johns Impoundment Culvert Project

The Board approved the Mosquito Control District to apply for the DEP Wetlands Restoration and Protection Grant (DEP is currently prioritizing initial project proposals); authorized the County Manager to execute the grant agreement, future grant amendments and modifications, if grant is awarded by DEP, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve all associated Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.2. Approval of Stormwater Program Interlocal Agreements with: Town of Melbourne Beach, City of Indian Harbour Beach, and City of Satellite Beach

The Board approved and executed the Stormwater Program Interlocal Agreements with the Town of Melbourne Beach, City of Indian Harbour Beach, and the City of Satellite Beach; and delegated authority to the County Manager to sign future renewals and amendments for the Stormwater Program Interlocal Agreements.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.3. Lease Agreement for Natural Resources Management (NRM) Environmental Remediation and Compliance (ERC) Program

The Board authorized the County Manager to execute the Lease Agreement for Natural Resources Management Environmental Remediation and Compliance (ERC) Program, after review by Risk Management, County Attorney's Office, and Purchasing Services; and authorized the County Manager to execute any future amendments or extensions.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.4. Approval, Re: Disbursement of Educational Facilities Impact Fees

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$6,847,549.45 to the School Board of Brevard County in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute necessary Budget Change Requests to implement this distribution.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.5. Approval: Revisions to BCC-100, "Evaluation Procedures for Development Proposals Pursuant to the Live Local Act which are not Otherwise Permissible"

The Board approved revisions to BCC-100, "Evaluation Procedures for Development Proposals Pursuant to the Live Local Act which are not Otherwise Permissible."

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.6. Approval, Re: Dedication of Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement from BG Wickham, LLC for the Pineda Commons Project

The Board approved and accepted the Permanent Access Easement, Utility Easement, and Permanent Drainage and Access Easement from BG Wickham, LLC for the Pineda Commons Project; and authorized the Chair to execute the Permanent Drainage and Access Easement acknowledging acceptance thereof.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.7. Approval, Re: Dedication of Sanitary Sewer Easement from Marsh Harbor Homeowner's Association, Inc. for the Save Our Indian River Lagoon (SOIRL) Sykes Creek Zone R Septic to Sewer Conversion Project

The Board approved and accepted the Dedication of Sanitary Sewer Easement from Marsh Harbor Homeowner's Association, Inc. for the SOIRL Sykes Creek Zone R Septic to Sewer Conversion Project.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.8. Approval, Re: Dedication of the Right of Way by Quit Claim Deed and Drainage Easement from King SS Associates, LLC for the King Street Self Storage Project

The Board approved and accepted the Dedication of Right-of-Way by Quit Claim Deed and Drainage Easement from King SS Associates, LLC for the King Street Self Storage Project.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.9. Approval, Re: Dedication of Sanitary Sewer Easement and Assignment of Easement from MHW Beachside, LLC for the East Eau Gallie Business Center

The Board approved acceptance of Sanitary Sewer Easement and Assignment of Easement from MHW Beachside, LLC, for the East Eau Gallie Business Center; and authorized the Chair to execute the Acceptance of the Assignment of Easement.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.10. Approval, Re: Ratification of Emergency Change Order 5 for the West Bay Drainage Improvements Project and Limited Settlement Agreement

The Board approved ratifying Emergency Change Order 5 for the West Bay Box Culvert Project; approved the Limited Settlement Agreement with DRMP, Inc.; authorized the County Manager to execute the Agreement; and authorized the County Manager to approve any necessary Budget Change Requests associated with this action.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.11. Approval, Re: First Amendment to Lease Agreement with the City of Melbourne for Melbourne and Eau Gallie Public Libraries

The Board approved and authorized the Chair to sign the First Amendment to Lease Agreements with the City of Melbourne for Melbourne and Eau Gallie Public Libraries.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.12. Approval, Re: Agreement to Amend the Sewer Service Agreement Between Brevard County and the City of Titusville Servicing Manatee Hammock Campground

The Board approved and authorized the Chair to execute the Agreement amending the Sewer Service Agreement between Brevard County and the City of Titusville to service Manatee Hammock campground.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.13. Approval to Upgrade UKG's Telestaff Software to the Latest Version and Move to a Cloud Environment as well as Implement Modules which will Allow Centralizing Employee Time-Related Documents, Reporting and Automating Payroll Data Integration to SAP

The Board authorized staff to procure UKG user licenses, migrate to the cloud model, and integrate with SAP for automating payroll data; authorized the County Manager to execute order forms, agreements, task orders, change orders, modifications, and amendments; and authorized the County Manager to establish the necessary budget to implement this upgrade and implementation.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.14. Board Approval: Renewal of Certificates of Public Convenience and Necessity (COPCN)

The Board approved the renewal of COPCN; and authorized the Chair to execute the COPCN

with Brevard County Fire Rescue (ALS, BLS and ALS Non-Transport), Cape Canaveral Volunteer Fire Department (ALS), Coastal Health Systems of Brevard, Inc. (ALS and BLS), Kennedy Space Center (ALS and BLS), Canaveral Space Force Station (ALS and BLS), City of Palm Bay (ALS), Health First-Holmes Regional Medical Center, Inc. d/b/a First Flight (ALS), City of Titusville (ALS), City of Cocoa (ALS), City of Cocoa Beach (ALS), City of Melbourne (ALS), City of Satellite Beach (ALS), City of Indialantic (ALS), and City of Rockledge (ALS), for the 2024-2026 renewal period.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.15. Approval of Revisions to Board Policy BCC-21, "Budget and Financial"

The Board approved the revisions to Board Policy BCC-21, Budget and Financial.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.16. Approval, Re: Budget Change Request

The Board reviewed and approved the BCR.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.17. Approval, Re: Permission to Quote and Utilize Piggyback Contracts for Goods and Services for the County Departments/Offices

The Board approved and authorized the Departments/Offices and Central Services to utilize written quotations and piggyback contracts (as necessary) in lieu of the formal bidding/advertising process to acquire goods and/or services when any of these situations occur, through September 30, 2027: (a) Contracted goods and/or services are not available through the contracted vendor; or (b) Goods and services were not included in the Board's approval annual bid/proposal/negotiation listing; (c) In all cases, the procurement must be within the Board's Adopted Annual Operating and Capital Budget; approved awarding goods and/or services to the lowest, most responsive, and responsible quote that meets the requirements of the Department/Office with the concurrence of Central Services/Purchasing Services; approved the Department/Office will make reasonable efforts to receive at least three written quotations for a procurement, and in the event less than three written quotations are received from qualified vendors, authorized the County Manager or designee to waive the requirements for three written quotations; authorized the County Manager or designee to execute piggyback contracts as determined by the Department/Office with the concurrence of the Central Services/Purchasing Services to be in the best interest of the County after market research indicates it is in the best interest of the County, subject to review and approval by the

County Attorney's Office, Risk Management, and Purchasing Services, per Administrative Order AO-29; and approved this authority will not be applied to procurements of professional services (Architectural, Engineering, Landscaping Architectural, or Surveying and Mapping) under Section 287.055, Florida Statutes.

Result: Approved

Mover: Rita Pritchett

Seconder: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.18. Re: Appointment of a Special Magistrate and an Alternate Special Magistrate to Consider Matters Related to the Administration and Enforcement of the Brevard County Code of Ordinances

The Board appointed Christine M. Schverak, Esquire, as the County's Special Magistrate for matters related to the administration and enforcement of the Brevard County Code of Ordinances; appointed Julie Harrison, Esquire, as the alternate Special Magistrate; approved an hourly rate of \$210 for the services provided by the Special Magistrate from September 1, 2024, through August 31, 2025; approved an annual inflation adjustment to the hourly rate by the Consumer Price Index for all Urban Consumers (CPI-U); and authorized the County Manager to execute the contracts with Ms. Schverak and Ms. Harrison.

Result: Approved

Mover: Rita Pritchett

Seconder: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.19. Permission to Issue Annual Supply Bids, Proposals, and Request for Qualifications or Negotiate Competitive Contracts for County Fiscal Year 2024-25

The Board authorized the Central Services Director to coordinate the following procurement actions: (1) Solicit competitive bids or negotiated competitive contracts and award to lowest, most responsive, responsible, and most qualified vendor(s); (2) Solicit competitive proposals and requests for qualifications, establish selection and negotiation committees' approval by the County Manager or designee, and award to the highest ranked proposer(s); (3) Exercise renewal options upon evaluation of the supplier's performance and recommendation from the user Department or Office; and (4) Authorize the County Manager to award and execute contracts, contract renewals, contract amendments, contract extensions, task orders, and purchase orders subject to review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rita Pritchett

Seconder: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.20. Re: Permission to Procure Products or Services on the Vendor of Record for the County's Fiscal Year 2024-25

The Board authorized Purchasing Services to coordinate the procurement actions included in the County's Adopted FY 2024-25 Annual Operating and Capital Budget: (1) Approved the use of the attached listing of Vendor of Record for the County's FY 2024-25, as these products or services have been determined to be the sole/single source; (2) Approved the use of State Contract(s), Cooperative Contracts, and other agency contracts when market research dictates that utilizing such is in the best interest of the County; (3) Approved the competitive procurement when it is in the best interest of the County for the approved Vendor of Record or Cooperative Purchasing programs; and (4) Approved the issuance of purchase orders, and authorized the County Manager to execute contracts, contract renewals, contract amendments, and any necessary contract extensions, subject to the review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.21. Approval of Liability, Workers' Compensation, Crime, and Aviation Insurance Programs for FY2024-25

The Board approved the placement of the County's Auto, General, Professional, Crime, Cyber, Aircraft and Aviation Liability, and Workers' Compensation insurance coverage at a cost not to exceed \$2,293,350; and authorized the Risk Manager to bind coverage per the Agenda Report.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.22. Resolution Amending Commercial Property Assessed Clean Energy (PACE) Program to Conform to Recent Legislation

The Board approved and adopted Resolution No. 24-075, amending prior Resolution No. 18-040 and Resolution No. 22-067, to conform with recent State legislation; and authorized the County Manager to sign amendments to existing Interlocal Agreements with Commercial PACE Program Administrators to comply with statutory revisions.

Result: Adopted

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.23. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.24. Consent of Consolidation of PFMAM (PFM Asset Management LLC) and US BAM (U.S. Bancorp Asset Management Inc.) as a Single SEC Registered Investment Adviser (RIA) Under its Parent Company, USBAM

The Board approved consent to the consolidation of PFMAM registered investment adviser with USBAM registered investment adviser, a subsidiary of U.S. Bancorp as a single SEC registered investment adviser under its parent company USBAM; and authorized the County Manager to sign the Consent Letter.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

F.25. Approval of Changes to Brevard County Investment Policy (BCC-49)

The Board approved the Brevard County Investment Policy, BCC-49.

Result: Approved
Mover: Rita Pritchett
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

***Employee Recognition by Commissioner Feltner**

Commissioner Feltner stated Commissioner Tobia is not in today; he does not have any Florida facts, but there is a County employee recognition and the Board wants to do that because he deserves to be recognized; Mr. Shon Kimble is part of the renovation team, lead carpenter for Public Works; he has been with the County about six months; and Mr. Kimble is currently leading the team renovating Parks and Recreation restrooms throughout the County. He went on to say Mr. Kimble's handiwork can be seen at the new Val M. Steele Park, where Shon and the team managed to complete the renovations ahead of schedule, before the grand reopening; he is a father of five and grandfather of nine; he spends his days off traveling and cruising; and when the weather is nice he takes out his 28 foot Bayliner. He added the Board appreciates what he does for Brevard County.

G. PUBLIC COMMENTS

Tom Erdman stated he lives in Sherwood; he knows it is not on the Agenda today, but he is there to ask the Board to consider delaying the vote for the Sherwood rezoning for three reasons; first, as everyone knows, three of the County Commissioners will not be seated up there starting in 2025, and that is when stuff is really going to start to happen, so the newly elected Commissioners will have to deal with the impacts of this vote; secondly, it is of concern that he has not seen a soil sample result yet and as everyone knows, old golf courses tend to have arsenic in the soil; when they start bringing the bulldozers in and everything that soil is

going to get moved around, wind is going to be blowing, and it is a carcinogenic that people and children in the neighborhood could end up breathing in and in 10 or 15 years down the road, there can be an increase in cancer; he has not seen the dust mitigation plan, and he thinks it is vital for the safety of the local community; and thirdly, it is not just Sherwood, it is Royal Oak, Birchwood, and so much development going on in North Brevard that it is time to put a little pause to it and look at the entire picture and make sure people can leave their children and future generations a North Brevard to be happy with that has the right environmental impacts and something to be proud of.

Christina Fleming stated she has some facts for the Board this morning; as of yesterday, they have lost 66 employees in Fire Rescue, 57 of them are in the field; that is 66 and there is still four months left of this year; Seminole County is ratifying their fire contract today which means Brevard County is going to lose a lot more people come October; the Fire Department is understaffed, Fleet is understaffed, Fire Prevention is understaffed, Road and Bridge, and Parks and Recreation are all understaffed; this Board has heard this numerous times; with the Fleet, there are brand new engines, engine 49 and rescue 49, are for a station that is opening up, it is not open yet; they are using those units to back up the supply right now; rescue 46 was in rescue 49, a brand new unit that has not even been put in service, and they had to use it; engine 49 was used and it broke down in 42 hours of using it, a brand new engine; and with that being said, this Board's term is not up until November, the Board Members are there until November, the voters voted them in until November. She added it is the Board Members sworn job duty to stick up for the County, it's employees, and its constituents; that is what people voted for them for; the people need the Board to keep working until they leave; she has high expectations of people and always had high expectations that everybody would do their best and that is what she expects; and lately she has just been disappointed.

Katie Delaney stated this morning she was coming to speak to the Board about the Sherwood Development; she hopes the Board Members had a chance to watch the Planning and Zoning meeting where this was talked about; if they have not, then she would urge the Board to do so because the developer mentioned that they have not finished the studies on this project; and as this project will heavily impact the area, and be a huge topic of conversation in the coming year or so, she would ask the Board to please postpone this vote on the rezoning at least until all of the information is available with those studies and whatnot.

Sandra Sullivan stated at the last meeting there was a last minute add-on, without proper notification, to do with paying \$1.71 million for a study of County funds on how to fund the sewage system for Space Florida, which is an independent special district; she did a records request for a reference study that prompted that and she was very concerned about what she had read; what is being proposed in the study that was done by the Economic Development Commission (EDC), is to do a tax increment reinvestment zone; basically taxing the residents of District 1 and District 2 as a non-ad valorem tax to pay for essentially a pipe putting in sewage from Space Florida to Sykes Creek as the first phase; and then the later phase which she does not think they will ever get to, is a crazy idea, to remove six sewage plants and do a regional at Titusville Cocoa Airport (TICO). She added it seems more probable that between now and then the County will actually upgrade to Advanced Wastewater Treatment (AWT) because that is required by 2032; while pointing out on a map where Space Florida is, she stated this is Federal lands and on those Federal lands, the County is more than tripling the size of Space Florida; there are a lot of plans not being communicated to the public; this is from the North Merritt Island incorporation study where a vote was taken, not per State statute, under Public Comment; and now people know why, because of the legal issues pertaining to North Merritt Island. She continued by saying historically, the issue with North Merritt Island has been flooding; there was a small area study done that recommended rezoning to one unit per 2.5 acres and not one unit per one acre; the area of the hydrology study, \$500,000 study done by

the County, shows that this area where they want to put this additional development is in an area of increasing flooding; the entire area is like a giant bowl and this time of year, when the river level is at its highest level and there is a hurricane event, it floods and there is no place to really pump the water; and the last part of the controversy is under the new Senate Bill 328 where the State has authorized to put density housing under Senate Bill 102, on Space Florida lands on North Merritt Island. She added the Board is going to make these people's lands worthless; and one last thing, the Federal Government loses liability immunity when it is used for privatized purposes and it makes other people liable too.

H.1. Resolution, Re: Adoption of a Schedule of Rates and Charges for Hazardous Materials Special Operations Team, Standby Response, Fire Prevention and Inspection Rates

Chair Steele called for a public hearing to adopt a resolution adopting the schedule of rates and charges for hazardous materials special operations team, standby responses, fire prevention, and inspection rates.

Jill Hayes, Budget Office Director, stated this is a request for the adoption of Fire Rescue's Schedule of Rates and Charges for hazardous materials, special operations team, standby response, fire prevention, and inspection rates.

There being no comments or objections, the Board adopted Resolution No. 24-076, adopting the Annual Hazardous Materials (Haz-Mat) Special Operation Team Schedule of Rates, Standby Response Rates, and the Fire Prevention and Inspection Special Rates for the Fiscal Year beginning October 1, 2024.

Result: Adopted

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

H.2. Board Adoption of a Fire Assessment Rate Adjustment of Three Percent (3%) in FY2024-25; and Board Ratification, Confirmation and Certification of the Annual Fire Services Non-Ad Valorem Assessment Roll

Chair Steele called for a public hearing to adopt a resolution adopting a fire assessment rate adjustment of three percent in FY 2024-2025 and ratification, confirmation, and certification of the annual fire services non-ad valorem assessment roll.

Jill Hayes, Budget Office Director, stated this is a request for ratification, confirmation, and certification of the annual fire services non-ad valorem special assessment tax rolls.

Sandra Sullivan stated under fire assessment this is, of course, a non-ad valorem tax the County has incorporated as of a couple of years ago, a three percent Consumer Price Index (CPI) every year; her objection all along on this is that right now Brevard County has a crisis happening with its Emergency Medical Services (EMS) and funding appropriate salaries for them; a few years ago there was a pretty hefty increase, what was promised with that increase was that the County would use that to bring their salaries up to being with the surrounding areas; when she looks at the budget and the numbers, what is actually happening is disproportionate shares are going to meet growth; and while some of it was supposed to meet growth, it was supposed to address the salary issues within a couple of years and bring them up to where they should be, and that did not happen. She continued by asking why that did not

happen; she stated there is all this growth happening in Brevard County and when reviewing the graphs, the cost for the County for this growth and the vehicles and the stations, has gone way up; she thinks the number was \$13 million; until the County solves this problem, the EMS and fire impact fees that are the share of the developers to pay their share of the growth is not happening, so the County puts a CPI increase every year on the people, but it did not do a CPI increase on the impact fees every year; if the Board is going to tax the people, then tax the developers as well for paying their fair share; the Board needs to address the fundamental issue, EMS and fire impact fees that have not been updated in 32 years; there is all this growth and everything has gone up in costs; and even the fire trucks have gone up by threefold in cost. She asked how many times she has come before this Board over the years and discussed impact fees; she noted she usually gets a blank look and nothing is said; meanwhile, there is a huge number of people leaving; she was at the negotiations for fire and the County did not even negotiate; the County's side did not even negotiate in good faith; and it took something, went out to caucus, left them all sitting there for one hour and forty-five minutes, then came in and said, "see you later, we are not going to talk anymore today," and when asked about the other issues, they said, "no we are not talking about it."

There being no further comments or objections, the Board adopted Resolution No. 24-077, ratifying, confirming, and certifying the Annual Fire Services Non-Ad Valorem Assessment Roll, which has been updated to reflect the three percent (3%) rate adjustment as previously approved and authorized by the Board in Resolution No. 21-044 on April 20, 2021.

Result: Adopted

Mover: Rita Pritchett

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

H.3. Resolution: Adoption of the Stormwater Utility Resolution Ratifying, Confirming, and Certifying the Annual Stormwater Utility Special Assessment Rolls

Chair Steele called for a public hearing to adopt a resolution ratifying, confirming, and certifying the annual stormwater utility special assessment rolls.

Jill Hayes, Budget Office Director, stated this request is the adoption and certification of the annual stormwater utility non-ad valorem special assessment rolls.

There being no comments or objections, the Board adopted Resolution No. 24-078, ratifying, confirming, and certifying the Annual Stormwater Utility Special Assessment Rolls.

Result: Adopted

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

H.4. Public Hearing: Amendment to Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions," Brevard County Code of Ordinances, to Remove a Definition of "Major Transit Stop," and to Add a Definition of "Transit Stop"

Chair Steele called for a public hearing on an amendment to Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions," Brevard County Code of Ordinances, thereby removing a definition of 'Major Transit Stop' and adding a definition of 'Transit Stop.'

Billy Prasad, Deputy Director of Planning and Development, stated this public hearing is to consider an amendment to Section 62-2, Brevard County Code of Ordinances, to remove the definition of 'Major Transit Stop' and to add a definition for 'Transit Stop' in order to comply with changes to Florida Statutes.

Sandra Sullivan stated there is no reason that both cannot be in the County's Ordinance; the 'Major Transit Stop' is still a definition; there is a definition by Florida Department of Transportation (FDOT) and it is a legal definition; it is when two or more types of transportation come together; that definition has not changed; maybe the Board needs to add a 'Transit Stop' definition, in light of the changes to Senate Bill 328; but the definition of a 'Major Transit Stop' is still the same, it is only in the context of the change of law of 328 that the County needs a definition of 'Transit Stop.' She went on to say there may be reasons that the County needs a 'Major Traffic Stop' definition as well, outside of Senate Bill 102; she would keep it in there; in light of the push-back generally, across the State, on Senate Bill 102, the people feel like they have been sold-out; this bill puts communities at risk; in the research that she has done of a bill very similar to Senate Bill 102, without the mandate, the staff analysis by the State said this is a good bill because it does not mandate it; it does not violate the State Constitution; she does not know why Brevard County is not pushing-back on Senate Bill 102 as a violation of the State Constitution for Planning and Zoning laws; however, in the context of this, she would keep 'Major Transit Stop' because there is a legal definition by FDOT, and there may be other reasons to keep it in there, and add 'Transit Stop' because they are two separate definitions; and they are not the same thing.

There being no further comments or objections, the Board adopted Ordinance No. 24-19, amending Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions" to remove definition of "Major Transit Stop" and add definition of "Transit Stop"; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Result: Adopted

Mover: Tom Goodson

Second: Rita Pritchett

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

H.5. Repeal of Ordinance 89-29 - State Road 46 Water Extension #1

Chair Steele called for a public hearing to adopt an ordinance to repeal Ordinance 89-29, State Road 46 Water Extension #1.

Eddie Fontanin, Utility Services Director, stated this request is to repeal Ordinance 89-29; this was an ordinance created in 1989 as a capital recovery; the project is complete and his department is just doing some housecleaning by repealing ordinances that are no longer needed.

Sandra Sullivan stated per the Agenda Item this is the area; when she goes to the St. John's River Water Management District (SJRWMD) site and looks up Consumptive Use Permit (CUP) one sees this; when he says this area is complete, according to the CUP where water is provided, there is no water service in this area; a lot of the lands as one goes west within this area, are owned by the SJRWMD on the Property Appraiser's site; she thinks this is kind of interesting; she is wondering if she is looking at surrounding properties that do not have water service out there, per the CUP; and there have been some rumors of a developer coming

there; and she would say the optics on this do not look correct.

There being no further comments or objections, the Board authorized and adopted Ordinance No. 24-20, repealing Brevard County Ordinance 89-29, that established capital recovery charges for connection to the Wastewater and Transmission Facilities known as the State Road 46 Water Main Extension # 1; providing for conflicting provisions; providing for severability; and providing for an effective date.

Result: Adopted

Mover: Rita Pritchett

Second: Tom Goodson

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

H.6. Adoption of Solid Waste Special Assessments, Fees and Charges and Ratification, Confirmation and Certification of the Solid Waste Special Assessment Rolls

Chair Steele called for a public hearing to adopt a resolution adopting the solid waste special assessments, fees and charges, and ratification, confirmation, and certification of the solid waste special assessment rolls.

Jill Hayes, Budget Office Director, stated this is a request to adopt the solid waste disposal assessment, solid waste collection and recycling special assessment and the schedule of special rates and gate charges.

Chris Romandetti stated this has been brought to light because when looking at these rates that are being proposed to come in and overlooking the entire issue; he has gone through the budgets; he thinks it is \$1 million per week, it is a \$52 million budget to run solid waste division now, with all the different incomes they bring in; the County will be closing Sarno Road soon; it keeps getting pushed but it looks like it will be in March now; and what that is requiring people to do now is to take everything to Cocoa. He continued by saying when the County does that, someone like himself that is retired, it is only one trip per week, but that is over \$1,200 more per year for him to go to Cocoa because, maybe before those on the Board now, but somebody did not figure out that the dump was going to fill up and start the new one up out on 192 years ago, when it should have been planned so that there was a seamless transition; in doing that, not only will an average landscape guy that has somewhere around three loads a day, he will be burdened about \$15,000 per year in excess fuel if he is bringing it up from down at the south end of the County to Cocoa, and that is just in his fuel bill; but more so, in the proposed changes that he thinks he understands, is that all the construction debris to commercial accounts should start to be charged; he has looked at other counties and that seems to be pretty reasonable; but the major issue he has is in the yard clearing debris. He went on to say he does not know if the Board members have ever cleaned their yard up, or hired someone to clean it up, but whoever is being hired to trim the coconut trees and palm trees is now under this provision and is going to be billed to bring it to the wasteland; in doing that, one cubic yard which is about two full garbage cans, is going to cost \$14.40; the trailers that people see all over, that the landscapers use, are seven ton trailers and 14,000 pounds; if they are filled up to what they are legally allowed to carry, it is \$331 per trip; 100 trips a day is going to be bringing in an extra \$8 million for Cocoa, or each facility, to bring this waste in; and that is a lot of additional revenue. He mentioned when he had the chance to meet with Solid Waste Director Tom Mulligan, he came out and said it cost him \$42 per ton to process this, so they are going to charge \$47 now, because the rates were not raised; if anyone looks at their tax bill, it used to be \$59 and then it was raised to \$63 per house; that is supposed to take care of maybe just the

garbage, but at the end of the day people could always bring their yard debris; if people brought it from their house they did not have to pay for it; as a matter of fact, this says if people bring it themselves, but if the landscaper brings it then they will be charged; that is where he thinks the burden is; the people are going to be hit heavy on the fuel until the new facility gets opened up and he hopes that is taken into consideration; and second, there is going to be riot up there on October 1 with these landscaping guys. He added he has been trying to get a permit, even though he is retired, for the last two weeks; he has to go through the City of Melbourne and get a tax receipt; it takes about three weeks or he has to drive to Titusville to get one; he got let loose the other day because they will not even take a credit card at the dumps to dump because it is in process which could take two weeks just to get the gate permit right now; he thinks all those things should be looked at; and if the County has to put it in, he thinks there should be a temporary time element to get people up to compliance. He noted they have to put up a bond for two months' worth; and there is a lot of activity there.

Commissioner Goodson asked if it is true that someone could trim their bushes and leave it along the curb and the County will pick it up.

Mr. Romandetti replied this week he loaded his trailer, dumped it out front, called Waste Management, and they will pick that up; when he talked to Mr. Mulligan he said he thinks somebody is going to be looking into that; but today that is true.

There being no further comments or objections, the Board adopted Resolution No. 24-079, the Annual Solid Waste Disposal Special Assessment Rate reflecting an incremental increase to the annual billing unit for residential properties of \$3.32, and for commercial properties of \$9.59 for FY 2024-2025; adopted Resolution No. 24-080, the Solid Waste Collection and Recycling Special Assessment Rate and Special Rates and Charges for Improved Non-Residential Property and Compensation Rates which reflect a three percent increase; adopted Resolution No. 24-081, the Schedule of Special Rates and Gate Charges modified to reflect changes to Chapter 94 of the Brevard County Code of Ordinances as approved by the Board on July 9, 2024, amend roll-off container service operating permit fees to \$200 per year, and remove the stand-alone gate account security deposit for landscaping companies; and adopted Resolution No. 24-082, ratifying, confirming, and certifying the Annual Disposal, Collection, and Recycling Special Assessment Rolls to the Brevard County Tax Collector.

Result: Adopted

Mover: Rita Pritchett

Secunder: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

H.7. Adoption of a Resolution Establishing User Fees for FY 2024-2025 for the Melbourne-Tillman Water Control District

Chair Steele called for a public hearing to adopt a resolution establishing user fees for Fiscal Year (FY) 2024-2025, for the Melbourne-Tillman Water Control District.

Jill Hayes, Budget Office Director, stated this is a resolution adopting the Melbourne-Tillman Water Control District user fees; a public hearing was held in the District on August 8, and all Board members in attendance adopted the resolution.

There being no comments or objections, the Board executed and adopted Resolution No. 24-083, approving user fees for the Melbourne-Tillman Water Control District for FY 2024-2025.

Result: Adopted
Mover: Tom Goodson
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

*The Board recessed at 10:18 a.m. and reconvened at 10:22 a.m.

J.1. Approval, Re: Contract for Sale and Purchase with Girl Scouts of Citrus Council, Inc. for the Sykes Creek Zone T Septic to Sewer Conversion Project

Marc Bernath, Public Works Director stated the County originally required 22.36 acres; this requires an additional 0.2 acres for the construction of an airvac pump system, vacuum, force main lines, lift station, and sewer service; the fair market value is \$100,300; and that is what the asking value is.

The Board approved and authorized the Chair to execute the Contract for Sale and Purchase with the Girl Scouts of Citrus Council, Inc. for the Sykes Creek Zone T Septic to Sewer Conversion Project; and authorized the Chair to execute all required closing documents related to the Contract.

Result: Approved
Mover: Tom Goodson
Second: Rita Pritchett
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

J.2. Legislative Intent and Permission to Advertise Modifications to the Structure of the Save Our Indian River Lagoon Citizen Oversight Committee

Virginia Barker, Natural Resources Management Director, stated this is to approve legislative intent and permission to advertise Code modifications regarding the structure of the Save Our Indian River Lagoon (SOIRL) Citizen Oversight Committee (COC); the COC recommends the Board consider two changes; first, the current structure of the Committee includes seven fields of expertise with a voting member and an alternate selected to represent each field which includes the following: science, technology, economics, real estate, tourism, education, and Lagoon advocacy; to encourage future representation on the COC by residents whose incomes are tied to the health of the Lagoon, like commercial fisherman, fishing guides, clam farmers, and eco tour operators who experience the changing Lagoon conditions out on the water, daily, the COC recommends dedicating a field of expertise to Lagoon Commerce; and this could be accomplished without increasing the size of the committee by combining the education field of expertise with Lagoon advocacy. She continued by saying secondly, in 2022 the Board added eight-year term limits to all advisory committees via the County's uniform Advisory Board Policy; these limits will impact 50 percent of the committee this year; this includes five of the seven voting members and two alternates who are in their eighth year of service; the result will be that no one on the future COC will be cognizant of all the balancing acts guided by the County Commission and public comments received since inception of the program; and the longest standing voting members remaining, if reappointed, will have two years of service; therefore, the COC recommends adding two non-voting historian-like positions who would be exempt from term limits, but subject to Sunshine Laws, to provide readily available historical context for the larger number of new members. She advised the League of Cities and the County Commission would each select one position; if the Board approves legislative intent for either or both of these changes, ordinance revisions will be prepared and advertised to come

back to the Board in the form of a public hearing; draft markups of the current policy to incorporate both of these recommendations is attached to the Agenda package; and the markup also cleans up some terminology and transitions the initial COC appointment process to an ongoing process.

Sandra Sullivan stated she is vehemently against this; first of all this is an amendment of Ordinance 16-15; she would appreciate first and foremost, if the Board is going to look at modifying the Ordinance, she thinks it should sit down and have a workshop with an invitation to the public to come in and put in ideas; there are a lot of issues with the SOIRL Program as it stands; previously she brought a letter before the Board signed by 19 companies and a few prominent individuals that had concerns of conflicts of interest; within this Policy itself, one of the changes acknowledges that this Board does the allocation of funds to a project list; and therefore, they are making decisions on funding and this Board took away even the oversight of requiring conflicts of interest disclosures, which was exceedingly controversial. She noted the Board has a Policy that says eight years on a board; there is a procedure if somebody applies and they do not have qualifications, the Board can still extend, by a waiver, the members on that board; the County may end up with same members serving because it may not find enough people that are qualified to serve on that board; give the process a chance; it will be very confusing to have two people sitting up there who are current members of the board, that are not voting members, whether they are voting or not and they are weighing in; it just has bad optics; and she reiterated there is a Policy of eight years. She added there is the Merritt Island Redevelopment Agency (MIRA) with 15, 16, and 18 years on that board; this Board is not following its own rules; it is like it follows here and not there; be consistent, there is a Policy and the Policy works; if someone has been eight years on a board, respect term limits, and there is not anybody to fill that board there is a waiver and they can extend it; there is a methodology; and this is not needed, it is really bad optics, and the people who sit on this Board just want to continue their influence. She added if the Board wants to sit down and make changes to the Ordinance it should have a workshop and look at some of the other things that are not good in this Ordinance.

Commissioner Pritchett asked if these are two non-voting members.

Ms. Barker advised changing the field of expertise would be one voting, one not voting; and adding the historical positions would be non-voting.

The Board approved legislative intent and permission to advertise modifications to the structure of the Save Our Indian River Lagoon Citizens Oversight Committee.

Result: Approved

Mover: Tom Goodson

Secunder: Rita Pritchett

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

J.3. Approval, Re: Tourist Development Office (TDO) Proposed FY 2024-25 Marketing & Media Plan, Approval for the TDO Director to Make Vendor Selections, Negotiate and Execute Agreements with Media and Advertising Vendors

Peter Cranis, Tourist Development Office Director, stated this is bringing from the Tourist Development Council (TDC) the Fiscal Year 2024-2025 Marketing and Media Plan for approval; and it is in the amount of \$13.385 million with a disaster back up fund of \$1.36 million.

Sandra Sullivan stated in going through this presentation, there are some things she did not see

in there; the good news, what a tremendous job, look at the numbers for Tourist Development Tax (TDT); record numbers, so that is great; she explained this is how it breaks down, the area for marketing is the blue part; she asked if the Board heard the joke about the Driftwood method and the joke about what the Board did with Brightline by moving money and throwing it into marketing so the Board would not have to do a supermajority vote that was required to spend the money from Capital for Brightline; she noted the Board moved it through marketing to make it legal so the Board could do a simple majority vote, and that is the Driftwood method; and the Board did that with Driftwood. She went on to say the other thing that is missing is the TDT meeting, where the Board is moving money, the Driftwood method, from the Cultural Fund to the Marketing Fund, and then from Marketing to lifeguards; per State Statute the County can only use TDT for lifeguards, if there is an estimated population of less than 275,000 people according to the most recent population estimate pursuant to 186.901; Brevard County's population is more than 275,000 people; recently Randy Fine, at a Patriots meeting, indicated that this was not legal; and the presentation omitted the Driftwood method where the County is moving money through Marketing and spending it out of Marketing. She mentioned it is not in this budget here; and in terms of the actual TDT legislative text from the State, it says up to 10 percent of the net revenue budgeted and dispersed to promote County tourism by funding tourist oriented cultural and special events, and that 10 percent is for that, but the County moves it to Marketing and spends it in a different way; this is not really following the State statute; she thinks there is a really big legal issue here if indeed the County is still spending money on lifeguards from the Cultural Grants Fund and not spending the TDT tax as legally required by State statute.

Commissioner Goodson stated he thinks the County Attorney has answered this a number of times, but he must comment because he did not know that Randy Fine was practicing law now, but undoubtedly he is; and maybe the County should get him as its second attorney; and he commented to Ms. Sullivan to make sure Mr. Fine knows what he said.

Commissioner Feltner stated Mr. Cranis has worked very hard with hoteliers and such to make sure that some of those asks in the Marketing Plan were there; and he thinks Mr. Cranis did a good job.

Chair Steele stated this is a no good deed goes unpunished situation for Mr. Cranis; he has a Marketing Plan that is going to include so many different aspects of what is going on with the TDC, it is crazy; one time the Board is saying come to Brevard County where there are lifeguards, next time one goes down the road and sees a billboard that does not include lifeguards, then there is an issue in regards to whether or not using lifeguards with TDC money is legal; he can assure everyone that they have looked into this, the County has an attorney, Ms. Sullivan is not an attorney, and the County Attorney is very good, and there are a lot of people looking at this stuff, so whatever the County does, it does with advice from good general counsel; and he is not being disrespectful in any way, he is just saying the Board does what it needs to do following good legal advice. He continued on by saying whether or not there is going to be monies spent on lifeguards this year through the Cultural Fund or something else, he does not know because it has not been decided yet; the Cultural Fund monies for lifeguards was used last year; and he inquired with Mr. Cranis if that is accurate.

Mr. Cranis responded affirmatively.

Chair Steele continued by saying as of right now, there is no money being used for lifeguards using TDC funds; that does not mean that come through this budget period, that the Board will not put them back in; he does not know what is going to happen with that; as a result of all that he would like to thank Mr. Cranis for all of his hard work; this is a subjective thing on Mr. Cranis' part; and that is why he is the Director, the Board will have to follow what he thinks in his

professional situation.

Commissioner Pritchett stated she is impressed that Mr. Cranis has something that the hoteliers are happy with because that is always hard getting these packages approved; she is hoping the Board figures out a way to cover the lifeguard situations; there are people visiting here and it makes sense that the people visiting who need extra lifeguards, are helping pay for that cost and get it off the burden of the citizens; she hopes the Board can figure out a way to do that because it would break her heart for another child to die on the beach.

Chair Steele mentioned there was just an article that said Brevard County beaches were the fifth most dangerous beaches in the entire United States; we definitely need to do something about lifeguards; but that is not the issue today.

The Board approved the FY 2024-2025 Marketing and Media Plan for the TDO in total the amount of \$13,385,000.00, including the selection of the media vendors listed in the 2025 Marketing Plan presentation; approved the Tourism Development Office Director you to negotiate and execute contracts, contract amendments, and any necessary contracts for selected marketing, media, and advertising firms within the Board approved FY 2024-2025 Marketing and Media Plan, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services in accordance with Administrative Order AO-29, "Contract and Grant Administration," up to and exceeding \$200,000, the total amount not to exceed \$13,385,000.00; approved the ability for the TDO to receive and accept revenue from cooperative advertising partners and grants from organizations (such as the Florida Sports Foundation); authorized the Tourism Development Office Director to be able to access Disaster Funds (Fund 1444) in the event of a State or local emergency declaration, natural or man-made disaster for the purpose of advertising/marketing/promotional costs of up to and exceeding \$200,000, the total amount not to exceed \$1,358,843.00; and approved the focus of the advertising and promotions for the FY 2023/24 to be the following priorities in listed order: 1.) Beaches, 2.) Space/Launches, 3.) Cruise, 4.) Nature/Outdoors, 5.) Attractions/Culture/Events, and 6.) Shopping/Dining/Downtowns.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

L.2. Morris Richardson, County Attorney, Re: Board Report

Morris Richardson, County Attorney, stated the Clerk has asked for follow-up on the earlier item about travel reimbursement; and she has asked him to read into the record the total travel reimbursement was \$2,742.88, of which \$1,182.50 was for mileage for the travel.

Chair Steele commented he would like to add real quickly that it was well under the amount of money that the airline ticket would be; and he spent 26 hours driving so as not to miss any meetings; however, he does recognize the Clerk's tenacity and professionalism on compliance, so he is glad that was done today; and he thanked Clerk Sadoff for her assistance.

L.6. Rob Feltner, Commissioner District 4, Re: Board Report

Commissioner Feltner stated he went to the National Estuary Program meeting at the end of last week and they are pretty excited about receiving a pretty significant grant of \$9.4 million for more restoration efforts in the Lagoon; he thinks that is the biggest that they have received;

and the Board will be hearing more from Dr. DeFrese in the coming months.

Upon consensus of the Board, the meeting adjourned at 10:40 A.M.

Result: Approved

Mover: Tom Goodson

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

ATTEST:

RACHEL M. SADOFF, CLERK

JASON STEELE, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by the Board on October 22, 2024.