

**MINUTES OF NORTH BREVARD ECONOMIC DEVELOPMENT ZONE (NBEDZ)
SPECIAL DISTRICT BOARD, GOVERNING BODY OF THE SPACEPORT
COMMERCE PARK AUTHORITY**

August 9, 2024 @ 8:30 a.m.
Statham Park
7101 U.S. Highway One
Titusville, Florida 32780

Board Members:

In Attendance: Dan Aton, Bart Gaetjens, Rodney Honeycutt, Robert Jordan, Jeff Gray, Donn Mount, Stan Retz, and Edna Wilson

Telephone: Dr. Brenda Fettrow

Absent:

Call to Order: Meeting was called to order at 8:31 by Bart Gaetjens, Chair

Pledge of Allegiance: Edna Wilson

I. Approval of Agenda

Troy Post, CEcD, CBE, NBEDZ Executive Director, noted that the Ethics presentation by the County Attorney's Office may be later in the meeting depending on when they arrive.

Approval of Minutes

Motion by Stan Retz, seconded by Rodney Honeycutt, to approve the minutes from July 2024. Motion carried and ordered unanimously.

II. Report on Expenditures to Budget

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated everything is still tracking correctly in the budget; it is the last quarter for the Fiscal Year; the proposed budget is working its way through the channels and still needs final approval from the City of Titusville and the Commission next month; and the big changes will probably be seen next month with the check going out for Red Canyon Software, for the old Walker Apartments in downtown Titusville, and one for Trimcore for the sanitary sewer project.

The Report on Expenditures was accepted into the record as presented.

III. Staff and Partnership Reports/Updates

North Brevard Economic Development Zone Executive Director Report

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated he met with the developer for the proposed apartment, hotel, and retail project at the site of the old Sand Point Plaza;

the infrastructure costs have grown, and they may be applying for assistance to offset the costs; he met with a realtor from south Florida about a client who is interested in the old Wonderland property; and they may also be applying for NBEDZ assistance. He added Neha Pandit, Economic Development Specialist, attended a function hosted by Junior Achievement (JA) of Brevard County; and they are looking for volunteers.

Bart Gaetjens mentioned he volunteered for many years for JA; if one spends four or five hours with first-graders, second-graders, and third graders, they have a better respect for teachers; he encouraged the board members to do it if possible; and they need volunteers in North Brevard.

Edna Wilson, noted that JA will be speaking at the next Chamber of Commerce meeting.

Mr. Post mentioned he is still working with Project "Genesis", an EDC project; several EDC projects have gone cold lately, partly due to land availability and costs; he met with TCAA about a German-based aircraft company and a start-up firm called Evolution Airways; Project "Viking" is reviewing information on a commerce park site; and he is still talking with the Minnesota group as they have an application to submit, and they are interested in buying at Spaceport Commerce Park. He added he spoke to Steve Lloyd with BRPH about a client looking for a site larger than 7,500 square feet north of SR 528, outside of Kennedy Space Center; last week he was in Savannah, Georgia for an Economic Seminar and there were good speakers; he included a sheet of 'take-aways' from the seminar; he noted that one of the subjects was about a proposed rule from the U.S. Treasury Department about foreign investments, and not allowing foreign purchases of property within 100 miles of a military base; and while this rule may have good intentions, it would significantly impact what NBEDZ does in its location. He added that artificial intelligence (AI) is being used to attract workforce talent; as this is better understood, it could be used to help better hone some of the practices at NBEDZ; and talent attraction is still a major issue in the County, and will continue to be as more of the large manufacturers in the defense and space industry come to the north end of the County.

City of Titusville

Scott Larese, City of Titusville Manager, stated the latest Titusville Talking Points magazine is available; it is focused on the infrastructure that is going on; and right now, more than \$40 million in infrastructure improvements and replacements.

Dan Diesel, City of Titusville Mayor, stated the City has done a great job as far as the Indian River Lagoon, with 12 completed projects; he is proud of the City Manager for taking the lead; the City is number one in the County as far as cities go, with 12 completed projects; and no one else is even close in completed projects.

Mr. Larese mentioned the City has goals that Florida Department of Environmental Protection (FDEP) has set; it has already exceeded the 2030 goals; when it adds the seven projects that are currently underway, it will meet or exceed the next milestone of phosphorus and nutrient reduction plan; and he thinks the progress is starting to pay off. He added there is a demonstrator baffle box at Sandpoint Park, where people can see how it works, especially after a good rain; and the first budget hearing was last night which includes a lot of construction projects.

Mayor Diesel commented school is starting on Monday; he attended all of the backpack giveaways; last week the Titusville Police Department Student Resource Officers (SRO) and Brevard Public School Administration for the Titusville schools attended a breakfast at the Police Hall of Fame; and he thinks Titusville has the best SRO program, probably in the State.

Mr. Larese noted there are 12 SRO's in the Titusville schools; the City of Titusville funded that before the County picked up the cost for that; and the school zones will be enforced.

Edna Wilson stated this is the fifth year that a deal was made with Rack Room Shoes; they shut down the store for four hours and her team, in partnership with Grove Church, raises about \$30,000; and they put 600 brand-new pairs of shoes on kids.

Titusville-Cocoa Airport Authority (TCAA)

Lisa Nicholas, TCAA Business Development Manager, provided a brief update on Titusville-Cocoa Airport capital improvement projects; Challenger Avenue extension, phase one, is going to be very integral to the upcoming development to Space Coast Innovation Park; they are trying to incorporate additional drainage capacity and retention ponds into the project; and staff is seeking additional funding from the Florida Department of Commerce, the job grant program. She added the major runway, 1836, is going to go through some rehabilitation, and they are working with the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT) on additional funding for that project; staff is going to present a grant agreement to the board in the amount of \$2 million from the bipartisan infrastructure law funding for the air traffic control tower; they are going through updates to all the airport master plans concurrently; and they hosted a workshop. She noted they are in discussions with Evolution Airways, a Part 135 operator, about the potential of basing its aircraft at Space Coast Regional Airport; and they would shuttle the space industry executives to fulfill the need for quick transportation between stations.

Ethics Review

Morris Richardson, County Attorney, asked if he could come back to that, as he needed to send a PowerPoint for the presentation.

IV. Discussion and Direction

Subscriber-based Buildings and Lands Inventory Tool

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated in Economic Development, it is important to be able to showcase what sites and buildings are available; many Economic Development organizations have that on their website; he has not done that on the Zone website, as they do not have a very comprehensive database, and even the local Economic Development Commission does not have that, which can be a detriment; and there are several software packages out there. He noted that Nicholas Gow, City of Titusville Economic Development Director, found a software application called ReSimplifi, which has a very good database; there is no charge for a realtor to add to this website; potentially available parcels, as well as City-owned lands can be added; he added the site would be \$500 per month for the next year, and the City of Titusville

would pay half of that; and this database can be added to the City's website and the NBEDZ website to make it more available for searches.

Scott Larese, City of Titusville Manager, stated the City is very conscious about real estate and the inventory lists; and he thinks this is an added benefit.

Edna Wilson commented it is a real issue; she has to go to several sites for the commercial listings because she does not know who pays for what sites; and she is excited.

Nicholas Gow, City of Titusville Economic Development Director, noted the company also finds properties for sale by owner that may not be listed anywhere else.

Dan Aton asked if this is a service or a software.

Mr. Post replied it would be more of a service; he explained that if someone was driving and they saw a building that was not listed in MLS, they could call ReSimplifi to inform them about it and they would take it from there; and that is a role that it could play to get as many properties listed as possible.

Donn Mount asked how it would be funded; and would it be out of the Spaceport Commerce Park (SCP) fund since that is what NBEDZ would be listing.

Mr. Post replied under the current budget, there is the City Tax Increment Funding (TIF), County TIF, and SCP; the way the budget is split up, there is not a line item right now for 'other contracted services'; for this year, it could probably be put under the County TIF and if the service turns out to be worthy, it would probably be put under SCP funds for the next budget, although this covers more than just the SCP property; and it is a good point.

Mr. Mount asked if it would be linked with the Economic Development Commission (EDC).

Mr. Post remarked he would like for them to do that and he is not sure why they do not; but this is for properties within the northern area so it might not be something they are interested in.

Bart Gaetjens asked if there would be demographics on it; and what if a business owner wanted to see what the workforce was like for a certain location.

Mr. Gow replied he is not certain it would be incorporated in this application, but it could be added to the site.

Motion by Robert Jordan, seconded by Stan Retz, to approve NBEDZ paying for half of a \$500 monthly subscription to ReSimplifi, an Economic Development tool, with the other half, \$250 per month, being paid for by the City of Titusville Economic Development, for a one year contract. Motion carried and ordered unanimously.

Ethics Review Presentation by County Attorney's Office

Morris Richardson, County Attorney, commented he thinks the board members have had this presentation multiple times, with the possible exception of the newer appointees; he is going to give a brief overview; and if there are questions about Sunshine Law, ethics laws, or public records act, the best time to contact the County Attorney for assistance is during a situation one is actually involved in, preferably in advance of a meeting where advice is needed about a conflict. He stated the Sunshine Law is an open meeting law and it applies to advisory boards; it is codified in Chapter 286 of the Florida Statutes; basically, it states that all meetings of a body like this one have to be open to the public, in the Sunshine; the three requirements of that law are that the meeting is open to the public, a reasonable notice of the meeting is given, and minutes of the meeting must be taken; and two or more members of the board cannot get together to discuss item that might come before the board for action. He explained that it does not mean just direct in-person conversation, it also applies to technical communication such as phone calls, email, and text communication.

Robert Jordan noted that it would not apply to non-voting members.

Attorney Richardson clarified that if a person is a non-voting member of the board, because they participate in the board, Sunshine Law would apply to them; this would also apply to a third-party conversation by any type of communication between non-voting members and voting members; and there cannot be use of a facility that would restrict access or cause the meeting to be inaudible. He stated for general notice, it should be seven days prior to the meeting; in the case of Community Redevelopment Agencies (CRA), there is a specific notice provision that trumps the general notice, but he does not think it applies to the District; there are circumstances where it could be less notice; there is not a requirement to have an agenda; but the Attorney General has said it is best to give the public an idea of the kinds of items it will be discussing. He noted that at the County Commission meetings, there is a Board policy to only discuss items that are on the Agenda; verbatim minutes are not required, but minutes are required to be taken and promptly recorded; and although there is no specific timeframe, the minutes have to be approved, it should be within a reasonable time. He added that at a social meeting, like lunch, members could not speak on items that are reasonably foreseeable that it would come before the Zone board, but members are allowed to speak to each other socially; because of the nature of the appointments to the Zone board, it is natural that if members were to get together, the natural topic of discussion might be of development in the area and things coming up; and members must be careful not to speak of anything that might come before the board. He stated that members can speak to him, or staff at any time, but not to be a conduit to speak or make suggestions to other board members; and any time there is a discussion about board business and there are two or more board members present, it is a meeting, but one that has not been properly noticed, open to the public, or recorded, so this would be a violation of Sunshine Law.

Mr. Jordan asked if it would be a violation if there is something that is going to come before the Commission and he says he is going to support building a structure, and he sends it out as an email to everyone, and he adds a note not to comment or reply to everyone.

Attorney Richardson replied no; he stated technically it is not a violation, but as the board's lawyer, he tries to give conservative advice that keeps members out of trouble; his advice would be not to do that because that type of messaging begs for a response and it is too easy these days with technology to reply; it may be in compliance with the letter of the law, but maybe not the spirit of the law; and he gave an example to help explain. He mentioned public records Chapter 19, as it goes hand-in-hand with the Sunshine Law; access to public records gives citizens the ability to know what is going on in government; most of the public records are maintained by staff, but occasionally a record may be generated to communicate, formalize, or perpetuate agency knowledge, that could be a record; he suggested for any business that is transacted in writing, for anything that has to do with their position on the board, to forward it to staff so it can be maintained in accordance with the law; and he discussed some scenarios to further explain. He encouraged the board not to use their personal devices for business, otherwise, any board-related messages will need to be kept for a certain retention period; the Chapter 112 ethics laws are in two types, red light, for prohibitions that tell a person they cannot do certain things, and certain things that require disclosures with a Form 1; the ethics laws do apply to this board; most ethics issues are very fact-specific, so when an issue arises, that is the best time to ask him about the rules; and he suggested any board member with a question, contact his office before contacting the Commission on Ethics, as they may be able to answer quickly, however, there may be a grey area where confirmation from the Commission on Ethics would be needed. He added if a board member files the Form 1, they are required to file a Form 9 (quarterly gift disclosure) if gifts are received; his advice on that is just to not receive gifts from people they are doing business with; the items that come up most for this board are the prohibited employment business relationships and voting conflicts; he gave examples of doing business with one's own agency, a conflicting employment, or contractual relationship, which are pretty straightforward; and if it is determined there is a conflict, it must be disclosed verbally and the member must file the Form 8B disclosure memo with the Clerk within 15 days after the date of the meeting. He continued to say if a member wants to participate in discussion only, even if abstaining from the vote, it would be a one-way discussion with no other members responding; there are ways to participate in the discussion of the item if the right steps are followed, although he encourages the board not to, due to the appearance of impropriety; and he reiterated that if the board has any questions, to please call his office. He mentioned an exception for members that may serve on other boards, if there is a quasi-judicial item, like at Planning and Zoning, where they are making application of law to a set of facts, there is a provision in the law that allows the member to abstain from voting because of the appearance of a conflict; in this case, they would not have to have an actual bonafide conflict; but he does not think that the Zone board would be acting in a quasi-judicial capacity. He provided and discussed more examples of situations that would and would not be considered a conflict; and he reiterated to try to call his office before the meeting if possible, but if not, to bring it up at the meeting.

V. New Business Items

Request for Redevelopment Assistance: Orange Plumbing

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated that Larry Graham, of Orange Plumbing, has been working on a project on SR 405, replacing a blighted building for his business expansion, for several years; he explained that the project has had several issues requiring additional funds and Mr. Graham is present to ask for an Incentive to

help finish the project; this would be a redevelopment project with a possible incentive of \$200,000 to \$300,000; and his total cost is projected up to \$2.5 million, which is an increase of about \$750,000 from the original cost.

Mr. Graham shared some pictures of the project with the board; he began the project in late 2019 and found that the building had to be demolished in order to get a bank loan or insurance; the project slowed for a bit during Covid and now are experiencing another setback with the driveway on the site plan; he noted that the City of Titusville treats a revitalization project as a new build; and this caused delays in the site permit, but he now has a conditional site permit. He mentioned he received at least nine pages of comments about trees, and he has more trees on his property than most sites; he had a hard time contracting a landscape company, as all of the companies told him they would not work in the City of Titusville, due to hardships they had encountered with planning previously; and this is just part of the challenges people are having, creating delays with redevelopment projects in Titusville.

Robert Jordan asked for an example of other sites that grants were given to.

Mr. Post responded he usually looks at what costs are for site and infrastructure work that is going to be done; and he finds that commonly it is for stormwater retention areas, parking elements, driveways, landscaping, and exterior lighting.

Mr. Jordan remarked he is looking for why this would be acceptable for a NBEDZ incentive.

Several board members called out different projects that NBEDZ has helped with incentives.

Mr. Post replied before acquiring the property, this site was rendering no economic value and it was a dilapidated building; and NBEDZ would be inducing a project that will increase the value and be a source of employment.

The board and Mr. Graham further discussed the project's building exterior renovation and upgrades as well as the environmental clean-up, landscaping, entryway, and permitting issues with most of it.

Motion by Robert Jordan, seconded by Stan Retz, to provide an inducement totaling \$250,000 to the company known as G & G Property Management LLC (Orange Plumbing), to induce completion of its redevelopment of an existing commercial parcel on South Street (SR 405), thus enhancing its appearance and functionality, subject to a clawback tied to the real estate title. Motion carried and ordered unanimously.

VI. Old Business Items

Request from LACC 3-777 LLC for Commitment Extension

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated he received a call from the LaCita management in reference to the infrastructure incentive agreement for renovating the irrigation at the golf course; he reminded the board of the project and the needs of the property, and also the agreement conditions; and the LaCita group has asked for

another one-year extension to begin the project due to financing issues. He added he would have to reprogram the dollar amounts in the cash flow statement for a later pay-out; it would then have to come back before the board with the amended agreement for approval.

Stan Retz asked if there had been any progress made towards the project.

Mr. Post replied they have been trying to negotiate the bank loan; but nothing on the installation.

Mr. Retz noted that the prices are only going up; if NBEDZ does not have another use for the money and has the funds available, then it should not hurt to extend it for a year; but his perception is that they have made no progress.

Dan Aton asked if this had been extended once before.

Donn Mount noted it had also been increased.

Mr. Post responded it had been extended and increased; and he believes the commitment is \$260,000.

Mr. Mount remarked he does not think it hurts NBEDZ to extend it; and it is not costing it anything.

Mr. Post stated it is an encumbrance on the funds, but the funds are high right now, and accumulating, thanks to the tax base being so large.

Robert Jordan stated he had a concern; he agrees it will not hurt NBEDZ, but it is an encumbrance and that the prices are just going to go up; he feels that if it was going to get done, it would have been done; he does not see any growth at LaCita; and he does not know if it is smart to give them another year.

Mr. Retz suggested that if they are given an extension, that it is made clear that this would be the last extension; and he asked if the incentive is assignable.

Mr. Post replied that it could be assigned only with the Zone board's permission.

Motion by Donn Mount, seconded by Dan Aton, to extend the agreement with LACC 3-777 LLC (LaCita County Club) for one year. Motion carried and ordered, with Robert Jordan voting nay.

Approval of Language on Terms and Conditions: College Aviation Program with Eastern Florida State College (EFSC)

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated he received the agreement back from EFSC for the Aviation Training Facility; and he asked for approval of the agreement from the board, with final approval of the agreement from the County Attorney's Office. He added in these types of agreements, usually a condition is for the business/facility to be in operation for a period of time to demonstrate it will be used for the intended purpose; with this project, that is more problematic; the biggest funding for

this project is a \$4 million grant from the State of Florida; it is the intent of the school to use the grant money along with the NBEDZ inducement to pay the contractors upon completion; and they are not able to wait for six months after completion, because they need to pay it sooner. He noted the change for this agreement would be to disburse the funds after the Certificate of Occupancy (CO) is issued and remove the six-month wait; and all the other conditions would remain as usual.

Donn Mount asked how the clawback would work.

Mr. Post responded there is really no clawback, as they would not be able to flip the title; and the protection for the Zone is the issuance of the CO.

Motion by Rodney Honeycutt, seconded by Robert Jordan, to approve the amended language on the Terms and Conditions for the College Aviation Program with EFSC, upon final approval from the County Attorney's Office. Motion carried and ordered unanimously.

Proposed Amendment to Incentive Agreement: Brevard Constructors

Troy Post, CEcD, CBE, NBEDZ Executive Director, stated this project on SR 46 was a five-acre industrial complex that was very dilapidated, and it is now completely different, and a nice property with a tenant; when NBEDZ issued the redevelopment grant, the agreement stated it would still look at the jobs created by the tenant; he has found that the average wage for those workers has not risen to the figure that was in the agreement; and he would like to strike that section referencing job tracking from the agreement. He would like to use the standard clawback provision that is normally used in the redevelopment agreements, which is that the company cannot flip the title.

Stan Retz noted it would be two years from the date the grant is received.

Motion by Robert Jordan, seconded by Dan Aton, to approve the amendment to the Incentive Agreement with Brevard Constructors. Motion carried and ordered unanimously.

Donn Mount mentioned he did not see anything about Olympian Lighting.

Mr. Post replied he has not received anything back on that.

Mr. Mount remarked he was copied on an email yesterday; and they proposed to buy three acres behind their property for \$125,000; and it enhances the property value and the future of the project.

Mr. Post stated he found the email and the offer is \$125,000 for three acres; and the rationale is that the land is not accessible by road.

Mr. Mount noted the owner is open to an agreement to let the future purchaser of this property use of the stormwater pond.

Robert Jordan asked what the lots are being sold for.

Mr. Post replied the latest sales have been \$50,000 per lot; and it would also have to go to the County Commission to approve the sale.

The Zone board discussed the options for the sale and suggested to counter the offer at \$50,000.

Motion by Stan Retz, seconded by Robert Jordan, to counter the offer from Olympian Lighting to \$50,000 per acre. Motion carried and ordered unanimously.

Upon consensus the meeting adjourned at 10:35 a.m.

Bart Gaetjens, Chairman

Approved on