

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, December 20, 2022**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:03 AM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Kristine Zonka

**C. PLEDGE OF ALLEGIANCE**

Commissioner Tom Goodson led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the September 13, 2022, Regular meeting minutes.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**E.1. Resolution Recognizing Eagle Scout Peter Liesenfelt**

Commissioner Zonka read aloud, and the Board adopted Resolution No. 22-154, recognizing Eagle Scout Peter Liesenfelt for attaining the rank of Eagle Scout, and offers congratulations and best wishes for a successful future.

Peter Liesenfelt thanked Commissioner Zonka for sponsoring this Resolution; he thanked the Board for approving it; he stated his Eagle Scout Service Project was for installing plant beds for science classes at Roy Allen Elementary; he recognized Walt Ryan, Troy Porter, and Jan Heise for their leadership and the skills they taught him throughout his years of scouting; and he thanked his parents for all their assistance and help along the way.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.1. Florida Department of Environmental Protection Grant WG094 - South Banana Zone B Septic-to-Sewer**

The Board authorized and executed Florida Department of Environmental Protection Grant WG094 for South Banana Zone B, Septic-to-Sewer; authorized the County Manager to execute any future amendments to this Contract; and authorized the County Manager to approve related Budget Change Requests.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.2. Florida Department of Environmental Protection Grant WG055 - Sykes Creek Zone N Septic-to-Sewer**

The Board authorized and executed Florida Department of Environmental Protection Grant WG055 - Sykes Creek Zone N, Septic-to-Sewer; authorized the County Manager to execute any future amendments to this Contract; and authorized the County Manager to approve related Budget Change Requests.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.3. Board Policy Review, Re: BCC-82, Continued Use of Temporary Residence after Issuance of Certificate of Occupancy**

The Board approved and continued Board Policy BCC-82, Continued Use of Temporary Residence after Issuance of Certificate of Occupancy.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.4. Approval, Re: Dedication of Utility Easement from Viera Town Center Merchants Association, Inc. for the NAP Viera Multi-Family Project**

The Board approved and accepted the utility easement from the Viera Town Center Merchants Association, Inc. for the NAP Multi-family Project.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.5. Approval, Re: Dedication by Warranty Deed and Utility Easement from SECP MIMS, LLC for Florida Coast Equipment Project**

The Board accepted the warranty deed and utility easement from SECP MIMS, LLC for Florida Coast Equipment Project.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.6. Approval, Re: Resolution and Lease Agreement for Office Space for Congressman Bill Posey, 8th District**

The Board executed and adopted Resolution No. 22-165; and executed and approved the Lease Agreement allowing the non-competitive lease of County property (office space) at the Brevard County Government Center, Viera to Congressman Posey, 8th District.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.7. Approval, Re: Quit Claim Deed from Viera Development Corporation related to Parcel C Right-of-Way at Lake Andrew Drive and Wickham Road**

The Board accepted the Quit Claim Deed from Viera Development Corporation related to Parcel C right-of-way at Lake Andrew Drive and Wickham Road.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.8. Approval, Re: Second Amendment to Landscape Funding and Maintenance Agreement Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association**

The Board executed and approved the Second Amendment to Funding and Landscape Maintenance Agreement for Interstate 95/Viera Boulevard Interchange Landscaping Improvements with The Viera Company and Central Viera Community Association; and authorized the County Manager to execute any future contract-related documents, contingent upon County Attorney's Office, Risk Management, and Purchasing Services review and approval.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.9. Approval, Re: Site Access Agreement with the State of Florida, Department of Environmental Protection for the Purposes of Conducting a Field Mapping, Surveying, and Sample Collection**

The Board approved and executed the Site Access Agreement with the State of Florida, Department of Environmental Protection, for the Purposes of Conducting a Field Mapping, Surveying, and Sample Collection.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.10. Approval, Re: Resolution and County Deed for the Segment of Babcock Street between Waco Boulevard to Malabar Road Transfer to the City of Palm Bay**

The Board executed and adopted Resolution, No. 22-166, authorizing conveyance of County property; and executed and approved the County Deed for the segment of Babcock Street between Waco Boulevard to Malabar Road, transferring to the City of Palm Bay.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.11. Permission to Reject All Bids Received in Response to Bid #B-6-23-17 Landfill Compactor and #B-6-23-18 Track Type Dozer with Waste Handler Package**

The Board authorized Purchasing Services to reject all bids received in response to Bid #B-6-23-17 Landfill Compactor and #B-6-23-18 Track Type Dozer with Waste Handler Package.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.12. Amendment 2 - Public Transportation Grant Agreement, Hangar Development at Valkaria Airport**

The Board approved and authorized the Chair to execute Amendment 2 to the Florida Department of Transportation (FDOT) Public Transportation Grant Agreement (PTGA) for Hangar Development; and authorized the County Manager to execute task orders associated with this amendment.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.13. Approval, Re: License Agreement for Access Across Environmentally Endangered Lands (EEL) Program Managed Lands at Pine Island Conservation Area**

The Board executed and approved the License Agreement allowing Jeff DeLoche to access his property through the Environmentally Endangered Lands Program managed lands at Pine Island Conservation Area.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.14. Approval, Re: Temporary Use and Right of Entry Agreement on Lands Managed by Brevard County Parks and Recreation Department**

The Board approved and authorized the County Manager to execute the Temporary Use and Right of Entry Agreement on lands managed by Brevard County Parks and Recreation Department at 4100 Highway A1A, Melbourne Beach.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.15. Approval, Re: Budget Change Requests**

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

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.16. Acknowledge Receipt of the FY 2022-2023 Parrish Medical Center Revenue and Expense Budget and Millage Resolution**

The Board acknowledged receipt of the FY 2022-2023 Revenue and Expense Budget and Millage Resolution for Parrish Medical Center.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.17. FY2021-2022 Merritt Island Public Library Tax District Board Annual Report**

The Board acknowledged receipt of the FY 2021-2022 Merritt Island Public Library Tax District Annual Report.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.18. Approval to Effect a Sale of a Surplus Vacant Parcel, Property ID 27-37-24-00-51, that is 0.03 +/- of an Acre by Private Sale**

The Board approved and adopted Resolution No. 22-167, making the requested finding and authorizing the negotiation of a sale of a 0.03-acre parcel of surplus property, Property ID 27-37-24-00-51, to an adjacent property owner, pursuant to Section 125.35, Florida Statutes, and Section 20243, Brevard County Code of Ordinances; and authorized the Chair to sign the necessary documents to effectuate the sale of Property ID 27-37-24-00-51, pursuant to Section 125.35, Florida Statutes, and Section 2-243, Brevard County Code of Ordinances.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.19. Brevard County Shore Protection Project - Mid Reach Segment**

The Board approved and adopted Resolution No. 22-168, authorizing Mike McGarry, Program Management for Beaches, Boating and Waterways, Natural Resources Department, and the Project Engineer, Kevin R. Bodge PhD, PE of Olsen Associates, Inc. to make engineering and project management related commitments on the County's behalf in condemnation proceedings regarding the Brevard County Shore Protection Project - Mid Reach Segment.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.20. Authorization for Bond Validation Proceeding**

The Board authorized the initiation of a bond validation proceeding relating to the November 8, 2022, referendum of bond issue for the continuation of the Environmentally Endangered Lands Program.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Feltner, and Zonka  
**Nay:** Tobia

**F.21. Acknowledge Receipt of the County's Municipal Community Redevelopment Agencies FY 2022/2023 Adopted Budgets**

The Board acknowledged receipt of the County's Municipal Community Redevelopment Agencies' FY 2022-2023 Adopted Budgets.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.22. Appointment(s) / Reappointment(s)**

The Board appointed/reappointed **Nancy Mitts** to the Art in Public Places Advisory Committee, with said terms expiring December 31, 2024; **Nancy L. Tomassone** to the Audit Committee, with said term expiring December 31, 2024; **William (Bill) Huffman** to the Board of Adjustment, with said term expiring December 31, 2024; **Josiah Gattle, Teri Jones,** and **Rich Sutter** to the Economic Development Commission of Florida's Space Coast, with terms expiring December 31, 2023; **Kika Golan, Carol Mascellino,** and **Janette Roig** to the Employee Benefits and Insurance Advisory Committee, with terms expiring December 21, 2023; **Tom C. Hermansen** to the Tourist Development Council, with term expiring October 7, 2026; **Rob Medina** and **Andrea Young** to the Tourist Development Council, with terms expiring December 31, 2026; **Frank Golan** to the District 2 Canal Dredging Committee, with said term expiring December 31, 2023; **Jack Ratterman** to the Historical Commission, with said term expiring December 31, 2024; **Alison Colvard** to the Housing Finance Authority, with said term expiring December 31, 2026; **Nicholas F. Sanzone** to the Marine Advisory Council, with term expiring December 31, 2024; **Andrew M. Rothstein** to the North Brevard Library Advisory District Board, with term expiring December 20, 2024; **Harry O. Taylor** to the South/Central Brevard Parks and Recreation Advisory Board, with term expiring December 31, 2024; and **Marcia Newell** to the Titusville Public Library Advisory Board, with term expiring December 31, 2024.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.23. Acknowledge the Economic Development Commission of Florida’s Space Coast Bi-Annual Report and Metrics**

The Board acknowledged receipt of the Economic Development Commission of Florida's Space Coast's Bi-Annual Financial Report for their expenditures from October 1, 2021, through September 30, 2022, and the Fiscal Year End 21-22 Economic Development Metrics.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.24. Resolution to Consider an Ad Valorem Tax Abatement - Rogue Valley Microdevices, Inc.**

The Board approved and adopted Resolution No. 22-169, qualifying Rogue Valley Microdevices, Inc. as an eligible business under the County's Tax Abatement Program; and authorized a public hearing to consider adopting an economic ordinance.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Feltner, and Zonka

**Nay:** Tobia

**F.25. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.1. Petition to Vacate, Re: Public Right-of-Way- Elm Street - “June Park” Plat Book 4, Page 4 - Melbourne - Thomas Q. Downey**

Chair Pritchett called for a public hearing on a request by Thomas Q. Downey to consider a resolution for a petition to vacate a public right-of-way on Elm Street, June Park, Plat Book 4, Page 4, Melbourne.

Marc Bernath, Public Works Director, stated this Item is a petition to vacate a public right-of-way on Elm Street in June Park petitioned by Mr. Downey; it is requesting the vacating that is part of a public right-of way; if approved, it is also accepting a drainage easement over the vacated area; this is to alleviate a building permit with a zoning deficiency, due to a setback for the rear lot line; and there are no issues.

There being no comments or objections, the Board adopted Resolution No. 22 170, vacating a portion of a public right-of-way, known as Elm Street, in Plat "June Park" subdivision, Melbourne, lying in Section 12, Township 28 South, Range 36 East, as petitioned by Thomas Q. Downey.



**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

## **H.2. Ordinance Amending Article IV, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District**

Chair Pritchett called for a public hearing on an Ordinance amendment to Article IV, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District.

Morris Richardson, County Attorney, advised Items H.2. and H.3. Ordinance amending Article V, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District are companion Items; the Barefoot Bay Recreation District is a creation of a Special Act and its Charter is actually creation of Ordinance; on November 8, 2022, the voters of Barefoot Bay voted to amend their Charter twice by referendum, and both were overwhelmingly approved; in order to finalize that and actually effectuate the Charter amendments, it requires an ordinance; and the first is an ordinance amending Article IV, Ordinance 84-05, relating to the spending limit of the District of the Board of Trustees, it increases the spending limit from \$25,000 to \$50,000, before they are required to take that expense to a referendum of their voters.

Commissioner Tobia asked if there is a representative from Barefoot Bay present.

Chair Pritchett responded there is; and she stated she has speaker's card for questions only.

Commissioner Tobia remarked super.

Chair Pritchett asked if Commissioner Tobia wanted Garrett Olsen to speak.

Commissioner Tobia replied no; and he stated he was just making sure Mr. Olsen was present. He mentioned this is completely in his district; in the past, there was Ordinance 96-53 and Chapters 83 and 87-12, they will not effectuate any revenue increase; he is in support; and he will make the motion to approve. He asked since the Items are for same can they be approved at the same time.

Attorney Richardson responded due to them being ordinances, he would ask for two separate motions.

There being no further comments or objections, the Board adopted Ordinance No. 22-37, amending Ordinance No. 84-05 which created the Charter of the Barefoot Bay Recreation District; specifically amending Article IV, paragraph 13, to increase the spending limit of the District from \$25,000 to \$50,000 pursuant to the terms approved by the voters on November 8, 2022; to authorize the Board of Trustees of the District to enter into contracts involving the purchase, lease, conveyance, or other manner of acquisition of common real or tangible personal property where the cost, price, or consideration for such acquisition does not exceed \$50,000 without a two-thirds vote of the Board of Trustees; providing for severability; and providing an effective date.

**Result:** Adopted

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**H.3. Ordinance Amending Article V, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District**

Chair Pritchett called for a public hearing on an Ordinance amendment to Article V, Ordinance 84-05, the Charter of the Barefoot Bay Recreation District.

There being no further comments or objections, the Board adopted Ordinance No. 22-38, amending Ordinance No. 84-05, which created the Charter of the Barefoot Bay Recreation District; specifically amending Article V, to limit the number of terms of members of the Board of Trustees of the District to no more than two successive complete three-year terms; providing standards for staggering the election cycle for the Trustees of the Barefoot Bay Recreation District; providing for severability; and providing an effective date.

**Result:** Adopted

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.1. Increase Contracted Dredge Volume for Sykes Creek Phase I Muck Removal Project**

Virginia Barker, Natural Resources Management Director, stated this is a request to increase the contracted dredge volume for the Sykes Creek, Phase 1 Muck Removal Project; and this is basically moving volume from Phase 2 to Phase 1, to get the work done sooner and at a reduced cost to the County.

The Board authorized the County Manager to execute a change order for up to \$5,661,129.81 to remove up to 60,792 additional cubic yards of muck; approved extending the contract time to July 1, 2024; and approved associated Budget Change Requests.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.3. Adoption of State Housing Initiatives Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report**

Juanita Craig, Housing and Human Services Deputy Director, stated this Item is requesting Board approval for the State Housing Initiative Partnership (SHIP) 2022-2023 Affordable Housing Committee Incentives Strategies and Evaluation Report; the purpose of this report is to recommend specific actions and initiatives to encourage and facilitate affordable housing development; and is required for compliance with SHIP regulations.

The Board approved the SHIP 2022-2023 Affordable Housing Committee Incentive Strategies Evaluation and Recommendations Report.

**Result:** APPROVED

**Mover:** Kristine Zonka

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.4. Board Consideration, Re: Appointments to the Environmentally Endangered Lands (EELs) Program Selection and Management Committee**

Commissioner Goodson stated there are five appointees and four out of the five are scientists for EELs; he inquired why there was not a businessperson placed there or something else; and he will be voting no.

Chair Pritchett asked Frank Abbate, County Manager, for a brief introduction on what is being done here; and she stated she had a thought of wanting to go back out for advertising again.

Mr. Abbate replied relative to going out for advertising that is Option 2 where it could go out and reconsider; he advised anyone who is on the Committee that would like to be reappointed would be invited and encouraged to apply; the reason that it says scientist next to the name is because when EELs was passed a procedural manual was developed; the manual contains what the qualifications would be; that manual came back to the Board, back in the day, and the Board approved it, and in that manual it states that those appointments would be scientists; this Board has discretion to change that if it so chooses as he understands it; and the County Attorney could confirm that. He added if the Board wanted to do something different, it would just need to indicate doing so and move forward with that.

Commissioner Goodson stated undoubtedly from what Mr. Abbate described that does not pertain to Tourist Development Council (TDC), they could appoint a green eyed monkey; and he asked if that is correct.

Mr. Abbate responded affirmatively; and he advised that was a separate appointment and that does not require a scientist.

Chair Pritchett stated if the Board wants to change the Ordinance, it needs to work on that; and she asked if that required advertising.

Morris Richardson, County Attorney, replied for this one, the composition of the board is not the creation of an ordinance, he believes it is a policy; and Board direction is needed about how to proceed.

Jim Liesenfelt, Assistant County Manager, stated it is in the EELs acquisition manual and it says that seven voting seats will be designated for qualified expert scientific members; one is TDC and two is procedure manual and recreational education; and all the Board has to do is give staff some direction to update the seats as the Board sees fit; and he will bring the land acquisition manual back for Board approval.

Commissioner Goodson stated from what was just told to the Board, he asked if there is something in the manual that qualifies what is a scientist.

Mary Ellen Donner, Parks and Recreation Director, responded there is.

Commissioner Goodson asked if it is brief or is it five pages long.

Ms. Donner replied while Mike Knight, Environmentally Endangered Lands Program Manager, is looking for the exact passage, it specifies additional points for specific degrees, and it talks about experience.

Commissioner Goodson stated he is guessing that each one of these nominees above Mac McLouth could be provided with a resume showing him what their degrees and what their qualifications are.

Ms. Donner responded affirmatively; and she advised she has the resumes and they were attached to the Agenda Item.

Commissioner Goodson asked if Ms. Donner could send them to his office and to the other Board members to look at.

Commissioner Zonka remarked they are in the Agenda.

Chair Pritchett inquired if they just went out and advertised they could then look at the advertisements coming in and figure out how to correctly formulate the board after that.

Mr. Abbate replied they could, but the question would be whether or not the definition, which is in that manual that Mr. Liesenfelt referenced for a scientist, and whether that would be applicable or not; and he stated that would be the Board's decision at this point. He added Mr. Knight has the section that he could read aloud, if the Board was interested in hearing that.

Commissioner Goodson remarked he would be.

Chair Pritchett advised the Board that she needs to know what its thoughts are, if it wants to change this, and to tell staff how to move forward.

Mr. Knight stated it has a pretty wide range of qualifications; they can either have a four-year degree or higher degrees, and ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany geology, hydrology, fire ecology, natural areas management, human use and recreation in natural areas, science education, or natural areas management design.

Commissioner Goodson stated he would definitely like to look at this further, as far as the board; he would like to know the qualifications of the people who are sitting on it now; that would possibly help to move forward with what the Board may wish; and some of those degrees are pretty impressive.

Commissioner Zonka reiterated that their resumes are in the Agenda as attachments and staff can print those for Commissioner Goodson. She cautioned the Board to not have unqualified people; she would fear that they would not have people making an educated decision when it comes to land management, and that would be her only caution; she stated she is fine with opening the opportunity for some individuals; but she wants qualified people making these kinds of environmental decisions.

Commissioner Goodson understands Commissioner Zonka's concern and she could almost say that about this Board, too, sometimes being unqualified. He stated the Board represents the public and the public has a decision or a comment that they should hear; and he is not advocating to not having those people, he is just advocating because the EELs Program is asking for a \$50 million bond, and they might want to be concerned about who is making decisions.

Chair Pritchett advised staff needs to know if the Board is reappointing or going out for advertising; she is going to be in favor of advertising so they can see what positions come in; she agrees that the Board needs to make sure that the right people are in place, because they are making decisions on a lot of money; it is also important that they are highly qualified for this; they are not elected, they are appointed, if people are elected it is different, and they are not putting these positions out for the general public; and they have to make the best decision

they can to manage those funds.

Commissioner Zonka mentioned maybe for Commissioner Goodson's sake an alternate or a position or two could be created, that either has to do with business or real estate, and the Board would have that input which may be a little easier than just mixing the people with all the environmental experience and degrees.

Chair Pritchett inquired what kind of time crunch are they on and is there ability to come back in January and decide positions at that time.

Attorney Richardson responded he is going to have to look to staff because he is not sure when these terms expire.

Ms. Donner replied these terms expire December 31, 2022; but she advised they would sit in the positions until the positions were filled.

Chair Pritchett stated that gives them a little bit of time to put their p's and q's together and to figure out how they are moving forward; and it was her hope that someone would just go for re-advertising to find some more applicants.

Commissioner Goodson advised he would support that as a motion.

Commissioner Zonka inquired if it is going to be re-advertised should the Board change the qualifications, because people are not going to apply if they do not fit the description of what the expected requirements are for application. She suggested tweaking that first, so it will get more people that Commissioner Goodson would like to see on the board.

Chair Pritchett interrupted by asking if it should be tabled to January.

Commissioner Zonka inquired if it would be wise to have two more seats added to help keep the voting on track, instead of doing one and making it an even number of members.

Mr. Knight responded he thinks it would be fine to add another position of that capacity. He stated the key thing to understand is in the current procedure it would require any changes to the Land Acquisition Manual to go through the Committee process for input of the Board, unless the Board wanted to waive that.

Mr. Abbate added the Board can waive that because it is the Board's policy.

Commissioner Zonka asked Commissioner Goodson if he would like to see one or two additional members from the business and real estate community, or something to that degree.

Commissioner Goodson responded he would like to see two additional members being from business or businesses, or real estate. He stated scientists are great, but he thinks they need to have another thought, too.

Commissioner Zonka suggested business, real estate, and finance.

Commissioner Goodson agreed with all of those.

Commissioner Zonka advised staff to bring something like that back to the Board; they will probably have to waive the policy because the Board does not want to be put in a position to have to change their own makeup; she thinks that is actually not appropriate if this Board desires to add additional members; and she asked if the Commission agrees with that.

Chair Pritchett remarked she agrees with that.

Commissioner Zonka stated then staff can re-advertise after that.

Commissioner Tobia stated this is an advisory board and their decisions have to come back to the Board; if these expire on the 31st then they need to get this advertised sooner rather than later; he thinks Commissioner Goodson's ideas were acceptable and they all sound good, giving staff the discretion to change those designations, if interested in acting earlier than bringing it back in January and then making a decision from there; this is merely policy and merely an advisory board; it would still have to come back to the Board; and if staff decides to move sooner rather than later, he is willing to go in that direction.

Commissioner Zonka pointed out the only concern is if it were changing the manual, the Board has to vote to waive the policy that has to go back to the Board to change the manual. She added that vote may be needed now.

Commissioner Tobia recommended they could advertise, then change the manual, and then make the decision accordingly; he is good with anything, or waiting; and he just wanted to know if the Board is interested in moving forward.

Commissioner Zonka agreed with Commissioner Tobia.

Chair Pritchett asked Mr. Abbate what the clearest path is and how do they get there right now.

Mr. Abbate responded he would defer to Attorney Richardson; he stated he believes the Board has the authority to waive that policy now; if the Board so waves it, it then sets the criteria, if he is understanding it correctly; but once the Board waives that policy and changes it, it would be changing it to add two new positions with qualifications for those two that would include real estate, business, or finance. He asked Attorney Richardson if that is correct.

Attorney Richardson replied that is his understanding, yes.

Chair Pritchett asked Commissioner Feltner if he is good with that.

Commissioner Feltner replied, if the Board is going to advertise first.

Chair Pritchett stated what is being talked about right now is going ahead and making a decision to advertise and then coming back with it.

Commissioner Feltner advised he is good with advertising and then making a decision.

Chair Pritchett added staff will throw in the advertisement that the Board is looking for people from the business sector, real estate, and finance; and she asked if that is clear.

Attorney Richardson responded as long as that is included in the motion, the two additional seats with those qualifications.

Commissioner Zonka asked if that is with the policy change that Commissioner Tobia brought up.

Attorney Richardson responded he thinks they are good going out and advertising for those and coming back with the appointments; and bringing the change at the same time to the Board, in the manual.

The Board considered the reappointment of five members to the Environmentally Endangered Lands (EEL) Program, Selection and Management Committee (SMC); approved advertising the five vacancies and changed the Land Acquisition Manual to add two additional voting members to the EEL Program SMC, designated as qualified expert members with experience in business, real estate, or finance.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.5. Board Consideration, Re: Appointment to the Affordable Housing Advisory Committee**

Juanita Craig, Housing and Human Services Deputy Director, stated this Item is requesting the Board to consider the application of John Hopengarten for the Affordable Housing Advisory Committee (AHAC) and to consider his appointment as the member representing the Local Planning Agency (LPA).

The Board considered and appointed John Hopengarten to the AHAC with term expiring June 30, 2024.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Kristine Zonka

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.6. Group Health Insurance Stop Loss (Excess Insurance) Placement CY2023**

Jerry Visco, Human Resources Director, stated this is the annual renewal of the Stop Loss Insurance coverage for the County's self-insured group health plan; this is excess insurance to provide catastrophic coverage for the large losses the County faces; this year's renewal has a \$70,000 premium increase, that is a 17 percent increase over prior years; the County had some adverse losses in the last two years that warranted that; the biggest issue is that a particular claim has had a significant carve out; and it has been dealing with that as a self-insured loss in the future.

The Board approved the renewal of Stop Loss Insurance with Symetra Financial for the self-insured Group Health Insurance Program; and authorized Human Resources Director to execute all documents necessary to bind this coverage effective January 1, 2023.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.7. Brevard County 2023 Legislative Program**

Frank Abbate, County Manager, stated staff prepared a list of recommended Legislative initiatives for the Board's consideration; a grant request was added that supports the Veterans Park, Merritt Island, for additional funding from the Legislature for the amphitheater; staff is looking for direction on the initiatives that were submitted and are attached to this Agenda request; and staff is looking for who the Board wishes to designate to go to legislation delegation, or submit the package to the delegation by mail.

Chair Pritchett asked if the Board has any additions or subtractions; and she asked if anyone wants to go to the delegation or send a letter.

Commissioner Feltner yielded to the former members.

Commissioner Goodson yielded to Commissioner Tobia.

Chair Pritchett asked for Commissioner Tobia's input because they never know what he is going to show up in.

Commissioner Tobia replied that is what he is here to discuss; he stated he looked up famous birthdays on January 11 and he found someone he will be dressing as; unfortunately, Elvis was on the eighth and he is missing that by three days; but there is someone else, so the Board can look down that list and decide accordingly, if he is the best representative. He advised he certainly does not support all of the items listed, he is very happy there were no negatives; he has seen a lot of other delegations that said do not dare to do something because they are going to seek retribute; not this Board, but other boards have, these are all positives; and he would be more than willing if that is the discretion of the Board.

Chair Pritchett mentioned she just wants to make sure it is not Lady Godiva's birthday.

Commissioner Tobia remarked no.

Chair Pritchett inquired if it is safe.

Commissioner Tobia replied he does not know about safe, but he will be fully-clothed.

Commissioner Zonka added there is something to be said for a dancing monkey getting the attention of the Legislature, and she is good with that.

The Board approved the 2023 staff recommended Legislative Initiatives and identified all as priorities for the January 11, 2023, Legislative Delegation Meeting; and appointed Commissioner Tobia to present the County's Legislative priorities to the Delegation.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Kristine Zonka

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

**J.8. Request for Notice of Public Hearing for Update to River Lakes Conservation Area Land Management Plan at Brevard County Board of County Commissioners Meeting**

Frank Abbate, County Manager, advised there is someone present from the St. Johns River

Water Management District (SJRWMD) to speak on this Item.

Brent Bachelder, Representative of SJRWMD, stated he is present to announce a public hearing for the River Lakes Conservation Area Land Management Plan update, that will be held on Wednesday, February 8 at 9:00 a.m. at the Viera Regional Park Community Center; the purpose of the public hearing is to receive public input on the SJRWMD's 2023 Land Management Plan for River Lakes Conservation Area; the public hearing will be hosted by the River Lakes Management Advisory Group; River Lakes is a 20-mile long stretch of the Upper St. Johns River floodplain marsh managed by the SJRWMD between U.S. Highway 192 and



State Road 520; information received by the SJRWMD through the hearing will be used to further refine and improve the update to the River Lakes Land Management Plan; the Management Plan establishes goals and objectives for managing River Lakes over the next 10 years; and through this notice the SJRWMD would like to invite, review, and comment on the draft Land Management Plan from Brevard County leaders and residents. He advised public hearing participants will be given time to provide oral comments regarding the Land Management Plan and written comments may also be submitted during the meeting or via mail or electronic mail; additional details regarding the public hearing, including how to obtain the draft Land Management Plan and how to submit written comments are available through the SJRWMD's website at SJRWMD.com, under the meetings and announcements tab; and he reiterated that public hearing for River Lakes Conservation Land Management Plan will be held on Wednesday, February 8 at 9:00 a.m. at the Viera Regional Park Community Center. He added this notice is intended to fulfill SJRWMD's statutory requirement to provide notice to the public of the public hearing during a regularly recurring meeting of a local governing body; he thanked the Board for its time; and SJRWMD looks forward to receiving input on the River Lakes Management Plan from the general public and leaders of Brevard County.

Chair Pritchett asked if a motion was needed on this or is it just a notice.

Morris Richardson, County Attorney, responded no; and he stated it is a procedural requirement the SJRWMD has to comply with.

The Board provided a Notice of Public Hearing on the record during the December 20, 2022, Brevard County Board of County Commission meeting fulfilling the SJRWMD's statutory (259.032(10)) requirement for noticing the Public Hearing during the regularly recurring meeting of a local governing body.

**J.9. Letter to FDOT opposing reducing US1 South of Pineda Causeway (Project #445215-1) from Six Lanes to Four Lanes**

Commissioner Feltner stated this Item is directing the Board to send a formal letter to Florida Department of Transportation (FDOT) asking that they not decrease the lanes of travel in the Town of Palm Shores from six lanes to four lanes; this is in response to a resolution that the Town passed and sent to FDOT, making that request for four lanes; and if the Board decides to vote for this today, the letter can be sent.

Chair Pritchett mentioned she has one speaker's card. She advised that she met with an FDOT representative of the area; it was mentioned that the Commissioner for the area was not for it and they were not going to push it; and just so Commissioner Feltner knows, he has been heard pretty good.

Sandra Sullivan thanked the Board for bringing this forward to send a letter; she stated she has been present many times talking about critical evacuation deficiency in Brevard County; the East Central Florida Regional Planning Council (ECFRPC) puts out studies; in the event of a hurricane, Interstate 95 is the primary route, and is red on a map which is for critical evacuation deficiency for evacuating; the reason there are six lanes there is to facilitate evacuation; US1 is designated an evacuation route; this is very much about safety; and she is very grateful for Commissioner Feltner, pushing this forward for the protection of the residents. She went on to say it could be strengthened because she learned District 4 does a lot of innovative stuff; sometimes it works and sometimes it does not work; there is a guy locally who put the first Intelligent Traffic System (ITS) at Wickham Road and Pineda Causeway; they want to strengthen this as a diversion route, so that would require a Comprehensive Plan change by the County; and she hopes the Board will consider that. She stated this is the Brevard County map with Florida Disaster that works with ECFRPC and US1 is not designated on the map as

an evacuation route; that should probably be updated; they do come up with some good ideas, but sometimes they come up with ideas that are not so good; in the planning, they have a curve between the proposed roadway and where the bike path is, and the red circle is a drainage structure; right now the discharge and the stormwater drains directly from US1 into the Lagoon, so part of the Federal funding for this was to fix the drainage and was to repave the road; but she imagines there would be an increase in accidents because with that concrete barrier it is going to end up causing a lot more water, people hydroplaning, and causing more accidents. She mentioned being very grateful for the County taking a position on this issue for public safety; and she commended District 4 County Commissioner for taking action on this.

The Board executed and approved Letter addressed to FDOT District Five Secretary John E. Tyler regarding opposition to reducing US1 to four lanes south of the Pineda Causeway for FDOT, Project #445215-1.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Zonka

## **K. PUBLIC COMMENTS**

Sandra Sullivan stated the Board knows she is very passionate about the Lagoon, as she knows the Board is as well; last year she came before the Board and requested putting pollution in the Save Our Indian River Lagoon (SOIRL) Plan; and she is present again this year because the draft for the SOIRL Plan is out and to request the Commission to give direction to the Natural Resources Management department to include pollution in Section three. She asked if the Commission would consider getting a legal opinion from the County Attorney on whether Ordinance No. 16-15, for the one-half cent SOIRL tax for the Indian River Lagoon (IRL) Council Interlocal Agreement, and the Environmental Protection Agency (EPA) approved National Estuary Program (NEP) Comprehensive Conservation and Management Plans (CCMP) which is Federal and State EPA approved Management Plan that is supposed to be implemented. She stated pollution is explicitly defined in that document and includes Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and glyphosate; the reason for her mentioning that is in the last year University of Florida conducted a study and the PFAS levels in the IRL are many times the health advisory limit set by the EPA; they are moving in the direction of increased regulation on those emerging chemicals; and glyphosate is found with increasingly high levels in manatees, and is thought to be an endocrine disruptor of manatees. She went on to say just to compare and contrast last year to this year, last year Brevard County IRL represented 33 percent of the manatee deaths in the State of Florida; last year two counties had stopped their use countywide, and stopped their contractors of using glyphosate; Brevard County last October increased the glyphosate budget by two and one-half times; so far this year the manatee deaths in Brevard County now represents 45 percent in the State of Florida and Brevard County is increasing its glyphosate use; she is not saying there is causation here, but it does raise the question given the science that is coming out on glyphosate that its phosphorus atom feeds algae blooms; it is phosphorus which is what the County is trying to reduce in the IRL; and it feeds bad algae, it kills good algae, it kills seagrass, and it persists in saltwater and that is what the science is telling. She reiterated that she is asking for the Board to redirect Natural Resources Management department to add pollution to the SOIRL Plan before it comes back to the Board for its approval.

### **L.1. Frank Abbate, County Manager**

Frank Abbate, County Manager, advised as this is the last meeting of the year, he just wanted to wish everyone a Merry Christmas and a Happy New Year; he and County staff are very

much looking forward to working with this Board in 2023; and he thanked the Board for all it has done in supporting staff this year and accomplishing all the goals the Board set forth.

**L.2. Morris Richardson, County Attorney**

Morris Richardson, County Attorney, stated he repeats the County Manager's wishes for a Merry Christmas and a Happy New Year.

**L.3. Tom Goodson, Commissioner District 2**

Commissioner Goodson stated he echoes the same and wishes everybody a safe holiday period with their families; and he looks forward to seeing everyone next year.

**L.5. Rob Feltner, Commissioner District 4**

Commissioner Feltner stated Merry Christmas to everyone.

**L.6. Kristine Zonka, Commissioner District 5, Vice-Chair**

Commissioner Zonka stated Merry Christmas to everyone; she thanked her staff for another great year and for the big and the little things that they do every day to support the office; she wants to wish her fellow Commissioners a Merry Christmas and a Happy New Year; stay safe out there; and for everybody to take care of their families.

**L.7. Rita Pritchett, Commissioner District 1, Chair**

Chair Pritchett states she echoes the same as well; have a wonderful and Merry Christmas spending time with family; get refreshed; do not gain too much weight; and she will see them in 2023.

Upon consensus of the Board, the meeting adjourned at 9:44 a.m.

ATTEST:

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RACHEL M. SADOFF, CLERK

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