

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, March 9, 2021**

**5:00 PM**

**Commission Chambers**

**A. CALL TO ORDER 5:00 PM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

**C. PLEDGE OF ALLEGIANCE: Commissioner Kristine Zonka, District 5**

Commissioner Zonka led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL:**

The Board approved the February 9, 2021 Regular; May 18, 2021 Regular; May 27, 2021 Zoning

**E.1. Resolution memorializing Commissioner Ron Pritchard**

Commissioner Smith read aloud, and the Board adopted Resolution No. 21 019, Memorializing Commissioner Ron Pritchard.

Rob Pritchard along with his family expressed appreciation to the Board for taking the time to recognize the lifetime service of his father; he also expressed thanks to the Air Force and Fire Department, after 27 years of service his father retired as a Fire Chief in Fort Lauderdale and moved to the east Coast where he was proud to serve as a County Commissioner; he mentioned he was proud to serve the people of Brevard County, he did his homework and enjoyed what he did and they are all very proud of him; and he honestly hopes that the legacy and what continues, is that dedication to service, dedication to the people, and to what makes this County and State great.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**E.2. Resolution recognizing Astronaut High School students Taylor Rendina, Paul Henry, Matthew Champagne and Jacob Johnson**

Chair Pritchett read aloud, and the Board adopted Resolution No. 20-020, recognizing Astronaut High School Students Taylor Rendina, Paul Henry, Matthew Champagne, and Jacob Johnson.

Matthew Barringer, Academy Director for Brevard County Public Schools, thanked the Commissioners for recognizing a body of work from his students; he went on to say very often one of the biggest challenges of the education system is connecting education to a real world challenge; there will be a day when they all pass the baton and he realizes as he gets older, how vital it is for that next generation to be ready; through the work of Brevard County a commitment to the natural resources, when talking to high school students about how much carbon or how much nitrogen can be pulled out of the river per dollar; there is a very nice plan that is laid out and this is the body of research that they were looking at, in order to address this

issue; when they all leave one day, the students will take the baton; he expressed his thanks for recognizing the value of that passing that is going to happen and specifically out of one of the public schools, out of the North side of the County; and he reiterated his appreciation for taking the time to recognize these young people.

Chair Pritchett mentioned that she was able to serve with Matthew Barringer on the Titusville City Council for many years; she appreciates all the work he is doing with the students and teaching them how important it is to be involved with Government; and she seen the video, which it was wonderful.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.2. Approval of Resolution and Real Estate Contract for sale of property in county-owned Commerce Park in Titusville.**

The Board adopted Resolution No. 21-021, authorizing conveyance of real property interest in a parcel within the Spaceport Commerce Park to Engineered Bonding Solutions, LLC, d/b/a Acra Lock; approved the Real Estate Contract permitting the sale of approximately 4.5 acres of land in the County-owned Spaceport Commerce Park, Titusville for \$162,000 to the company known as Engineered Bonding Solutions, LLC; and authorized the Chair to execute all documents in connection thereof.

**Result:** ADOPTED

**Mover:** Bryan Lober

**Seconder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.3. Final Plat and Contract Approval, Re: Stadium Parkway Extension - Segment D (20FM00012) Developer: The Viera Company**

The Board granted final plat approval, and authorized the Chair to sign the Final Plat and Contract for the Stadium Parkway Extension - Segment D (20FM00012) – The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** Bryan Lober

**Seconder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.4. Acceptance, Re: Binding Development Plan with 4725 Fay Blvd Land Trust**

The Board executed Binding Development Plan with 4725 Fay Boulevard. Land Trust., said Plan was recorded in BK/PG 9047/449.

**Result:** APPROVED

**Mover:** Bryan Lober  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.5. Approval, re: Resolution and County Deed for the Transfer of: 1) the portion of Fell Road Between Max K. Rodes Park and Minton Road, 2) Meadowlane Avenue and 3) Helen Street east of Minton Road to the City of West**

The Board executed and adopted Resolution No. 21-022, transferring: 1) the Portion of Fell Road Between Max K. Rodes Park and Minton Road, 2) Meadowlane Avenue, and 3) Helen Street East of Minton Road, to the City of West Melbourne; and executed and approved the County Deed.

**Result:** ADOPTED  
**Mover:** Bryan Lober  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.6. Approval, Re: Dedication of Easements from 1) Starbucks Island Partners, LLC and 2) Pioneer Pointe, LLC for the Starbucks Coffee Company Project (Pioneer Road)**

The Board, approved and accepted the easements from 1) Starbucks Island Partners, LLC and 2) Pioneer Pointe, LLC for the Starbucks Coffee Company Project (Pioneer Road).

**Result:** APPROVED  
**Mover:** Bryan Lober  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.7. Approval Re: Local Agency Program Supplemental Agreement Number 6 and Resolution for the St. Johns Heritage Parkway at Ellis Road (Ellis Road Widening) with the Florida Department of Transportation**

The Board executed and adopted Resolution No. 21-023, authorizing the execution of LAP Supplement Agreement Number 6 with FDOT for SJHP at Ellis Road (Ellis Road Widening); and approved and executed the LAP Supplemental Number 6.

**Result:** ADOPTED  
**Mover:** Bryan Lober  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.8. Approval Re: Authorization to Issue Notice to Proceed for Work Order 2019-4271-D-018 to DRMP, Inc. for Indialantic Asset Mapping, Drainage Modeling and Master Planning**

The Board authorized staff to issue the Notice to Proceed for Work Order 2019-4271-D-018 in the amount of \$236,951 to DRMP, Inc. for the Indialantic Asset Mapping, Drainage Modeling, and Master Planning; and approved any Budget Change Requests associated with this action.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.9. Approval of Change Order for Sewer Laterals and Gravity Main Repair in Merritt Ridge subdivision on Merritt Island**

The Board ratified a department-authorized Change Order to Purchase Order #4500108547 in the amount of \$118,572 to Atlantic Development for lateral and gravity main repairs in the Merritt Ridge subdivision on Merritt Island.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.10. Approval, Submission of a Community Development Block Grant - Coronavirus (CDBG-CV) Entitlement Program Pre-Application to the Florida Department of Economic Opportunity (DEO)**

The Board authorized Housing and Human Services Director to act as the duly-authorized representative, to submit the pre-application and all required documents, to act as the grant administer, and to sign any agreements, contracts, and future modifications with agencies to accomplish the grant outcomes as approved by the County Attorney and Risk Management; and authorized the County Manager or his designee, to sign any agreements, contracts, and future modifications with the FDEO upon approval of the County Attorney and Risk Management, and to execute all necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.11. Appointment(s) / Reappointment(s)**

The Board acknowledged the appointment of Dave Neuman to the Charter Review Commission. Said term of appointment expires December 31, 2021.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **F.12 Memorial Resolution for “Coach” Betty Jeffers**

The Board adopted Resolution No. 21-024, memorializing “Coach” Betty Jeffers.

**Result:** ADOPTED

**Mover:** Bryan Lober

**Secunder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **J.7. Board Discussion: Allocation of Public Safety Fund**

Chair Pritchett advised she has a request to move Item J.7 to the front.

Commissioner Tobia stated this is a transfer of the Public Safety Funds; before he started he wanted to give some background as far as where the numbers are, they all have been checked and given to him by Jill Hayes, Budget Office Director; these numbers are staff's numbers, not his; currently there is \$22,432,904 in the Public Safety Fund, \$2 million of that has been allocated by the Board for vaccination; there is \$37,041 for additional mortuary coolers, \$94,120 for courthouse cleaning costs, and \$40,734 for tent rentals; this leaves \$20,261,003 unallocated; he wants to be very clear, this does not include, in other words there is another pot of money containing about \$11.6 million for tier one for the Fire Department; that is completely separate from the money that he would like to disburse at that point; and none of that will be touched should any of these motions go through to be very clear. He continued by saying the first one is dealing with approximately one third of that and that is with the Emergency Operations Center (EOC); they have discussed this quite a bit, to put in perspective, they are looking roughly about a \$14 million project; this would certainly fit under the Public Safety Fund; the Brevard EOC is most activated in the State, using it for everything from hurricanes to rocket launches; and it is a critical expenditure. He noted Commissioner Smith, Commissioner Zonka, and himself have slept on the floor there and they know how specifically wonderful it is; he would like to, with the Board's approval, allocate one-third of the unallocated funds of the Public Safety to go towards the construction of this new EOC, that is approximately \$7 million; and the motion would be to allocate one-third, or approximately \$6,753,668 of the unallocated remainder of the Public Safety Fund to the construction of the new EOC and authorize the County Manager to make any necessary associated budget changes. He went on to say that

he has more information; he has spoken to the Sheriff and he will be more than willing to discuss the advantages specifically, but not necessarily only consolidated dispatch; he stated that is the motion and he is more than willing to take questions, or move forward at the Chair's discretion.

Chair Pritchett asked if one-third goes to that and is keeping the two-thirds with the Brevard County Sheriff.

Commissioner Tobia replied that would be the secondary motion, he wanted to bifurcate those.

Commissioner Lober stated he has a few thoughts and he appreciates where Commissioner Tobia is going with this; he thinks at some point in time, he certainly would support this amount and perhaps more going to the EOC; his concern though is regardless of where it is coming from, there is a set pot of money that they already have that was sent to the County, to deal largely with the impacts of COVID-19; he is not saying that this is not good use of the money, he thinks it may be an excellent use of the money, it may be the best use of the money but his concern is that they not act too hastily in allocating this; and he would specifically suggest that they wait until they are in a position where they are at least closer to having herd immunity in the County. He went onto say out of the District 2 pool of \$5 million, that came out to \$105.3

million, one of the very first allocations that was made was to the EOC, specifically to help with this particular objective; it is not that he does not appreciate that; he thinks if the Board spends anything, at this point, out of the Public Safety Fund with respect to the EOC, it may be premature; his understanding is there is about \$5.5 million committed to the EOC already, that is available; in order to get to a point where they can construct the whole thing, they would need another \$14 to \$15 million based on the estimates from staff; they would need somewhere between \$19.5 million and \$20.5 million in order to get to a point where they can construct the right way; he does understand that if they had about \$9.2 million they could put the shell up, get windows in, and the air conditioning in; but, in order to do this, and he can tell people how he grew up in Seminole County as a lifelong Central Floridian in the 90's what has come to be called the I-4 eyesore was put right off of Altamonte Springs by the overpass on I-4 and it is still not complete. He continued by saying there is a skyscraper, certainly by Altamonte Springs standards, that has had the shell up for decades at this point; he does not think it would make sense to put a shell up; if the Board end up adding to the \$5.5 million, if it gets \$9.2 million to put a shell up he thinks is still acting prematurely with respect to that; he thinks the County should do it all at once go in there and build it the right way, and at least get it, so that it replicates or enhances all of the existing functions that staff have at the EOC, that is presently there; and down the road if the County is in a better position, where it is approaching herd immunity, as he mentioned earlier, he would not have a problem necessarily increasing it from \$6.7 million upwards of maybe \$14 million, if that is what is needed in order to get the EOC done the right way. He mentioned that it is not that he does not like the idea; he thinks it is an excellent idea; he is not ready for this kind of an allocation this early on; but he appreciates the suggestion from Commissioner Tobia.

Commissioner Tobia appreciated Commissioner Lober's perspective and the priority he put on the \$500,000 allocated; the Federal Government, in its infinite wisdom, decided to allocate another \$1.9 trillion; according to staff, this means another \$118 million; he is sure there are all sorts of strings attached to this and he does not know how it is going to land, but the President has indicated that he would sign it; there is more money coming but the reason, he thinks, now would be a great time to allocate these funds is the State is at the beginning of the State Legislative session and the budget process has already begun; part of the needed \$14 million is a little over a million from the State; and when State Senators and State Representatives go up there and say they have \$11.5 or \$12 million of the \$14 million, needed to construct it, it makes that million dollar ask that much more palatable to the rest of the members. He advised he would advocate that now is a great time to do it; sessions started and it is 60 days; the sooner they can put it in that pot and give Brevard County's Senators and Representatives a little more oomph; and he thinks that is probably the way to go and that the timing is appropriate.

Commissioner Lober briefly stated with respect to that, he does not necessarily disagree with the estimation that they will receive substantial additional funds, and he is not great with these axioms all the time, but there is one that goes something like a bird in the hand is worth two in the bush; he is not confident enough to put his subjective level of risk tolerance with expecting that money to come in on the limited funds that are left, but certainly if the County can get a million out of the State, that is definitely a factor that bodes in favor of what is being suggested; he does not know that, with respect to this, is it all the same, when considering the fact that the County does not have that additional money, that now is necessarily the time; he would ask with respect to this, and in all candor, he probably will not support it either way, but he would ask that any motion made with this that it be made with the understanding that the County is not putting up a shell; and certainly that would have to come back before the Commission anyway, he does not think that is remotely within the authority that staff has unilaterally, he just wanted to make sure that everyone is on the same page, if that is what is being proposed goes through that they not put a hollow shell up.

Commissioner Tobia noted he appreciated the perspective, but he would be more interested in an engineering perspective, and if an engineer was able to say that it is not structurally sound or there were other issues, then he would take that in; as far as aesthetic perspective, he thinks that may be a good impetus for the Board to finish through that million and one-half or two should it not arrive; and as far as herd immunity, he would love for the County to get there; he thinks the Board has put that as a priority and allocated \$2 million to help get those shots in the arm should they come through; and that is outside of this funding, so that will not be impacted one way or another.

Commissioner Zonka stated that is exactly what she was going to start with, was that this funding was not going to impact it or at all cripple the Coronavirus efforts response, correct.

Frank Abbate, County Manager, responded that is correct.

Commissioner Zonka expressed that she did not have a problem with it and she thinks it is about time the Board shows Legislators that it is serious about the EOC because the Board have been asking them for money for years and now it can finally demonstrate it is using this money correctly and the County is in dire need; having to spend 12 hours in the place, not even 24 hours, to see the need to get that place up to where it should be, considering how important it is; and she is okay with it.

Commissioner Smith stated he sees both arguments and he believes they are both valid; everyone heard him say at one time or another, do not spend what one does not have, but in this case the County has the money; it has the need and he can say, that he is never going to be Chair again, and he does not have to worry about spending another night again in that EOC; if anyone has ever spent the night there and a hurricane is blowing outside, at two in the morning, the bathrooms stopped working; it is not a good place to be; he thinks it is imperative that the County move forward on this as quickly as it can; he thinks this money is timed perfectly; and he does not know that putting up a shell that is going to sit there for 20 years, as a possibility, because quite frankly, the shell gets done, the shell is not going to be put up by this summer and by the fall or maybe a little after, so if they can start breaking ground then they should have sight of other Funds to finish the job; and he expressed the need to move forward on this and he would like to commend Commissioner Tobia for his insight and thinking outside the box to get this done.

Commissioner Tobia stated that it sounds like the Board has the vote; he does not want to go too far, but he did want to ask the Sheriff since he was kind enough to show up to talk about the potential cost savings of consolidating dispatch, because his understanding is this is where it would be housed; and there could be some cost savings once it was constructed.

Sheriff Wayne Ivey stated he first wanted to applaud the Board for considering this; there are several other people, Matt Wallace and Chief Schollmeyer, and others that could speak, just as well, about the need for the EOC; their side of it, the unified dispatch, is certainly something that they have been working on, it benefits everybody, both on the law enforcement and the fire side; they see the building that they are in and it's, right at 60 years old; they are trying to hold things together with it but, having the ability to have a unified dispatch, having the space to do it, and having the ability to get the right technology in there, is going to benefit everybody; it will create a delivery of services on both the fire and law enforcement side; moving forward with this EOC project, he understands Commissioner Lober's position on this and his thoughts, but moving forward on this project is paramount when considering that they have the second most activated EOC in the country; when looking at the things that the EOC did during COVID-19 their response was spot on, it certainly had great direction from this Commission; and when looking at the ability for them, all the hurricanes, they were impacted by the launches and the



unexpected things, he thinks they have to move forward on this project and he knows part two of Commissioner Tobia's motion is coming up about their part of the tier two money. He went on to say they have already collectively talked his Chief Deputy and Chief Financial Officer are going to take some of their money, about \$2 million is what he and the County Manager discussed by, taking \$2 million of the money that was set aside out of the two-thirds for them, and put it towards this project as well, they believe it is extremely vital to the safety of this community.

Chair Pritchett commented that is substantial; and she asked the Sheriff if he said the building was 60 years old.

Sheriff Wayne Ivey replied yes; he stated some people went to middle school there; he thinks Mr. Abbate was one of those, but he does not want to talk about his age at this point; he went on to say that they are very blessed; the Board has worked with them very well; and he thinks moving forward on this project would benefit everybody.

The Board granted approval to allocate one-third, or \$6,753,668, of the unallocated remainder of the Public Safety Fund, to the construction of the new Emergency Operations Center (EOC).

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

**Nay:** Lober

Commissioner Tobia stated hopefully this will be the easier of the two; this is an allocation of the remaining two-thirds; before he goes there he would like to thank the Sheriff for graciously putting forth a substantial portion of the money that is hopefully going to be allocated to him for the EOC and a personal one to Jill Hayes; he remarked this \$105 million, whether people like how it was split up or not, it fell on her shoulders and he cannot imagine anyone doing a better job than she did; his heart goes out to her because she reads that there is another \$118 million coming down; he mentioned he knows Mr. Abbate got her some help and he is sure she is going to need even more, but it is a testament that leadership; all the time and effort she put into this, has made this as painless of a problem as ever could happen; the Board has wonderful staff that is working through this so the motion is pretty simple; and he advised the motion is to allocate two-thirds or approximately \$13,507,335, of the unallocated remainder of the Public Safety Fund, to the Brevard County Sheriff's Office to be used at the Sheriff's discretion for the purposes of furthering Public Safety, less \$2 million which would be allocated to the construction of the EOC, and authorized the County Manager to make any necessary associated Budget Change Requests.

Commissioner Lober stated he has a question and needs clarification, as he is hoping to support this as well; he reiterated what Commissioner Tobia said earlier was that the prior motion would not impact going with option one with respect to Brevard County Fire Rescue (BCFR); and he asked if it is his understanding that regardless of how this particular motion turns out, there would not be any impact to the ability to choose between the options, with respect to future funding for BCFR, because he was a little confused as to how the earlier motion may have impacted that.

Commissioner Tobia stated this is two completely different pots of money; this is the \$22 million that he discussed, less the \$2 million, less the \$140,000, or coming to a total \$20,261,003; that is absolutely different from the \$11.6 million; and the vote on this will not change that \$11.6 million one dollar.

Commission Lober stated he heard the first part and he must have caught it the wrong way because he was not able to connect the dots, but apparently the dots do not connect so that is a good thing; and he will support this.

**Result:** APPROVED

**Mover:** John Tobia

**Secunder:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **G. PUBLIC COMMENTS**

Avis Ann Furman presented a sketch survey pertaining to her property; she stated that her and her husband bought the property 44 years ago and he passed away on April 30, 2019; she recently had her fence brought in and the part she lives in is highlighted on the diagram; she had the property re-surveyed and everything, not knowing that she would not be allowed to have her daughter build on the other part; that is what she is trying to see if this is allowed; it is almost the same size as hers; when she bought out there it was agriculture and she guesses that her and her husband were not smart, because they did not know exactly what agricultural pursuant was; they had goats, chickens, and everything; they got rid of those animals and started growing on a vine on their fence; apparently it was complained on quite a bit; they were taking the agricultural part away; and she does not know if that is the reason the County is denying her daughter to build, because it would still be in the family.

Chair Pritchett suggested for Mrs. Furman to see her Legislative Aide since this is in her District; and she advised he will get some information; and she will do some research for her.

Commissioner Smith stated he would like to thank her for her service, he sees that Woman Veteran U.S. Army on her hat, and may God Bless you.

Mrs. Furnman replied she certainly is and thank you.

Commissioner Lober stated he just wanted to throughout for her benefit as well, if this is something that Chair Pritchett intends to do or push in that direction, he will support it; and he went on to say, if Mrs. Furman is able to convince the Chair, she has him in the bag for that as well on this.

## **H.1. Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County**

Chair Pritchett called for public hearing for extension of a temporary moratorium on new applications of biosolids to lands within the County.

Virginia Barker, Natural Resources Management Director, stated this was a public hearing for extension of the temporary moratorium on new applications of biosolids to lands within Brevard County; Biosolids legislation was approved by the legislature last year with direction to the Florida Department of Environmental Protection (FDEP) to develop new rules; those new rules are still being drafted and have to return to the legislature once they are done; that has not happened yet; and in the meantime they are allowed to continue to extend their moratorium.

Commissioner Lober motion to approve and extend for another six months.

There being no further comments or objections, the Board conducted the public hearing and adopted Ordinance No. 21-07, Extension of temporary moratorium on new applications of 03-09-21 Biosolids to Lands within Brevard County.

**Result:** ADOPTED

**Mover:** Bryan Lober

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **H.2. Ordinance Repealing Section 6-2, Brevard County Code of Ordinances (Open Containers)**

Chair Pritchett called for a public hearing on an ordinance repealing Section 6-2, Brevard County Code of Ordinance, Open Containers.

Commissioner Tobia stated this is the open container ordinance that had permission to advertise; to be clear not one thing has changed since this was before the Board four weeks ago; he mentioned Commissioner Smith summed it up best when he said, "Ordinance as it stands now, really does not matter a whole lot" and to go on further "As conservatives, they believe less government is better government"; this is literally less government, so he is correct on both regards; and it is needed to hash over any more of the arguments if anyone has any questions; he would certainly be glad to address them; but short of that, he would make a motion to repeal Section 6-2, of the Brevard County Code of Ordinances.

Commissioner Lober stated that he voted to support this earlier and he is basically going to flip on that; he would like to take a brief moment to explain why he changed his mind; he is not necessarily going to twist anyone's arm to follow him on this, but he had some communications with law enforcement officers, who expressed some concern with respect to this; there are certain things that he knows enough to know, that he does not know, and with respect to the potential impact on law enforcement he is not going to second guess what he has heard from some folks; if folks are comfortable supporting it, by all means do what is appropriate; but he is going to have to change position on this one, unfortunately.

Motion by Commissioner Tobia died for the lack of a seconder.

Commissioner Tobia noted COVID-19 has only brought the absurdity of this ordinance further into stark reality; while at the same time the Centers for Disease Control (CDC) is encouraging outdoor dining and social distancing and restaurants are trying to accommodate this public health measure by using outdoor public spaces; the County's Ordinance places penalties on such conduct; here is why he is disappointed right now that there is not a second, because there is clearly not support for Governor Desantis, the extremely popular Republican Governor who believes in free market principles issued an executive order, which he will be more than willing to hand out here, 20-71 on March 20 specifying lifting restrictions on serving containers on dining and on sidewalks; unfortunately, the County's Ordinance does not allow this public health and free market measure to have its full effect, because a sealed container under the exact order is often an open container under the Ordinance; for example a cup with a lid is a sealed container, but that same cup would be considered an open container once it left the presence of that small business; and this conflict leads to two results, number one putting citizens at risk of being charged because of legal confusion, or number two not allowing businesses to implement public health measures advocated again by the popular Republican Governor. He went on to say there are other issues here that are very dangerous and discrimination is one of them; he researched whether this Ordinance is being used as a pretext to target minority residents in unincorporated Brevard County and thankfully that does not appear to be the case, in fact, quite the opposite; of the 1,013 cases discovered by the Clerk's Office, in which this Ordinance was charged as a violation 81 percent of the offenders were white; this is under the leadership of Sheriff Ivey and, however, Sheriff Ivey will not be Sheriff

indefinitely; he stated if he looked at other jurisdictions to do this, there are many concerns; in fact, a Judge looked at this, and commissioned a study that was published in The New York Times recently and found out that 85 percent of summonses under an open container law were either Black or Latino citizens, while four percent were issued to Whites this is a unique situation because it has no impact on home rule; and this will not have an impact on socialistic mayors in Cocoa Beach who want to restrict freedom and not open it up. He mentioned there are issues of trespassing versus vagrancy; they cannot limit vagrancy, it is unconstitutional to say that they have to have a home and that needs to be handled through social problems; the issues that he has heard is trespassing and trespassing is covered under Florida §810.09 and it describes some criminal trespassing in an outdoor area among other offenses and if there is an actual issue that needs to be addressed regarding trespassing or vagrancy, then address that head on instead of using the pretext of targeting, otherwise, innocent behavior. He went on to say right now it is a misdemeanor to have an open container of alcohol; this is the ability to make government smaller, to give more freedoms to people, and still have the same protections that was always in place against public drunkenness; again, there is Florida Statute §856.011 that prohibits disorderly intoxication causing a disturbance; he understands the Sheriff may not like this, but the Sheriff is not a policy maker; he is a wonderful guy, but he is not a policy maker; it is the Board's job to make policy; and it is his job, to follow said policy. He stated it is the Board's opportunity to provide more freedom, and more liberty, instead of restricting a behavior that was made in public parks; he is very disappointed that a person that,

assuming it is the Sheriff and he has no idea, but it is amazing how there is a change in four weeks to restrict people's freedoms; and he thanked the Board for at least hearing him out. He stated that he will do one up for them and he has a fall back because he had a feeling that things may change; he would like to look at expanding the hours alcohol can be served; it is restricted by County ordinance; he has talked to the Sheriff on this one and as a Republican he is in favor of this one; it is a little weird because this would help small businesses and so would the other, by the way; he is just disappointed at any time that they can limit people's freedom he gets very disappointed; that one is coming again; he appreciates the Board's time; and he apologizes for the rant, but it would have been easier just to shoot him down at the beginning.

Commissioner Lober stated he is not going to comment on where he disagrees with Commissioner Tobia on some of the things he mentioned unless he would really like him to do so; what he will throw out there is, if he brings back something that is drafted in a more narrowly tailored manner there is a substantial chance that he will support it; he suggested he look to accomplish only the purpose that was outlined without it doing anything else or having other unintended consequences to the degree that it could be prevented; but he is still open to considering it, again, provided that it is drafted in as narrowly tailored manner as possible.

Commissioner Smith agreed with Commissioner Lober; he stated he would be willing to look at that seriously; and he asked what Commissioner Tobia was thinking, maybe open bars until three or leave it up to the bars themselves.

Commissioner Tobia advised he needs clarification on which one they are discussing, the one that failed or the new one; and he asked if the Board wanted to wait and speak to the Sheriff on this one first, because he will give his opinion.

Commissioner Smith responded no, he wants to talk to Commissioner Tobia about it; he stated he has an opinion on it; and he loves the Sheriff and listens to his opinions, but he listens to everybody's opinion and then makes up his own mind.

Chair Pritchett stated she thinks all of the local chiefs had input on that; he had to take into consideration what kind of stress and the extra push on their job as well; as for what Commissioner Lober said maybe they can define it a little bit tighter; but she does not want to

put extra on them.

Commissioner Tobia clarified this was a strikethrough, there was no definition; this was the repeal, of it or to be very clear; and he advised he is not adding anything and that it was a repeal.

Chair Pritchett stated she is delighted that he came through with another punch on it.

Commissioner Tobia remarked conservative, less government, and more freedom.

Chair Pritchett stated Commissioner Tobia knows they are all conservative, but are all at different degrees.

Commissioner Tobia remarked they all do not vote that way.

Chair Pritchett advised if they all agreed on the same thing, all the time, they would not all be necessary; the different conversations are important, but Commissioner Tobia does have a little win here, because she thinks he has some interest in extending the time as far as sales; and

she asked if he wanted to take that up right now or bring it back for discussion.

Commissioner Tobia responded since it is an ordinance it is his understanding an ordinance would have to have permission to advertise; he stated he was focused on one thing at a time; he is a little hesitant to go forward before he speaks with the Sheriff and decides where he is; and see exactly how he wants this crafted.

Chair Pritchett advised it can come back later.

Commission Smith stated he has a couple perspectives here with regard to the time of closing bars; first, he thinks from a law enforcement perspective, which he is going back a lot of years to when he was jumping in bars, probably close to 50 years ago which is older than most of the people he serves with here; he has here a different perspective perhaps but he spent an awful lot of time when he was in college on the Jersey Shore, and all the bars there closed at 2:00 a.m., except one, it was called Dunes Til Dawn; it was outside the city limits of all the different cities around Atlantic City; and it sat all by itself and they were literally till dawn, so where did everybody go at 2:00 a.m. when all the bars emptied out around Somers Point Margate, and they all emptied into Dunes Til Dawn. He noted the police that he knew then, liked the fact that there was an outlet because not all the drunk drivers, or drivers that had been drinking were hitting the road at the same time; he thinks that would be the advantage if that was done here; it is something to consider as well; and he would be willing to listen to any arguments, or any thoughts, that Commissioner Tobia may have on that subject.

Chair Pritchett stated she thinks it is worthy of a good conversation.

Commissioner Lober stated he had a couple thoughts with respect to that; first, it may be a surprise to Commissioner Tobia, but the Sheriff is not the last law enforcement officer with whom he has spoken, he is the second or third to last, but there are other law enforcement officers, whether it be municipal or whether it be individuals in Brevard County Sheriff Office (BCSO) and putting aside the Federal folks and the State folks for that matter; he does agree, by and large as a general statement, less government is definitely an admirable goal and it is a conservative goal, but when less government means more criminality, that is not a conservative goal to him; the fact of the matter is, if he asked conservatives, and for that matter liberals as well, he thinks the average person, regardless of their political beliefs, how they rank public safety concerns, he can say that the plenty of Statutes that deal with criminal law in the State,

and the Ordinances that they have, deal with things that may lead to that or oftentimes do lead to that, the average person out there, probably more than the average, probably the overwhelming majority of individuals out there, support keeping all the criminal statutes or substantially all of them on the books; it is not, well that is more government, therefore, it is an anti-conservative thing, it is just common sense support for Public Safety in the area; and he does draw issue with the conclusion that less government is always a conservative endeavor even when it may lead to more criminality.

Commissioner Zonka stated that was well said Commissioner Lober, she does not say that very often, but that was very well said; she does not go off the John Tobia meter of conservatism; people can look at any law in the books and say, well it is a law in the book so it is therefore, government's big hand of rule and they have to eliminate it; she has never once, in over four years in my office, ever received one complaint about this Ordinance; had she, she probably would have looked more into it herself, but she has not heard a complaint from a single resident who has ever been cited with it, or a business, or anybody else; it is not that she is against pulling things off the books that are not needed, but she is against this political grandstanding and this ripping apart of other Commissioners who are not conservative enough, according to one other Commissioner's standards, it is pretty petty; and she is not playing, even if it gives her a black eye in Commissioner Tobia's eyes, that is okay, she will take it.

Chair Pritchett stated he seems to still like them after it though.

Commissioner Zonka remarked she thinks he enjoys this.

Commissioner Tobia asked Commissioner Lober if more criminal laws benefit him, as a criminal defense attorney.

Commissioner Lober responded at present, since he is not actively taking on any new clients, it has no relationship whatsoever; and when he campaigned back in 2018, he campaigned largely on the premise that this would be a full-time job, so certainly until at least November of 2022, it has no impact whatsoever.

There being no further comments, the Board, discussed the ordinance repealing Section 6-2, Brevard County Code of Ordinances (open containers); and the motion died for lack of a seconder.

### **H.3. Petition to Vacate, Re: Public Utility Easement - "Hampton Homes Unit 7" Plat Book 14, Page 63 - 390 Needle Boulevard - Merritt Island - Paula C. Murariu**

Chair Pritchett called for a public hearing on a petition to vacate public utility easement – Hampton Homes Unit 03-09-21, Unit 7, Plat Book14, Page 63 – 390 Needle Boulevard, Merritt Island.

Marc Bernath, Public Works Director stated Item H.3. is a petition to vacate a public utility easement, Hampton Holmes, Unit 7, 390 Needle Boulevard, Merritt Island, District 2; it is requested that the Board consider vacating a part of a seven and one half foot public utility easement; the petitioner is requesting to vacate a three-foot portion of the easement to be vacated, to remove the pool bowl, as an encroachment; there is no drainage issues; and Florida Power and Light (FPL) supports this.

There no further comments or objections, heard the Board adopted Resolution No. 21-025, vacating a portion of a public utility easement in "Hampton Homes Unit 7" Subdivision, Merritt Island, lying in Section 25, Township 24 South, Range 36 East, as petitioned by Paula C. Murariu, with said Resolution recorded in ORBK 9059, Pages 2624 through 2628.

**Result:** ADOPTED

**Mover:** Bryan Lober

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

### **I.1. Purchase HP DesignJet XL 3600 Multi-Function Plotter**

Steven Darling, Central Services Director, stated Item I.1. is being brought back to the Board, as it was tabled during the last Board meeting, regarding the purchase of a plotter for Utility Services Department; upon conclusion of that meeting, they put out a Request for Quote; they received four quotes back, all is outlined in the Agenda Item; and the lowest purchase price was \$8,131, with an extended maintenance plan that spans five years for \$3,000, for a purchase total of \$11,131.

Chair Pritchett thanked Commissioner Lober and said good catch.

Commissioner Lober thanked the staff for working with him on this one, he tries not make things unnecessarily difficult; he noted they obtained some quotes he obtained some quotes that were forwarded to staff; he also went ahead and took a brief second to thank the other Commissioners for having at least a little bit of confidence, in that there was a basis for his concern on the prior Item; things happen and they all cannot be caught but he just appreciates that there was enough willingness to go through a couple extra measures in order to make sure Board is doing the right thing at the end of the day; and he advised he will go ahead and move to approve.

The Board approved the purchase of a Multi-Functional Plotter for \$8,131 with a five-year maintenance agreement for a total cost of \$11,131.

**Result:** APPROVED

**Mover:** Bryan Lober

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

### **J.1. Approval of Settlement Agreement with North Brevard Charities Sharing Center, Inc. (\$61,513.64)**

Ian Golden, Housing and Human Services Director, stated this is a request to approve a settlement agreement with North Brevard Charities; they have two properties two condos that were purchased back at the height of the housing boom back in 2008 for acquisition and rehab that were being maintained by this agency; the upper unit burned out; the homeowners association was responsible for the shell of the building, the repairs to the roof were not permitted and as a result have resulted in Code fines that have been accumulating, currently over \$300,000; this will do a settlement on the liens and mortgages that the County has in place with the agency for \$61,513.64; currently the property appraiser has market value of the two units at about \$26,290; and \$4,790 is for the burned out unit and \$21,500 for the other unit.

The Board approved and authorized the County Manager, or his designee, to execute a Settlement Agreement with North Brevard Charities Sharing Center, Inc. in the amount of \$61,513.64 upon approval by the County Attorney and Risk Management; authorized the Funds to be allocated back to the State Housing Initiatives Partnership (SHIP) Fund; approved execution of a Satisfaction of Mortgage Deed and Security Agreement with North Brevard Charities Sharing Center, Inc. corresponding to these properties; authorized the County

Manager, or his designee, to complete all required actions and execute all necessary documentation upon approval by the County Attorney and Risk Management to convey these properties to the Allen Condo Association, Inc.; and authorized the County Manager to execute all necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Bryan Lober

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**J.3. Approval for Florida Development Finance Corporation to Issue Solid Waste Disposal Revenue Bonds, Series 2021 (Waste Pro USA, Inc.) for a project in Brevard County, Florida**

Frank Abbate, County Manager, stated actually there is a representative from the Florida Development Finance Corporation, which is making the requests for these two Items for Solid Waste Revenue Bonds, as well as, Industrial Development Revenue Bond for Roswell U.S.

Chair Pritchett asked if the Commissioners were good on this or would they like to hear a conversation, they are passed through bonds; and she stated said she thinks they are good.

The Representative stated she is fine, she is there in case the Board has any questions.

The Board, adopted Resolution No. 21-026, approving the issuance of Florida Development Finance Corporation Solid Waste Disposal Revenue Bonds, Series 2021 for Waste Pro USA, Inc. Project not to exceed \$1,800,000.

**Result:** ADOPTED

**Mover:** Kristine Zonka

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**J.4. Approval for Florida Development Finance Corporation to Issue Industrial Development Revenue Bonds, Series 2021 (Roswell U.S. LLC) for a project in Brevard County, Florida**

Commissioner Lober stated with respect to Item J.4, he is going to support this today based on his conversations with staff and that it would not create any sort of liability for the County.

Chair Pritchett responded no, it is a flow through for tax exempt.

Commissioner Lober stated with respect to this though, he still has not gotten the answers to the prior questions that caused him to vote against the last Item involving this corporation; and he is going to support it, but only on the basis that the representation that this is not going to create any potential liability for them.

The Board adopted Resolution No. 21-027, approving the issuance of Florida Development Finance Corporation Industrial Development Revenue Bonds, Series 2021 for Roswell U.S. LLC Project in an aggregate principal amount not to exceed \$10,000,000.



**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **J.2. Proposed Fire Assessment for Brevard County Fire Rescue**

Matthew Wallace, Public Safety Director, thanked the Commissioners for having them this evening, he stated they do appreciate the time so they can discuss the Fire Assessment for tonight; just a brief introduction of Item J.2., as a follow-on from the recent Budget Workshop in which strategic preference was received from the Board; this Agenda Item lays out the groundwork for the next steps in the Fire Assessment rate adjustment process; Board approval of this Agenda Item would move a tentative rate adjustment forward with a final approval at a future public hearing; and this Agenda Item requests Board consideration for three actions. He went on to say action one, seeks Board preference for the approval of a tentative rate adjustment to the Fire Assessment with two rate adjustment options proposed; action two asks, the Board approval for a draft notice to property owners this statutory requirement informs each assessed property owner of their potential impact due to an adjusted Fire Assessment rate; it will list their current rate and proposed rate, additionally, the annual difference will be stated in the notice; and he noted that the example in the Agenda packet is for example purposes only, and using a previous example; action three, requests Board authorization to schedule a public hearing at which time the final decision would be made on a proposed fire adjustment rate; they are requesting that this hearing be held at the regularly scheduled Board meeting set for April 20, 2021. He explained Florida Statutes requires 20 days, from the receipt of the notice of property owners and the public hearing; setting this date in April will meet that requirement and provide flexibility just in case there are delays in the mail system; one procedural point of order is, the Board, tonight can go lower than a tentatively approved rate at the public hearing, but it cannot go higher than that tentatively approved rate without a re-notice and another future public hearing, which then, of course, as they have talked about at the budget workshop drives them into the June break and the effects the FY 20-21 budget; to satisfy this requirement they will add the words up to in the public notice if anything is approved tonight; and with that; he stands ready for any questions, concerns, or thoughts.

Mr. John Ditmore, Deputy Mayor of West Melbourne, stated that he is there along with Mayor Rose and Council Member Young; their City Manager was there, but he had a family emergency and had to leave; he is there on behalf of the 10,000 households and businesses they have in West Melbourne, 25,000 residents; right now the City is paying, about \$5.4 million, or about \$1,600 per call out, for the fire services; last year they had 3,397 calls and it represents about 75 percent utilization of the one fire station that they have in West Melbourne, which last year they had 4,640 calls, so they are using about seventy-five percent utilization of one station; and with this increase right now that was proposed, they are looking at potentially a \$6.2 million cost to the City. He continued by saying with that increase in the build out and the coal that they are proposing, they probably are going to be pushing closer to \$7 million; these numbers, his staff got from the Fire Department they are not his numbers, they were actually what was provided for the Fire Department; this increase will result in evaluation of these services to do on their own the Board should take a look at it; other municipalities are joining multiple fire stations for nearly half of what the cost is they are paying; except for the cost of the capital outlays, they could probably do this for one to two million dollars less per year, if they did it on their own; the fire fees are disproportionate as they are for groups of square footage; they are not done by an actual calculation of the exact size of a building or home; for instance, he lives in a 2,600 square foot house, he pays the same fire fee as someone who lives in 4,000 square foot house, so it is a little bit disproportionate when they are doing it; and everything

else is based on taxable evaluations. He commented he would ask that if the Board do consider doing this they considers doing a reasonable increase based on a proportionate evaluation such as .10 per square footage on an individual's home rather than just by grouping them by different groups, that way he would pay \$260 a year, and someone with the 4,000 square foot would pay \$400 a year, it would be more proportionate, rather than the way it is grouped right now; basically, the cost of this is going up so much it is going to actually force them into doing their own evaluation, which then will probably create a shortfall as well, for the County; if they pull out, because he is looking at \$7 million probable in the next couple of years, and that is going to cause them to look into doing their own; when he looked at this two years ago, the City of Rockledge was doing it for \$3.4 million for three fire stations, with full-time and fully-staffed with their people; and that does not include capital outlays, but that is what they were doing two years ago and they are at \$5.4 million right now, basically for a need for one. He noted he is very happy with Brevard County firefighters; they do a great job and the City appreciates; and this is nothing against them, but it is a matter of what they have to do to represent their people, and to do the right thing.

Chair Pritchett questioned the numbers they have; will generate \$7.2 million on one of the options; and she does not know how that would be \$6.2 million additionally to that city. She clarified this is total cost, looking at a delta of maybe \$900,000 over the next few years; and stated that makes a little more sense.

Commissioner Lober appreciated what the Honorable Mr. Ditmore mentioned but in any event, he does have to part ways with him on this particular issue; regardless of how this goes tonight, it may be worth having staff look at it doing based on either living area square footage, with a multiplier or based on air conditioned square footage which most of the time ought to be the same he would imagine, instead of doing these square foot groupings, because that is news to him; aside from that, he thinks one of the important things to keep in mind, and to him, the operative words, if there were really any, from Mr. Wallace's introduction at this were the Board cannot exceed the number that it goes with tonight, when this comes back at public hearing; based at least in part on that, he suggested that if there is any ambivalence whatsoever, or there is any degree of being on the fence, that they opt for the higher number tonight knowing that, that is going to be the upper cap that they cannot exceed in the future; there are options one, two, and three listed as well actually there are unlimited options if anyone wants to look at it that way; but the third option, that he would throw out there, is barely different from option two but it would tie in, whereas, option one is roughly analogous to the tier one that the Board was presented at the prior meeting, during the budget overview; option two is roughly analogous to tier two; and option three that he would throw out there is roughly analogous to tier three, so it is really very close to option two, almost like a two-plus. He went on to say it would be about \$6.15 a month to the average homeowner; it would generate \$9,421,000 approximately; the percentage increase is substantial, at 37.5, therefore it is two and one half percent higher than option two, but he thinks that gives more wiggle room, largely with respect to capital projects and being able to ensure staying on Board with that; and he would go ahead and make a motion, whether it succeeds or fails, it is what it is, to approve action two, action three, and with respect to action one, to go with this two-plus or three option, whereas it is noticed for a 37 and one-half percent increase, which would net approximately \$9,421,000 and would be an approximate \$6.15 per month increase to the average homeowner, knowing that the Board is going to come back and perhaps look at a lower number but, that would at least set the upper cap.

Motion dies for lack of a seconder.

Chair Pritchett noted as far as the rates, she has them in front of her; she is real comfortable with them; if the Board wants to do something different, they have zero to \$700, and \$700 to

\$1,100; she knows the bigger houses get the lower rate; and she is kind of comfortable with the rate scale.

Commissioner Tobia expressed his thanks to Mayor Ditmore and Mayor Rose for showing up, it is always nice when partners in Government show up to these meetings, whether they are with them or whether they are against them; probably as a Board they need to show up more; Mayor Rose reached out to him today and he appreciated it, no matter what side they are on with that dialogue; he understands they have a couple of options, maybe a third, sort of like Shark Tank, and he wanted to take himself off of the table; during this pandemic, he does not think it is the right time to raise fees above a specified index; and he looked for a fire index and could not find one, he looked for an index near the ones that are being talked about, any Federal index and could not find it. He continued by saying as of January 2021 the U.S. unemployment rate is about 50 percent higher than it was two years ago; this Board has spent millions of dollars on food and rent assistance to mitigate impact on COVID-19 for individuals who are not making rent payments; meanwhile, looking at the commercial side of this according to Massachusetts Institute of Technology (MIT) Sloan School of Business, small business have seen an approximate 40 percent decline in revenue; he cannot, with a good conscious, vote for either, a 29 or a 35 percent rate increase; if anyone has an index that is reasonable, he is more than willing to look at that; short of that, he is more than willing right now, to put out the Consumer Price Index (CPI) of 1.234 percent; but that at least, takes him off the table on this one.

Commissioner Smith asked Frank Abbate, County Manager, when was the last time there was an increase in the Fire Assessment.

Mr. Abbate, replied that was in 2018; he stated it was making up for the prior assessment, which was done several years earlier, where the Board took a discount against the rate by 15 percent; it was reduced by 15 percent over at that point and then in 2018, they made the decision to try to recapture that; actually last year the Board was prepared and it actually gave direction to move forward to recoup the rest of the difference that was outstanding in that 15 percent, but with the pandemic the decision was made to wait; that was not a time for the public, with everything that people were dealing with to increase that assessment, so it was held off because they knew they would be coming back to it this year; and that is where they are now.

Commissioner Smith responded thank you; he mentioned he thought it was 2018, he just wanted to be sure; the monies being talked about here, when people do not have a job \$5 a month is a lot of money, but the other side of the coin is, the Board has a responsibility to fund the firefighters that go out at all kinds of hours and crazy situations and keep the folks safe, and get their fires put out so that they do not lose their whole house; he thinks that is part of the Board's public responsibility that it has to make those tough decisions; and he thinks this is one of those. He advised he is in favor of an increase; he has not quite decided yet which one he is going to favor, but he does know that the Board desperately needs to do this, on many levels; and he will leave it to his fellow Commissioners which one they want to pursue.

Chair Pritchett stated she remembers when she got elected she had to sit in on one of those little meetings with all the departments and Chief Schollmeyer took longer than everybody; he gave a really long presentation and through the whole thing he kept saying they were out of money and running out of reserves; she was like, where can the Board get the money from; and it still has not given them any money and they are still running out of reserves. She expressed they needed the increase to have the equipment, but it is a tough time; she is going to vote in favor of it, because she thinks the Board needs to do something here; they have been strapped for a long time, they are valuable, and they are doing a good job; residential might be manageable but then she looks at the commercial and it is a steep increase; she is

willing to take the hit with it, to do it; she is going to ask that it be done by year three; they get it totally up there and the Board does the increase; it will get them all the funds and it will really make things happier and get them the money needed to go; by the time they hit year three, they should have this fully funded moving forward; and she is going to request that the Board do option one, not that it would not be wonderful to catch them all up right now, but they have got to figure out how to pay for it. She reiterated she will take the hit for it, but that is where she is at right now.

Commissioner Lober stated to Mr. Abbate not to remove his spine through any orifice when he does this, because he is not going to like him for doing this, at least temporarily; he is going to have to ask him to talk a little bit about how the report came back from the third-party consultant, with respect to the suggested fire fees, because he thinks that gives folks a better understanding, in terms of the fact that, what is being proposed, even the higher end option, is rather reasonable in light of what the current climate is; and he asked Mr. Abbate if he does not mind, he would really appreciate him discussing that.

Chair Pritchett asked Commissioner Lober if he was aware that the Board all knows this or if he was doing this for the public's benefit.

Commissioner Lober replied it is for the benefit of the public.

Mr. Abbate replied outside of what the Board has in front of it today Fire Rescue engaged, after the Board authorized a consultant to look at another approach to methodology for the Fire Assessment, that approach would have substantially changed what the current rates are for a variety of classifications, both at the lower level; people would have seen a substantially higher increase just to be where they are today and then whatever increase it would have been, whether it was 25, 29, 35, 39 whatever percentage increase, would have been an additional increase there; when staff looked at those numbers this alternate methodology, that was offered, would have for many classifications that are listed there, and would have significantly been higher rates than the 30 percent or 29 percent rate increase seen there; that type of impact would have been throughout the community for a variety of commercial buildings, as well as a variety of residential buildings would have had a much larger increase for a variety of property owners; now there would have been others that would have seen less, but when they see that type of disparity from a staff level, they looked at it and briefed Commissioners obviously on where staff was with that; and staff came up with continuing the existing methodology that was approved and vetted by, at that time when the assessment was put through by outside counsel that said it was a valid methodology approach, so staff stayed with that one rather than look to an alternate one at this point.

Commissioner Zonka stated that it is obvious to everybody probably in this room but talk about, but not really in a negative fashion, of course, but talk about how the County department differs from a municipal department; she advised he does not have to talk about wages, retirement, or anything like that, but as far as services that the County provides and it is obvious to most people in this room; but she thinks it is important to mention.

Mr. Wallace inquired the difference between what Brevard County Fire Rescue (BCFR) does versus a municipal or City Fire Department is what Commissioner Zonka is asking.

Commissioner Zonka replied yes.

Mr. Wallace one of the biggest differences is the Fire Department services unincorporated Brevard for fire service; they in service all of Brevard County for Emergency Medical Services (EMS); he stated Fire Department is about 35 stations big with about 500 to 600 currently

employed; the magnitude of scale that they have versus the scales that are in the cities are immense; the actual missions that they fight and the things that they do, for instance from this COVID-19 responses that they have; their departments were the ones that were making entrances into the homes on an infectious disease call; a 9-1-1 call comes in and someone says they have COVID-19, their department regardless of where the call came in across the County, would be the first crew that would Personal Protection Equipment (PPE) up; they would go inside that house or facility and make the first response to those citizens; and in terms of mission an organization, that is some of the biggest things they have that tactical level input on all of their fire calls throughout the County.

Commissioner Zonka remarked aside from the stuff they do dually with other municipalities and the transport, which is unique to only the County, they ride everybody to the hospital; she thinks that gets lost a little bit, as far as the mass coverage over the whole County; the expectation from their department is always to assist, always to have that dual aid, and always to be the agency that responds in an emergency; she is not going to go into comparing the compensation or anything like that; and she feels like that goes without saying.

Mark Schollmeyer, Fire Rescue Chief, stated what he thinks Commissioner Zonka is getting at is the County's Fire Organization is unique in the fact that they are an all-hazardous Fire Department; they have EMS and ALS transports that were mentioned throughout the whole County, they take people to the hospital, not only just show up to the call, but to, actually physically take people to the hospital; they have a Countywide hazmat team that responds to hazmat incidents all over the place, they have lifeguards on all of the beaches, and of course fire suppression; and they have wildlands so they do a lot more than just pet their Dalmatian on the front porch and play checkers.

Commissioner Zonka asked how many millions of dollars has the County lost over the last five years, in transport costs that are not able to be recovered.

Chief Schollmeyer answered just this past year, they wrote off \$28 million.

Commissioner Zonka reiterated \$28 million; and inquired those are transporting, not just unincorporated residents.

Chief Schollmeyer responded everybody.

Chair Pritchett stated the Board kind of already knows where it is at; she asked Commissioner Zonka where she was landing; and she thinks that will help the Board to move forward. Commissioner Zonka she stated she does not know, ramping up as far as the Fire Assessment, she does not know how that works, as far as ramping it up over three years.

Mr. Abbate remarked he does not think that is what was being referred to, he believes what was being referred to is how that money is utilized within the Department, to address issues within the Department.

Commissioner Zonka commented that is what she figured, so this cost would go into place right away.

Chair Pritchett stated that she actually struggled with it, too, until at the last meeting she got a little bit more comfortable with the assessment.

Commissioner Zonka stated people can look at it like the Board are the bad guys that increase it, but for so many years there had been commissions without the intestinal fortitude to do it;

unfortunately it falls on this Board; she thinks it is their duty to not just provide the tools and the capital for our department but they need to be able to service the County; that is the Board's responsibility and it sucks to be them right now; and she thinks it takes much more courage to do the right things sometimes and take the political hit because it should never be about politics especially, with public safety, it just should not.

Chair Pritchett stated she is going to go through these Items and; she asked Commissioner Zonka if she can let her know which option she is going with or if she willing to do an option.

Commissioner Zonka replied she believes option one gets the Board where it needs to be, as far as the direction; she asked Mr. Abbate if option one gets the County where it needs to be with the direction that was given, as far as him moving forward with management.

Mr. Abbate replied yes, he stated the direction that the Board has given staff previously, as well as what was discussed at the Workshop, and the parameters that different Commissioners said, at that Workshop; they would be able to accomplish that with option one and they could do it at an accelerated rate more quickly; and they could do more if it were option two.

Commissioner Lober stated he does not want to say that the County will have needs, critical needs that are going to be unfunded if the Board does not go with any of the options or if it goes with a lower option, but if, what has been done is looked at both the staff and the capital portions have been aggregated together; the fact is, even if they are comfortable with where things are on the staff side; he thinks certainly the goals that have been laid out are accomplished at least, in large part by, either of the options; he believes the Board still needs to at least prioritize that infrastructure side, just as the Commission was willing to allocate a lot toward the EOC, these firehouses are just as important; he thinks it goes without saying that the Board wants employees that are compensated fairly and appropriately, not the lowest pay in the County, or the area, maybe not the highest but certainly in a reasonable competitive salary; he for one, when talking about Emergency Medical Services (EMS) calls being responded to, if they have a fire medic whether they are responding on a fire truck or whether they are responding in an ambulance, and if he said this in a prior meeting he apologizes for being repetitive, but some folks are just watching this for the first time; the fact is, he does not think any of them would want working on their parents or those of them that are lucky to have at least one grandparent alive, they would not want someone that is a fire medic who is anxious to get out of there, who has the lowest pay in the area or among the lowest pay in the area who is simply itching to jump into another that is not yet available; but he thinks the Board can truly make an impact, not just for a year or two, but for the next seven-plus years, and this is the time to do it. He stated he appreciates certainly any increase that the other Commissioners are willing to go for, but for him he will certainly support option two someone makes a motion; he was hoping to do that two-plus that he discussed, obviously that is off the table; but he does not, at this point, feel comfortable supporting option one, based on some concerns about really putting themselves in the right position, not just for now and the next couple years, but for seven-plus years out.

Chair Pritchett mentioned that Commissioner Tobia hit on this earlier, the County is getting another \$117 million of the CARES fund and actually this will also probably cover lost revenue; she thinks the County is going to have some funds come available to help with a lot of the items that have to be done out there; she just wants to mention that option one is not a little option, that is a big chunk of change at \$7.2 million; she is just really blessed that the Board is able to do this right now; and she understands Commissioner Lober's point, but option one is still a pretty good option.

Commissioner Tobia asked Mr. Abbate if the \$11.6 million allocated out of the Public Safety Fund outside of the \$20 million that they just allocated for. He could explain where that money would go.

Mr. Abbate clarified if Commissioner Tobia is talking about the \$11.6 million.

Commissioner Tobia responded the Public Safety Fund; he stated the \$22 million and they had the fire set aside of \$11.6 million; and he asked if Mr. Abbate could explain where that money will be going, because he imagines that the Board will get some questions as to why it is increasing 30 percent or 29 percent, and it is allocating an additional \$11.6 million dollars.

Mr. Abbate responded when talking about the Fire Assessment it really deals with part of Fire Rescue the part of Fire Rescue that provides fire services to certain cities that contract with them and the unincorporated area; they provide, as the Fire Chief and Mr. Wallace said EMS and ALS services transport Countywide; they use different funding, not the Fire Assessment, a different funding funds that; that is General Fund, as well as ambulance fees; the money that the Board is referring to that \$11.6 million, would be allocated for infrastructure and capital on the EMS Advanced Life Support (ALS) side of the house; that is different than the Fire Assessment side of the house which pays for stations where the trucks are located, as well as for fire engines and related equipment and; those are two separate pots of money.

Commissioner Tobia stated just to be clear, Commissioner Lober mentioned that many of the stations were, and he does not know because he has not been so he will trust him on that, that none of the \$11.6 million has been allocated for that fund, can be used to help fix, modernize, or help those stations.

Mr. Abbate advised those would be General Fund dollars which are allocated to Fire Rescue and they anticipate using anything that is related to the EMS ALS side of the house for capital or infrastructure.

Commissioner Tobia stated for fire stations, in other words, where those trucks park.

Mr. Abbate stated where they have the ambulances, for example.

Commissioner Tobia asked Mr. Wallace how many fire stations do they have that ambulances versus those that do not have transport.

Chief Schollmeyer responded they have 32 total stations, they have 17 engines, five ladder trucks so they roughly have a total of 18 that are dual house which means they have and ambulance and a fire engine in it; they have two that are single engine houses, which are paid for out of the Fire Assessment, and then roughly 11 that are ambulance only stations.

Commissioner Tobia verified somewhere in the neighborhood of half of that could fit that criteria that Mr. Abbate was talking about.

Chief Shollmeyer responded roughly.

Commissioner Smith stated for him it always comes down to if he needs them at 2:00 a.m. or somebody needs them at 2:00 a.m. because they have a grandfather that is having a heart attack or their house has caught fire, he does not think there is too many people in this room, or in the County itself, that really care much if they were charged them \$6, \$7, or \$9 a month, they just want them there; they want competent people to be there, they want people to care to be there, and they want top-notch quality equipment to make sure that if they arrive in time, to greet an individual that is having a heart attack and they are alive, that they are going to be

able to get them to the hospital in that same condition and let the hospital take over from that point; he has not decided where he wants to go, but Commissioner Lober made a good point, about if the Board goes for the higher option it can always reduce it; and he would be in favor of the higher option, at this point in time.

Chair Pritchett asked Commissioner Smith if he meant during the budget.

Commissioner Smith replied yes, option two.

Chair Pritchett asked Mr. Abbate how the Board would do that, if they wanted to go with a higher fund because option one and option two actually prorates the amount of funds to get it up to a certain amount; if that was correct and if it accelerates the time frame; and she clarified it will be the same amount, it just accelerates, it will all be there in year one, instead of it being there in year three.

Mr. Abbate replied yes; he stated it is just allocating how much will be available within the Department; what actually happens with those Funds will be something staff will be dealing with through the budget process, and the union negotiation process; and so those are separate items they will deal with later.

Chair Pritchett commented the Board will have to make a vote on this, it could be done easily like that, but it is going to be pretty painful on the businesses as it is; she thinks just that five percent difference there of having to increase in two years; she knows they love it, because they have not given them anything for years; and she would like someone to make a motion.

The Board tentatively approved Option 2 for a Fire Assessment adjustment, consisting of a 35 percent increase to the current Fire Assessment rates using current approved Fire Assessment methodology with annually adjusted increases to Consumer Price Index (CPI) or three percent, whichever is lower, which equates to a \$5.74 per month increase to the average assessed homeowner, that would generate approximately \$8,770,650 annually in additional revenue and would provide flexibility to accelerate the time frame for addressing the wage disparity between Brevard County and identified comparables of surrounding jurisdictions, and allow addressing of all Brevard County Fire Rescue field classifications with surrounding jurisdiction comparable notwithstanding attrition rates.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

Commissioner Zonka mentioned she would rather them have that option two for at least public notice purposes; and she is not sold on option two yet, but she likes the idea of having that flexion.

Chair Pritchett stated it is going to be painful with the notices so either way it is going to be painful.

Commissioner Zonka stated again it is sad that this kind of falls on this Board because of failure to act in the past and just irresponsible spending of Reserves, because they had no other option, it is kind of disappointing.

Commissioner Lober stated just a little bit of cleanup; and he would also like to make a separate motion to approve action two and action three as set out separately.



Chair Pritchett stated she is now moving on to the Item they want done; and she needs a motion to approve the Fire Assessment notice for owners.

The Board approved a notice to property owners and impacts to each property class.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

Chair Pritchett stated action three is to set the date tentative of April 20, 2021.

The Board tentatively approved Option 2 for a Fire Assessment adjustment, consisting of a 35 percent increase to the current Fire Assessment rates using current approved Fire Assessment methodology with annually adjusted increases to Consumer Price Index (CPI) or three percent, whichever is lower, which equates to a \$5.74 per month increase to the average assessed homeowner, that would generate approximately \$8,770,650 annually in additional revenue and would provide flexibility to accelerate the time frame for addressing the wage disparity between Brevard County and identified comparables of surrounding jurisdictions, and allow addressing of all Brevard County Fire Rescue field classifications with surrounding jurisdiction comparables notwithstanding attrition rates; approved a notice to property owners and impacts to each property class; and authorized a Public Hearing for final approval of the proposed Fire Assessment at the Board of County Commission meeting on April 20, 2021.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **J.6. Board Discussion: Redistricting**

Commissioner Tobia expressed his appreciation to Chair Pritchett; when he got on his soapbox for the open container, that was more for someone who happens to be in his office than himself, and he will be more disappointed than he is; he stated he does not say this very often, but this is very important to him, not only as a person but as a legislator; he thinks it is important, before moving forward to mention some things that will hopefully guide the appointees that he has; he would love to see a buy-in from the entire Commission, he asked as the Board members leave this Chamber to look on the walls, of the pictures of the people that have gone on before them; they will see something pretty unique, the fact that it is a bunch of white folks; in fact, there is only two people that have not been white; and what this does, is bring up two important issues. He continued by saying first there is a moral issue of having implicitly excluded minorities from being represented on the Board; while they are still awaiting the official 2020 Census from the Federal Government, they have 2019 estimates, and in Brevard County, 26 percent of people, or more than 158,000, are not white; African Americans make up 10.8 percent, Native Americans make up one half percent, Asians make up 2.6 percent, Hawaiians .1, two or more races 2.8 percent, and Hispanics or Latinos make up 10.9 percent ensuring that this population is fairly represented, regardless of political affiliation, is fundamental to the democracy, in fact, trust in local Government; second there is a legal issue on not having met the goals set out by the Brevard County Charter, the Charter; reads in Section 2.2, "Preserve several municipalities in geographic cohesion racial or ethnic minority communities from fragmentation". They do not preserve municipalities right now, for example Palm Bay is split between Districts three and five, Melbourne is District's three, four, and five, Cocoa is District's one and two, Rockledge two and four, and West Melbourne three and five;

and historically, this committee has focused on such trivial things as ensuring that each District has beach coastline; and it is his belief that ensuring all citizens are represented is far more important than making sure they represent some portion of the beach. He went on to say the intent of this effort is not to draw any particular person into a District, or more importantly not draw any particular person out of a District; he will not be there anymore and does not plan on running for the Commission ever again, but he had made a commitment to his appointees; one who is the Chair of the National Congress of Black Women, as well as, a couple lifetime members of the National Association for the Advancement of Colored People (NAACP) that he would not vote for any redistricting plan that does not ensure that a minority candidate has an

equitable shot at winning an election to this Board; and he intends on keeping that commitment. He noted in closing, he hopes that his fellow Board Members will join him in making a commitment that they will not vote for a redistricting plan that continues to disenfranchise minority citizens of Brevard County, instead will vote for a redistricting plan that will ensure that everyone has a fair shot at being represented on this Board; obviously the Board is waiting for the Federal Government data, but until they get there he just wanted to be extremely clear on where he hopes his appointees will be, and he has had this discussion; he reiterated if the Board watched some of the old tapes, it spent more time talking about beaches than it did people that make up a significant portion of this County; and he just wanted to be extremely clear that this is no bias towards one person, this was just more equity towards everyone.

Commissioner Lober stated he knows that one of his Redistricting Committee appointees has put in a public comment card to speak on this, but there is a few things he wants to mention; he suggested if the Board has not done so, for them to run by their individual appointees a suggestion or if they want to twist their arms harder than that, there is a really good webinar available for free that was put on by the Florida League of Cities at [www.gotostage.com/channel/flcities](http://www.gotostage.com/channel/flcities); if they search for redrawing council districts the law and best practices they will get a really good hour-long webinar; he has watched it, Fritz from his office has watched it; all of his appointees have told him they watched it; in fact, one came to his office to watch it with him; it gives a lot information on what has to be considered, what cannot be considered, and what is permitted, but not required to be considered, the other thing he has done with all of his redistricting appointees, he has given them a wide format print of his district and wide format print of the County itself so 30 or 36 inch print by whatever length that it corresponds to keeping it in scale, showing all of the Districts in the County, showing the cities in both the District 2 map, and also in the County map; and he found that to be helpful. He advised his redistricting appointee had approached him a little while ago with an interesting idea that may actually be conducive, it certainly is not mutually incompatible with what Commissioner Tobia suggested, instead of simply drawing a five-district County, considering drawing a five-district County and then also having the redistricting committee provide a second option; in addition to a five-district option of a seven-district option, so there is a greater representation in the local area; instead of having 115,000 or 120,000 people under each Commissioner, they cut that number back pretty substantially so people have more representation; he has been getting together with the help of staff a lot of info that he thinks is relevant; and he thinks some of which Commissioner Tobia will find relevant as well, to determining whether or not that is something worth doing, including what the cost is, salary, compensation, utilities, things of that nature, and rent cost; and if that applies to adding an additional Commission office, or in this case two, as well as, the harder to quantify items like the additional strain it will put on the department heads and County Manager, Assistant County Managers, and County Attorney. He mentioned just because of their costs, it does not mean that the benefits do not necessarily outweigh them; he is not in either boat at this point; he thinks it is an interesting idea; he knows that he has thrown in that public comment card; and he asked the Chair's permission to give him a few minutes to speak.

Chair Pritchett replied she does not have a public comment card for him.

Commissioner Lober stated they are working on the card and he can give the Chair his information, in the meanwhile, if that helps.

Commissioner Zonka stated she is glad that Commissioner Tobia put this as an Agenda Item but, he probably could have saved this for his Board Report just because she thought he was going to surprise them with some sort of action Item because that is usually what they have for the Agenda; while she agrees with him as far as representation, she thinks that is great, and as Commissioners they have a duty to represent all minorities everyone in the community; however, she gets a little nervous when it is implied the idea of drawing out a District specific to a minority group because she thinks that kind of defeats the purpose; it more isolates that group than anything; and as far as the beaches go, it was her understanding that Commissioners not District one obviously but Commissioners had a piece of the beach so not one Commissioner had the beach, 50 nothing gets done on the beach if only one Commissioner or if the beach is only represented by one. She mentioned she wants a fair process and all representatives that they have appointed, other minorities to different boards when they accept it, but as far as looking at the walls in here, it is a shame that more minorities do not run for office; but they have good representation, they have other parties finally coming to the forefront and taking office; look no further than Palm Bay, their council has primarily minorities; she thinks the County is finally coming around to including more different ethnic groups as far as politics; but they cannot make somebody run for office if they do not run, so that is a whole separate ball game. She commented but that is all she wanted to say about that because she does not ever want it to be painted in a poor manner, to suggest that Brevard County is full of a bunch of racist people that want to redistrict because that is not the case; her appointees were not all of one minority like his were; however, hers have all been State Representatives and they have been through the process so she trusts their background and their knowledge with the subject; and that is how her selection was chosen.

Commissioner Smith stated that with respect to where the conversation is going here and the size of this County, when he arrived in 1986 he thinks there were like 270,000 people, and now they have about 604,000; there has been a huge increase; as he bounces around the State, he typically will reach out to a Commissioner in the County that he is jet skiing in or visiting, and a number of them have, at-large, they will have like for example, he thinks it is Manatee County, they have about 280,000 to 290,000 people and they have seven Commissioners; they have five Districts and two at-large; that is something that could be thought of, too, going forward; he does not know how that would be done or if they would have to change the Charter; it is something to think about; and it would give the County residents more representation.

Chair Pritchett advised that is an interesting thought, they can also downsize; she put three wonderful men on this board and she just kind of said to not forget about the women; they are wonderful people; since they started talking about this, the City of Titusville's City Council now has two African American men and two women; she thinks she is starting to see a lot more diversity where she is from; and Commissioner Robin Fisher was before her and he is African American. She noted Commissioner Zonka and herself came along as women so she thinks they have a lot of positive changes that are going forward; there is probably a lot of things that needed to be addressed; thank goodness people are maybe realizing that they need to treat people a little bit better; she does not understand why people are treated differently, if they are human they should be treated very respectfully; but the Board does have to address the lower income areas. She stated in some of their Districts, she has talked to them about addressing the areas that have more of stormwater concerns, because she is already heavily loaded with it and if she gets more loaded up with it District 1 is going to become very expensive; so those are the things she is looking at as they are doing this; but, this is an interesting conversation and she actually thought they were going to have an action Item as well.

Commissioner Tobia stated that he just hopes that action comes out of this; they all can talk about equity but they actually have the opportunity to do something about it; there was more time, again he watched hours of tape, spent about representing the beaches, specifically in the Indian Lantic, by somebody who was under Federal Bureau of Investigation and entered a plea deal to get a certain District drawn with a large portion of overwhelmingly Republican white voters; listen to the tapes, people will not hear minority representation more than two or three times, people will hear beach 15 times that amount; and he feels bad for people that do not look like the Board does when coming in front of this microphone.

Commissioner Pritchett asked Commissioner Tobia if he thinks one of the Board Members have an issue right now with one of their appointees that he thinks they might need to look at.

Commissioner Tobia responded no; he stated he is sure that they are wonderful people; he does not know who they are, in all honesty; he was just asking that as the Board has these discussions and it moves forward to follow the Charter; unfortunately as he is sure Commissioner Zonka knows, the constraints that are a State Legislature, because of a Constitutional Amendment put on there, are completely different than those that the Charter places on the Board; she was referring to the cracking and packing mentality; this is an opportunity where he has spoken with leaders of the minority community that are interested in getting a District that is packed; and while Commissioner Lober he has not seen that and he looks forward to seeing that, but the Board can go do this right now, it is [districtbuilder.org](http://districtbuilder.org). He mentioned the Board can look at each precinct in Brevard County by representation, of ethnic minority, and they can build a District that is contiguous, as well as equal; he has done this; and he just asks not to put these platitudes out like Palm Bay has two minorities and Titusville has six or whatever the heck it is.

Chair Pritchett remarked she gets to take more of their stuff.

Commissioner Tobia stated that is absolutely wonderful, but right now they do something as a Board, because historically it does not look very equitable, based on the population that they represent; and they have the opportunity to do something, not just talk about it, but to draw a district that allows that to happen.

Chair Pritchett stated she thinks they are with the board members appointees; she thinks looking back the past few years, there has been a nice variety of people; and she explained she does and as a female when they first got started in this she was kind of excited they got elected.

Commissioner Tobia remarked he has never been a female and thinks the stresses females faces are different than what an African-American may face, or somebody of the Hispanic world.

Chair Pritchett stated well it is all wonderful getting it all in; her family is so intermixed with everything; she gets it; and she understands what he is saying.

Commissioner Tobia indicated but that is the point these are implicit biases that they do not get it.

Commissioner Pritchett expressed her disagreement on that she does feel that she has that same concept; maybe he does, but she does not; she feels very confident and comfortable with her community and representation; she is very much in touch with them and she is out there on the ground with them; she can see where he is saying this could be a problem; but she does not think it is an across-the-board problem right now, with them, unless he thinks there is.

Commissioner Tobia replied if it is looked at it from a statistical method, he stated Commissioner Pritchett is a person of science; and if they looked at the number of people and looked at how they were represented based on the population of today.

Chair Pritchett stated maybe 40 or 50 so years back; she mentioned the last few Commissions have been pretty consistent except it is all kind of white right now; but she does not know where they are going with this right now, she is getting a little lost.

Commissioner Zonka stated the previous redistricting that Commissioner Tobia brought up; she is glad that he is so passionate about this now, because he has lived in this County for a long time; they spent more time talking about removing a Puerto Rican flag from a beach than spent about redistricting, she wants to see what comes back from redistricting board and see what they bring to this Commission; but as far as she is concerned, she is only going to direct them to move forward fairly and that is all she has to say.

Commissioner Lober stated he just wanted to echo a little bit of what Commissioner Zonka said but maybe say it in his own way; he can tell people the three people that he put on, he trusts them to have the integrity to do the right thing with respect to their decisions and the recommendations that they make; he is not going to say that any of them do not have an equally diverse group but one of the folks that he put on is half Taiwanese and a female; he does not know if in particular Commissioner eyes, if that is better or worse than being of a different ethnicity or a different gender, but with respect to the comment that was made over playing the minutes or playing the audio from the prior meeting, where redistricting for a minority district may have only been mentioned a couple of times, if he is misstating that he apologizes he is just going from memory at this point; the beach was stated countless times, if they are operating in a way that is absolutely blind to ethnicity some may say it is a good thing and some may say that is a bad thing, but really that is a subjective question; if they are so far from being racist that it does not even occur to them and it not factor in their decisions, some may say that is great and some may say it is terrible; they have the same issue with the Florida Bar with folks that apply for gubernatorial appointment to serve as a Judge, when a Judge does not finish their term for one reason or another; and often times he can tell them, the Judicial Nominating Committee does not get a ton of applicants depending on the District they are in, that are members of a particular minority group and there are some that say they do not apply, because of this reason or they should artificially favor those that do apply, and appoint some that perhaps do not have the same qualifications; and all of this is a subjective question, in terms of what they think is fair. He noted he does not know if there is a real objective answer, in terms of it has to be done this way; certainly the direction that he would give to his appointees, he would hope they know and he does not think it by any means, not intentionally disenfranchise anyone, to just be conscious of the impact that their decisions make on those folks that may be members of a particular communities that are not in the majority; if it ends up resulting in a District that is majority minority then God bless and, if it does not, then it is the way that it is; to him, he does not want folks discriminating for or against anyone on the basis of their skin color, their religion, their national origin, their gender, or any of that stuff, he thinks that is totally inappropriate and it is antithetical to his values; and if it happens to be that they do not have enough folks of certain minority groups applying to run or trying to run perhaps the community should do better and encourage them to run but he does not feel this is the fault of the redistricting committee necessarily. He stated yes, anecdotally he sees a lot of white faces there, he agrees with that; just as it was mentioned they have to have the folks run in order to be elected; if they do not run then that is an issue in and of itself; and in the interest of not getting too circular he will just leave it there.

Commissioner Zonka stated it would be really interesting to look at Commissioner Tobia's dozens of committee appointments to see if he has minorities represented well on those

committee because she thinks that it is important if the Board is going to have that representation from its community from that large population; and revisit those appointments to see how many white males there are as opposed to minorities to make sure that it is fair across-the-board.

Chair Pritchett stated just as a little antidote here before they move forward, she put three wonderful men on her boards, they are smart, they care about District 1, and then she got a call from the Republican party, just fuming that she would put Democrats on a board; she was thinking they have to deal with everybody with this and their cultures and now dealing with party lines with everybody being so mad at each other; she got a little irritated and just answered back they are not all Democrats, they just have to do the best for the community and just pick wonderful people to move forward; she thinks they probably should get off this topic now; she thinks they are wonderful people, she knows they care about other people and she hopes everybody is able to do the best job they can representing their community; and she hopes the Lord raises up a lot more leaders as they move forward. She went on to say that she forgot to do Item J.5.

#### **J.5. Permission to submit the application and Accept the 2021 Edward Byrne Memorial Justice Assistance**

The Board granted permission to submit and accept the 2021 Countywide Edward Byrne Memorial Justice Assistance Grant Application; designated the Brevard County Sheriff's Office as Point of Contact; and authorized the Chair to execute necessary documents and budget adjustments.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconder:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

Josiah Gattle stated he has been appointed by Commissioner Lober to the Redistricting board and one of the ideas he had, as he began to address the issues that will be coming up in this particular redistricting, is that there may be a need for seven Districts within the next 10 to 20 years; over the past 30 years, they have experienced an average of about 22 percent population growth within the County, with much of that being concentrated in several Districts; Districts 4 and Districts 3 have just continued to blossom and grow; this began a journey, looking at what projecting out would look like population-wise, and they could be looking at up to a 10 to 20 percent differential if population growth continues within these particular Districts to be on the path that it has been historically; the option of seven districts began rolling around in his head; he looked at several other counties around the State and certain counties of similar size tend to have about 60,000 to 100,000 people per County Commission District; and they are of the five District County Commission district model which is the most common among the Florida counties, but certainly not exclusive. He mentioned if they look at the metropolitan areas, they see as many as 19 county elected officials with several of those being at-large, as Commissioner Smith mentioned previously; the reasons behind splitting into seven districts is it continues to present an opportunity for proper representation of diverse views, they have many different areas; when he was visiting an ecological reserve, they had six different environments represented in this County because it is were 82 miles long, they have interest there, not just the beaches, such as the orange groves, the agricultural concerns to the west, and it would present an option to give more representation, to specific interests within the County not just racial or ethnic minorities, but these actual industries within the County; it would present the option for Brevard County to have a majority minority district if it chose; it would present the option for it to do many different things to keep the representation accurate and close to the

people; it would result in, at this time between 60,000 to 70,000 people per district, which would be much more in line with what other similar counties have; he thanked the Board for their consideration of his idea; and he stated would just love the opportunity to bring this up now, while it can be referred to Charter Commission. He added this is a unique opportunity because they are delayed with the delivery of data to the redistricting committee until November, to his understanding to present this to the Charter Commission first before they are bound at the redistricting community.

Commissioner Tobia stated he is sure they are aware they had 435 representatives for almost 100 years, late 1920's; at that time there was about 115 to 120 million Americans; population has gone up two and one half times from what it was and yet they still have the same number of representatives; and he asked Mr. Gattle, in his opinion, why it is different in Brevard County because he always skeptical when anyone tries to increase the size of Government, and this is literally increasing the size of Government by 40 percent. He asked and why not 11, if they want it to be more diverse.

Mr. Gattle responded he definitely understands Commissioner Tobia's concern that he raised; he mentioned he is a small Government conservative himself, but his goal is to keep representation closer to the people; as the County Commissioners mentioned previously, the County has trouble with stormwater allocation and it has trouble with other things that are not necessarily being represented by five County Commissioners; there will be a geographically massive district for whatever occupies the space of District 1, because it will begin to continue gobbling up more and more population which would probably be Cocoa or something along those lines; and that increases the concentration of funds that would be needed on one small geographic area rather than breaking it up a little more to keep focus on the people that are being represented.

Commissioner Tobia stated he is sure that Mr. Gattle is aware of the annexation of cities on County land over the last 40 or 50 years; they can do it without County approval they just have to sign off; actually Government has gotten closer to the people as the size of local Governments, being cities have increased, and he asked Mr. Gattle how that impacts his plan to increase Government by 40 percent.

Mr. Gattle replied he thinks that the issue Commissioner Tobia raised is not an accurate one; if the current State of city governments are looked at and whether they are necessary, he knows several representatives in the area and he thinks there are certain things, at the city level, they have seen corruption like the Melbourne area and in the Palm Bay area recently, and he has questions about those; in Newport Richey across the State where cities have been dissolved, he thinks this is an insurance factor of keeping districts smaller and keeping Commissioners more attentive to the people that they are representing; this would take them from a projected 120,000 to 130,000 by the end of redistricting this time, or redistricting again, to represent about 60,000 to 80,000 people which is a more manageable amount of people to be representing, than continually growing; and it is shrinking the size of what the Commissioners are representing by about one-third.

Commissioner Tobia stated he understands the math, he just does not understand how Congress has been able to do it with a 250 percent increase and the County had 30 or 40 percent increase; he is always skeptical when someone brings up a plan that is going to cost hundreds and hundreds of thousands of dollars with no ending in sight; he is more than welcome to bring up these out-of-the-box ideas; and he is sure the disenfranchised minorities will be very excited to hear his plan.

Chair Pritchett asked Mr. Abbate how long he thinks it will be before he receives the Census data.

Mr. Abbate answered the end of September.

Chair Pritchett stated she knows the Board does not put this into play a lot, but there is a difference in managing the incorporated and the unincorporated areas as well, so that comes into play as they are looking at those numbers, too; but when there are a lot of cities in there it does take some of the pressure off of them to as Commissioners.

**J.8. Final Plat Approval, Re: Pioneer Pointe (21FM00002) (District 2)**

**Developer: Pioneer Pointe, LLC.**

Tad Calkins, Planning and Development Director, stated Item J.8. is a request for the Board to grant final plat approval and authorize the Chair to sign final plat for Pioneer Point; and normally these Items are done under the Consent.

The Board executed and granted Final Plat approval for Pioneer Pointe – Pioneer Point, LLC, subject to minor engineering changes, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**L.4. Bryan Lober, Commissioner District 2**

Commissioner Lober stated in the prior discussion on the alcohol ordinance, in the past decade he does not see that he has ever represented anyone on a County ordinance related to alcohol, but he has represented folks on County ordinances so this particular ordinance, if history holds true, even if he opened up shop in full-board today, and started taking new clients it would be at least 10 years before that would ever have any financial impact on him; he does have a motion, and he provided the Clerk's Office copies of this; it deals with some concerns that were raised, and he had several medical providers reach out to him from separate groups that were interested in being added or more accurately getting the ability to vaccinate folks, and they essentially wanted to ensure that the County does everything it is able to do to assist them in that; and if that ends up involving having the contract with the County, he wants to give the County Manager the ability to not require him to do that, but to give him the ability to make that happen. He advised the motion is as follows to authorize but not require, the County Manager to execute any reasonable contract or contracts necessary to ensure the highest justifiable availability of COVID-19 vaccine providers within Brevard County provided any such contract or contracts has or have been reviewed by the County Attorney, and no critical concerns are raised by the County Attorney, such contracts may exceed the ordinary \$100,000 limit of authority place upon the County Manager without additional authorization by the Board of County Commissioners (BOCC); it is contemplated that the County Manager will confer with County's Public Safety Director and or the County's Emergency Management Director so that they may coordinate with Florida Department of Health (FDOH) in Brevard to ensure that any such contracts fit within the overall FDOH vaccination strategy, in order to make the most efficacious use of the \$2 million the BOCC already allocated to increase vaccination capability and availability throughout the County; contracts contemplated by this motion may not exceed this \$2 million, absent approval by the BOCC; and this motion further contemplates that the County Manager shall be authorized to undertake all actions necessary to effectuate this direction, including, but not limited to, executing any necessary and appropriate Budget Change



Requests.

Chair Pritchett stated that she is going to have to read it again and have him bring it back up at the next meeting.

Commissioner Zonka stated she appreciates the effort of putting it together but, she is not going to support anything that she does not have in front of her or that has not had a chance to vet.

Chair Pritchett stated she will probably do it, but she is going to have to look at it.

Commissioner Lober stated again he is not trying to push one way or the other; he will say one of the physicians that reached out had concerns about being able to vaccinate prior to the next meeting on the 23rd he thinks they were concerned trying to get in the running prior to that meeting date; he figured he would put this out there and he did send out earlier this afternoon Frank Abbate, County Manager, Matthew Wallace, Public Safety Director, John Scott, Emergency Management Director, and Steve Darling, Purchasing Services Director; he does not know if they have had a chance to review it or not, but he thought given that there was concern expressed, with respect to that, he would simply bring it; but with that said, he can go ahead and email it out obviously since he read it there is not any sunshine issue, he is just really giving a transcript of what he just read.

Commissioner Zonka stated she thinks that goes into the Item that is supposed to come to the Board on March 23rd, she has legitimate and serious concerns about moving forward with a private entity who stands to profit from COVID-19 vaccine, considering there are other hospital systems that are administering the vaccine for free; if committed to that, she understands why, if they get an allotment of vaccines that they cannot manage or whatever, then the County can use a private contract but her concern is what is to stop them and who are they to choose which private contractor to use because then, realistically, it should probably Request for Proposals (RFP) this and open it up to every private medical facility or provider out there to see who can do it cheaper; but she is not for it and she does not care what kind of profit the place makes, she is never going to support anything that is going to pay somebody to give COVID-19 vaccines to anybody. She added this is where she is sitting at on this Item on the 23rd; this is a message to staff to get that information because any other agency can sue the County technically, she would think; any other private agency can say they want the same opportunity if there overage and above what the other agencies cannot do for free; and she asked if that is sort of where this is headed.

Mr. Abbate stated they prepared and sent out an email of record.

Commissioner Zonka stated she read the email and that is sort of her concern, so it goes a little further than the email to express the concern; and she gets that it is done as a last resort sort of thing and if unable to provide the service for free; but she has an issue with a company making profit off of the COVID-19 vaccines.

Commissioner Lober stated with respect to that, he does not disagree with Commissioner Zonka; in fact, only one of the physicians or groups that reached out to him had any plan to charge at any location; he believes that was for one of two or three locations that they were proposing; with respect to that, to their chief physician, he does not know what a C-Level title is, but their number one physician and then to their lobbyist, he sent an email expressing concern that there be price parity; and Commissioner Zonka raised an interesting concern, he is not concerned so much about getting sued by the other providers, but he is concerned that if they set a precedent that they are willing to pay \$20 per shot for that one particular location, that now the other providers may say they will too. He agrees that is a concern and in part, that is why when he phrased and wrote this drafted motion it said authorize but not require because

and he does not want to put anybody in a position where they are obligated to set a precedent where they are going to be driving up costs for themselves to get this done; but he agreed with her in short.

Commissioner Zonka stated the Board could always have an emergency Commission meeting; that is not how it would want to go, but if it has more vaccines than it could possibly distribute through the FDOH and through the hospital system partners, then it can talk about it then; but she does not want to arbitrarily have any kind of contract in place with anybody.

Mr. Abbate stated what staff has prepared and sent to the Commissioners, is they were only looking to bring it back for the Board for its consideration, not from a staff level.

Commissioner Zonka stated exactly and that she just wanted to kind of make her position clear on that.

#### **L.6. Curt Smith, Commissioner District 4**

Commissioner Smith passed out some information to the Commissioners regarding the allocation for CARES Fund approved by this Board on November 5; he noted he charged Jill Hayes, Budget Office Director, Kathy Wall, Assistant to County Manager, and staff to come up with the companies, that according to their parameters are qualified; they disbursed those funds and they still have roughly \$1 million dollars left; he asked them to go back and look at the businesses again, with the idea that some businesses lost hundreds of thousands and some lost \$30,000 to \$50,000; rather than make some of the lower amounts whole, he wanted to focus on the businesses that had lost more money and that is what they did; he is coming back to the Board because he needs another approval of these basic funds remaining in the District 4 allocation; and this is the approval needed to disburse the Funds.

Commissioner Zonka asked if the businesses were provided by the County or if he gave the County this list of businesses

Commissioner Smith answered he had nothing to do with it, the County did it.

Commissioner Zonka asked if these were the top businesses with the biggest loses.

Commissioner Smith responded affirmatively; he stated he wanted to commend Ms. Hayes and Ms. Wall for the amount of time they spent on this is just mind-boggling; he could call them with a question and they always had the answer; if they did not, they got it to him very quickly; he put this whole thing on them; and they did it, God bless them, because he could not have done it.

Commission Lober stated he just wants to be clear this is solely from the funds that remain in the \$5 million that was delegated to Commissioner Smith to allocate; and he said before anything that he proposes, that is a lawful allegation, he will support it.

Commissioner Tobia stated that he made a commitment to support this as well and he wanted to make one final plea; the County is going to be about a million and one-half short on the EOC; to Commissioner Zonka's credit she handed the money back and she got absolutely no ribbon cutting ceremony, not that Commissioner Smith is, he is not running for re-election, so he does not think that is the incentive in handing this to business, he made a commitment to support his allocation; and he questioned if he believes handing to these businesses is more important than handing it to the EOC, that last million one-half or two million that they may be

short, if he would be willing, and he knows that it is Commissioner Smith's money and he supports him either way; but he just wanted to put in one final plea.

Commissioner Smith replied the short answer is no, but he will give him a reason from his perspective and his perspective only; this money was made available to get into the pockets of the business people and the people that work for a living and pay rent, pay mortgages, buy cars, and put their kids through school; that money, the best way in his perspective to do that is to funnel it through the businesses because they have already taken it on the chin, and they have lost a lot of money; the idea was to get this in their hands as quickly as possible which would have been April or May, but obviously they had to step very carefully because they did not want clawbacks or any of that aggravation again; but from his perspective this money needs to go to these businesses so that they can remain in business and keep their employees employed.

Commissioner Tobia asked if that it is the Government's job to make up for companies that have a loss in revenue.

Commissioner Smith responded he will just answer him with the way President Trump handled it and that is what sold him when President Trump said when he authorized this and sold it, he said he was not in favor of doing something like this except for the fact that government shut businesses down and it was Government's responsibility to give them a helping hand to get back up; and for him that is what he listened to.

Commissioner Tobia stated some of these like AMIKids Space Coast did not shutdown.

Commissioner Smith agreed no they did not, but the ones that did, he cannot help them because they are already gone; and this is helping the people that have struggled through and tried to make it to this point.

Commissioner Tobia stated this is where his issue was before, the Melbourne Regional Chamber, the Board discussed about giving allocations to businesses that turn around and give political donations, he knows Commissioner Smith is not running so there is no nefarious intent, but the Melbourne Regional Chambers participates in political donations; he has an issue with providing government funds to an organization that immediately turns around and gives it; and he thinks the Board had a Policy.

Chair Pritchett stated she thinks the Board voted on it; and Commissioner Zonka and herself made a declaration not to take any campaign funds.

Commissioner Tobia inquired if it did not pass and that was it.

Commissioner Zonka advised it was from the Business Voice.

Chair Pritchett agreed.

Commissioner Tobia asked for clarification that it receives money directly from the Chambers.

Commissioner Zonka and Chair Pritchett responded affirmatively.

Commissioner Smith pointed out he did not decide which one the businesses; he charges all the hard-working folks that work for this County and this is what they can up with. Commissioner Tobia advised he will support Commissioner Smith on this, because he gave him his word.

The Board approved an additional grant of \$39,700, from the remaining CARES Funds allotted

to District 4, to the businesses provided on the attached list, which based on documentation submitted to the County, show unreimbursed losses from March to June 2020 that exceeded Federal and local benefits received; authorized administrative costs for distributing the Funds, be deducted from the allocation; and authorized the County Manager to sign any necessary documentation related to the distribution of the allocation to those on the list.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

#### **L.7. Kristine Zonka, District 5**

Commissioner Zonka stated that they cannot control what members of the chamber donate to peoples campaigns; she know the chambers does not make a chamber donation; if everybody is penalized for the relationships, the company they keep, or the organizations they belong to, they could probably find any business where the owner has written a check to some party or some candidate; she does not buy that; and chambers have never been notorious for getting people elected or unelected, otherwise, Commissioner Tobia probably would not be there, to be honest. She advised she does not have a Board Report, she just wanted to say that she hopes this Board, in the future spends a little more time conducting serious business instead of the politicking; the Board makes meetings a lot longer than they need to be and she is not blaming or pointing fingers at any one or two Commissioners, but what she is saying is that she hopes for once the Board can stop being the laughing stock of people that watch these meetings and just waste time because the Board does a lot of time wasting; and the Board needs to learn how to be more succinct, more direct, and more purposeful.

Commissioner Smith wanted to give an update on his assistant Pat; he is just amazing and he had his first visit today with the surgeon who believes he got all the cancer out of his brain; but he said he can never be sure because if a cell is left behind, cancer is cancer, so he will have follow-ups with radiation and chemotherapy; he will be able to drive again starting this Friday and this guy could not be happier; and he is just ecstatic and he thanks everybody for their prayers and asked that they keep praying.

Chair Pritchett agreed with what Commissioner Zonka mentioned earlier and she has never made herself any better by making anybody else worse; and she is asking that the Board stick to County business and focus on the things it has to do at hand.

Upon the consensus of the Board, the meeting adjourned at 7:17 p.m.

ATTEST:

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RACHEL M. SADOFF, CLERK

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