

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, December 7, 2021**

**5:00 PM**

**Regular**

**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 Pritchett led the assembly in the Pledge of Allegiance.

**PRESENTATION: Santa Claus**

Santa Claus made an appearance and stated he hopes everyone has a Merry Christmas; and he presented gifts to the Commissioners.

**E.1. Resolution: National Homeless Persons' Memorial Day**

Commissioner Smith read aloud and the Board adopted Resolution No. 21-164, recognizing National Homeless Persons' Memorial Day.

Liz Alward thanked the Board for having them here tonight to recognize Monday, December 21, 2021 as National Homeless Persons' Memorial Day; a day of recognition of all those who passed away while being homeless; for the past two years she has served as the chairman of the Brevard Homeless Coalition (BHC), the lead agency for the Brevard County continuum of care, with a mission to prevent and end homelessness; during her time with the BHC, it went from a staff of two working from home with a \$500,000 budget to currently administrating approximately \$6.2 million; and established office space located centrally in Suntree. She added they hired a new Executive Director, Amber Carroll, who has been with them for one year, and five key staff positions who work with the Board of Directors and other community leaders to identify ways to streamline BHC operations and improve working relationships within the Brevard community; they work through the Federal and State funding, Housing and Urban Development (HUD) and Department of Children and Families (DCF); she mentioned this year the BHC was also awarded multiple grants related to COVID-19, with the mission to prevent, prepare for, and respond to COVID-19; the new funds have been awarded to our existing providers, who are able to maintain their current capacity of service to the community, ensuring that there is not a drop in the quality of care; and she named 2-1-1 Brevard, Brevard Cares, Catholic Charities of Central Florida, Community of Hope, Crosswinds Youth Services, Daily Bread, Eckerd Connects, Family Promise of Brevard Inc., Genesis House, Housing for the Homeless, Inc., North and South Brevard Sharing Centers, South Brevard Women's Center, and Volunteers of America as some of the greatest providers in the community. She went on to say the remaining funds will go to increase the overall capacity by expanding existing projects, such as \$800,000 to the Street to Home Bridge Housing Program in Melbourne, \$1.4 million towards piloting new projects in District 2, Family Promise Firehouse Renovation, and filling the gaps of service by identifying and empowering new agencies to address the disparities in the system of care; they continue to look for funding partners and opportunity; she mentioned as December 21, 2021 approaches, the first day of winter and the longest night of the year for those living in homelessness; and nighttime is not a time of peaceful rest, as there is no home to retreat to and to escape the stress of day and nighttime is the coldest, loneliest, and for many, the most dangerous part of the day. She stated that for many, the winter solstice is not a day, but a season in their life and a time that their days have more darkness than light; fortunately, the BHC has a continuum care of providers that bring hope and a welcoming place of refuge, no matter where they spent the night, be it the street, a shelter, or the woods; they are there to help, even as they hold the memories of those who have passed, they also know many that have survived the night and found a better life; on behalf of the BHC and the Brevard

County Continuum of Care, she thanked the Board for caring, their support, and for ensuring that they never have to turn anyone away; and together they are saving lives and changing lives.

Amber Carroll stated she would like to invite the Board to join them on December 21, 2021, for the memorial services in two different locations, one at Daily Bread on Fee Avenue in Melbourne at 3 p.m., and one at Sandpoint Park in Titusville at 5 p.m.; and she would love for the Board to join them in memory.

Commissioner Lober mentioned he loved working with Dr. Moore when she was involved with this group; and he was wondering if someone has taken her place and, if so, who that might be.

Ms. Alward replied that would be Amber Carroll, who has been with them for one year.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Bryan Lober

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

## **F. ITEMS TO BE PULLED FROM CONSENT AGENDA**

Commissioner Lober stated he would like to pull F.13 and F.16.

Commissioner Tobia stated he would like to vote no, without comment, on F.9., and pull F.15a.

Chair Zonka asked for a motion to approve the Consent Items with the exception of F.13, F.15a, and F.16.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

### **F.1. Approval Re: Disbursement of Educational Facilities Impact Fees**

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$5,027,135.46 to the School Board of Brevard County, in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any budget changes required to implement this disbursement.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

### **F.2. Approval, Re: Contract for Sale and Purchase to Bryan R. Miller for a Portion of Lift Station F04 Parcel**

The Board executed and approved the As-Is Contract for Sale and Purchase to Bryan R. Miller for portion of Lift Station F04 parcel; and executed and adopted Resolution No. 21-165, authorizing the conveyance of real property interest by the County.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.3. Approval, Re: Donation of Sanitary Sewer Easement from Brandon and Jillian Fontaine**

The Board approved and accepted the donation of Sanitary Sewer Easement from Brandon and Jillian Fontaine, located in Section 27, Township 24 South, Range 36 East, south of Lucas Road along the east side of North Tropical Trail, Merritt Island.

**Result:** Approved

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.4. Approval, Re: Donation of Permanent Roadway, Drainage, Sidewalk, and Utility Easement Agreement from Titusville-Cocoa Airport Authority for the North Area Security and Infrastructure Merritt Island Airport Project**

The Board executed and accepted the Permanent Roadway, Drainage, Sidewalk, and Utility Easement Agreement from Titusville-Cocoa (TICO) Airport for the North Area Security and Infrastructure Merritt Island Airport Project, located in Section 1 and 2, Township 25 South, Range 36 East, on the east side of South Courtenay Parkway, Merritt Island.

**Result:** Approved

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.5. Approval, Re: Resolution as Required by Section 125.38, Florida Statutes and Brevard County Code 2-247 Related to the Terms and Conditions of the Intergovernmental Agreement with St. Johns River Water Management District for the Crane Creek M-1 Canal Restoration Project**

The Board executed and adopted Resolution No. 21-166, pursuant to Section 125.38, Florida Statutes and Brevard County Code Section 2-247, authorizing the conveyance of real property interest by the County.

**Result:** Adopted

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.6. Permission to Advertise and Award a Competitive Solicitation for Pressure Pipe Leak and Air Pocket Detection**

The Board authorized Purchase Services to advertise and award a competitive solicitation for Pressure Pipe Leak and Air Pocket Detection; authorized the Chair to execute all resulting contracts, contract amendments, contract renewals, and any necessary contract extensions, as needed, upon review and approval by the County Manager, County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.7. Permission to accept the Airport Rescue Grant Offer (3-12-0144-016-2022) from the Federal Aviation Administration (FAA)**

The Board authorized the Chair to sign the Federal Aviation Administration (FAA) Airport Rescue Grant Agreement; and authorized all necessary Budget Change Requests associated with this Grant.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.8. Adoption of a Resolution Amending and Continuing the Together In Partnership (TIP) Citizen Advisory Committee**

The Board adopted Resolution No. 21-167, renewing Together In Partnership (TIP) Citizen Advisory Committee, in an effort to sustain an effective system to address issues impacting families and at-risk youth within Brevard County.

**Result:** Adopted  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.9. Approval, Re: Funding Recommendations for Listed FY 2021-2022 Sport Events Grant Applications**

The Board approved funding the following FY 2021-2022 Sports Grant applications as well as make the necessary legislative findings: Space Coast Clash Soccer Tournament (4/8/2022 - 4/10/2022) \$16,372; Cocoa Beach Triathlon (4/9/2022 - 4/10/2022) \$6,107.25; Eastern Surfing Association Southeast Regional Championship (4/22/2022 - 4/24/2022) \$17,428; USA Beach Running Championships (5/7/2022) \$5,135; Florida State Women's Bowling Tournament (Each weekend 5/21/2022 - 6/12/2022) \$4,274.05; Coastal Conservation Association STAR Fishing Competition (5/28/2022 - 9/5/2022) \$3,614.50; Prospect Dugout World Series Combine (6/6/2022 - 6/11/2022) \$16,886; Sports Illustrated Prospects Space Coast Big Bang Golf Tournament (7/20/2022 - 7/22/2022) \$4,093; Space Coast Rumble Martial Arts Competition (8/13/2022) \$3,735.50; NKF Rich Salick Pro-Am Surf (9/2/22 - 9/5/22) \$8,543; and authorized the Tourism Development Director to negotiate and sign all necessary grant agreements and related documents to support the grants.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Smith, and Zonka  
**Nay:** Tobia

**F.10. Approval, Re: Agreement with Feeding Florida, Fresh Access Bucks Program at the Brevard County Farmers Markets**

The Board approved and authorized the Chair to execute the Fresh Access Bucks Strategic Partnership Agreement with Feeding Florida, Inc.; and authorized the County Manager to execute necessary Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.11. Approval to Award EMS County Trust Grant Funds to Local EMS Providers for 2021-2022**

The Board approved awarding Emergency Medical Services (EMS) County Trust Grant funds to local Brevard EMS providers who have submitted grant applications; and authorized the County Manager, or his designee, to execute any Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.12. Approval, Re: Budget Change Requests**

The Board approved Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.14. Adoption of a Resolution Recognizing Vested Rights Established by the Florida Legislature for the Property Described in Chapter 2019-176, Laws of Florida, Owned by Rolling Meadow Ranch, Inc., and James Sartori d/b/a Willowbrook Farms and Willowbrook Coal Company**

The Board adopted Resolution No. 21-168, recognizing vested rights established by the Florida Legislature for the property described in Chapter 2019-176, Laws of Florida, owned by Rolling Meadow Ranch, Inc., and James Sartori d/b/a Willowbrook Farms and Willowbrook Coal Company.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.15. Lamoureux Code Enforcement Liens**

The Board authorized the County Attorney's Office to file foreclosure action against David Lamoureux and the Estate of Robert E. Lamoureux, based on Code Enforcement liens totaling \$26,975.00.

**Result:** Approved  
**Mover:** Curt Smith  
**Seconded:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

#### **F.17. Request for Bad Debt Write-Off**

The Board granted approval to write-off various uncollectible receivables identified by Board Departments.

**Result:** Approved  
**Mover:** Curt Smith  
**Seconded:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

#### **F.13. Group Health Insurance Stop Loss (Excess Insurance) Placement**

Commissioner Lober stated he does not have a problem with approving at this time, but he spoke with staff and he does not believe they have an objection to it; he invited Jerry Visco, Human Resources Director, or staff to let him know if that is not their understanding; and along with moving to approve this, he would also like to have direction go out to staff that, when this comes back, they should attempt to obtain no less than three quotes for competitive policy.

Mr. Visco responded that he has no problem with that and he can continue to do that; and it has been the policy and it was the case for this year's renewal as well.

**Result:** Approved  
**Mover:** Bryan Lober  
**Seconded:** Rita Pritchett  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

#### **F.15a Appointment(s) / Reappointment(s)**

Commissioner Tobia stated he provided the Board with a handout of an appointment and pursuant to past Board discussion regarding individuals who have made personal attacks against Commissioners, he wanted to inform Commissioner Smith that one of his appointees, George Kistner, had something very similar on the Historical Commission; in this case, it is not a personal attack that is disturbing to him, but the fact that this individual showed a sheer lack of judgment while doing so; Mr. Kistner's statement while he was an appointee to this board went so far as to constitute a Sunshine violation; while the disbandment of the Historical Commission was likely to come before the Board, Mr. Kistner sent out emails on the subject via his official Port email, which he discovered through a public record request; and Mr. Kistner also engaged in political discussion over his official email with other members of the Commission. He added while it was his understanding that Mr. Kistner's actions were addressed by his employer at Port Canaveral, to say that he showed extremely poor judgment is an understatement; he felt that it was worthwhile informing Commissioner Smith of this in the open; and if Commissioner Smith wishes to continue with his request for the reappointment of Mr. Kistner, he would support him in doing so, if he feels he has grown from this situation in the past; and as a side note, Mr. Kistner was his appointee at the time when these things were said, in full disclosure.

Commissioner Lober stated he generally appreciates a lot of Commissioner Smith's efforts and agrees with him more often than he disagrees with him; given that the Item was pulled for the reason that Commissioner Tobia stated, he just wants to share that he thinks each individual on this Board really needs to do some reflection as to how much deference is truly appropriate to show other individuals with respect to their appointees; he does not know that there is anything to be gained at this point for him to go over the appointment that is likely the cause of his concern; there have been some actions of this Board, one particular action in the recent past, that he thinks was essentially reflective of a double-standard; but he is doing his best at not escalating, based upon that having occurred. He added he is going to support whichever appointments are had today; he thinks the Board needs to have a solid idea moving forward, in terms of how much deference is appropriate; he thinks that needs to be said; and he will support the appointments if that is the Board's wish.

Commissioner Smith stated he had no idea what was being talked about; he wants to look into it; he wishes Commissioner Tobia had reached out to him beforehand; and he asked Abigail Jorandby, County Attorney, if the appointments are approved tonight, can he rescind this or is he committed to a term.

Attorney Jorandby replied essentially if he is approved tonight, the individual will be appointed to that board; she would have to look into the Code as far as how to remove them; she believes there are procedures for a member who does not attend the meetings; but she believes the board could remove them by a vote of the board, not necessarily the Board of County Commissioners, unless there was a request by the individual to resign from the position.

Commissioner Smith stated he respects the opinion of his fellow Commissioners and he would like to look into it.

Chair Zonka remarked he should hold that appointment, then.

Commissioner Smith asked if he could hold that appointment or table it.

Motion by Commissioner Smith to approve this Item with the exception of his appointment to the Historical Commission.

The Board appointed/reappointed Jack Higgins and Chelsea Partridge to the Board of Board of Adjustment, with said terms to expire December 31, 2023; Bruce Moia and Michael Williams to Building and Construction Advisory Committee, with said terms to expire December 31, 2023; Loretta Wilson to the Central Brevard Library and Reference Center Advisory Board, with said term to expire December 31, 2023; Eric Hoppenbrouwer to the Citizens Budget Review Committee, with said term to expire December 31, 2023; Izeal Battle, Leartis Brothers, Pastor Jessie Guest, and Betty Wells to the Cocoa West Community Center Advisory Committee, with said terms to expire December 31, 2023; Ashley Molozaizy to the Community Action Board, with term to expire December 31, 2022; Clifford Barber, Brian Fleis, and Albert Underwood to the Contractors Licensing Board, with terms to expire December 31, 2023; Holly Carver, Josiah Gattle, and Teri Jones to the Economic Development Commission of the Space Coast, with terms to expire December 31, 2022; Rich Sutter to the Economic Development Commission of the Space Coast, with term to expire December 31, 2023; William Pezzillo to the Emergency Medical Services Review Committee, with term to expire December 31, 2022; Vic Luebker, Carol Mascellino, and Adrienne Schmadeke to the Employee Benefits and Insurance Advisory Committee, with said terms to expire December 31, 2022; George Mikitarian to Health Facilities Authority, with said term to expire December 31, 2025; Jane Beach, Paula Beckner, Roz Foster, Margaret Goudelock, Martha Loss, Henry Parrish, and Walter Young to the Historical Commission, with said terms to expire December 31, 2023; Dilesh Patidar and Robert Socks to



the Investment Committee, with said terms to expire December 31, 2023; Kelly Cover-Haugh, Frank Golan, John Mongioi, Patrick Mulligan, and John Woltering to the Marine Advisory Council, with said terms to expire December 31, 2023; Karin Mansfield, Brian McEachran, Janis Shellabarger, Albin Sowash, and Maxine Ziemann to the Mims/Scottsmoor Public Library Advisory Board, with said terms to expire December 31, 2023; Amelia Gilmore-Robinson and Willie Taylor to the North Brevard Commission on Parks and Recreation, with said terms to expire on December 31, 2023; Dr. Brenda Fettrow to the North Brevard Economic Development Zone Special District Board, with said term to expire December 31, 2025; Mary Goelz, Greg Minor, and Kimberly Scalise to the Parks and Recreation South Service Sector Advisory Board, with said terms to expire December 31, 2023; Jessica Cassone-Devine and Sue Price to the Personnel Council, with said terms to expire December 31, 2023; Ron Bartcher, Peter Filiberto, Brian Hodgers, Logan Luse as alternate, Bruce Moia, and Mark Wadsworth to the Planning and Zoning Board, with said terms to expire December 31, 2023; Edwin Poole to the Port St. John Public Library Advisory Board, with said term to expire December 31, 2023; Constantine Daniel to the Port St. John Dependent Special District Board, with said term to expire December 31, 2023; Carmella Chinaris, Vaughn Kimberling, Randy Rodriguez, and Maureen Rupe to the Port St. John Dependent Special District Board, with said terms to expire December 31, 2025; Edwin Poole to the Titusville Public Library Board, with said term to expire December 31, 2023; Christy Galzerano to the Tourist Development Council, with said term to expire December 31, 2025; Larry Jarnes to the Tourist Development Council, with said term to expire December 31, 2022; Michelle Balzanto and Rodney Honeycutt to the Transportation Planning Organization Citizens Advisory Committee, with said terms to expire December 31, 2022; Martin Lamb and Bill Vollmer to the Transportation Planning Organization Citizens Advisory Committee, with said terms to expire December 31, 2023; and Paul Kolarik to the West Melbourne Public Library Board, with said term to expire December 31, 2023.

**Result:** Approved

**Mover:** Curt Smith

**Seconder:** Rita Pritchett

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

#### **F.16. Appointments of North Brevard Hospital District Board Members**

Commissioner Lober stated his understanding, having spoken with staff about this Item, though this was advertised and he does not have any concern that staff did what they were legally required to do in that sense, there were only two applications for the two seats; he is going to defer to Commissioner Pritchett if she has a strong feeling one way or the other, as it affects her District and his District secondly; he thinks it might be wise to advertise it again, as one of the appointees has been on there for 20 years and he finds that troubling; and he wanted to bring that up and see what the thoughts were.

Commissioner Pritchett stated the appointees are both delightful women; Maureen Rupe is really spicy, so she enjoys her on the board, and Billy Fitzgerald brings another layer; she is not sure that Ms. Rupe will serve again the next time; and she is good with it.

The Board appointed/reappointed Billy Fitzgerald and Maureen Rupe to the North Brevard County Hospital District Board, with terms to expire December 31, 2025.

**Result:** Approved

**Mover:** Bryan Lober

**Seconder:** Rita Pritchett

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

## **G. PUBLIC COMMENTS**

Paul Alfrey, Mayor of Melbourne, thanked the Board for the time to come up and address them; he stated he appreciates the relationship with the City of Melbourne; they have done great things and his staff and the County staff work great together; he appreciates that and so does his board; he mentioned he came before the Board a couple months ago regarding the Eau Gallie Community Redevelopment Agency (CRA) and constructing a parking garage; and he is not looking to change what he is asking. He continued by saying he really appreciates the Commission helping him move the money from the CRA to the parking garage; the letter that he sent the Commission and staff was a breakdown; he would like to have the ability of a couple of modifications on this so he can look at a possible partnership with a proposed hotel; and as the Board is aware, Larry Jarnes had purchased the Foosaner Museum and he is looking to build an Eau Gallie hotel and would need a parking garage as well. He added he is looking to adjust the modification that would allow Mr. Jarnes to join in and build a couple floors on it to satisfy free parking for downtown Eau Gallie and suffice for the hotel as well; for example, if it was going to be two floors, it would now be four floors; the funding and terms would not change; and he is looking to have the modification changed slightly to look into doing this. He mentioned that he had told the Board previously that he would come back to discuss any moves or anything; that is another reason that he is here; and he wanted to be able to field any questions or concerns.

Commissioner Tobia stated as soon as his office got the letter, he called Mayor Alfrey; he wanted to thank him as well as the City of Melbourne for working together to bring the CRA in for a landing; unfortunately, after looking at this again, more questions popped up than at first glance; as this is bonded money, whether it is a taxable bond or non-taxable could come into play because of the extra amount of spaces in the outside dollars that go into it; and he thinks County staff has looked at this and spoken with the bond people, and there could be some issues. He added, while he is not opposed to this, he does not want to call in to play many of the positives that the Interlocal Agreement brought into play; he is not comfortable voting for it right now, but the County staff and the City of Melbourne staff need to get together in a place where it will not cause any issues with the current Interlocal Agreement by expanding it the way it is currently set; if it was only that easy to take the extra money and put on extra floors and not jeopardize the bonding, he would have his full support; but this is recent and he thinks if the staffs get together, it can get over this hump.

Mayor Alfrey agreed; he stated that is part of the proposal where it is just in the beginning stages and he is looking at this; he thinks it would be a good idea if it could get done this way; and saving money is a possibility because of the fact that, in construction, when you do a whole project at once, as opposed to ripping out the road for the garage and then doing it again to build the hotel, doing it all in one stretch could save taxpayer money and actually build a bigger facility; that is why he is here, to answer any questions; and he is sure more questions will come up when it comes to the bonding, et cetera.

Commissioner Lober stated he does not disagree with anything Commissioner Tobia said, for once; Mr. Jarnes was just appointed as his Tourist Development Council representative; he does not want people to think there is a conspiracy going on where the Board is trying to benefit Mr. Jarnes, although he does not wish him ill; if he is successful, that is capitalism at work; and for that reason, and also wanting to have more staff input, he would be happy if Mayor Alfrey is asking the Board to have County staff work with Melbourne staff and bring something back for consideration.

Mayor Alfrey responded he wanted to be clear with the Board that when he stood up here before, there was an agreement; the goal for the CRA to build infrastructure was discussed and he gave his word that he would come back and discuss any changes; County staff and

Melbourne staff work wonderful together; there are some challenges ahead and it may or may not work; and if it does not work, at least he tried.

Commissioner Lober stated he would make the motion if he would like.

Chair Zonka remarked she did not think a motion is needed, as staff is already working on it.

Commissioner Pritchett stated she thinks Mayor Alfrey is doing a great job and she appreciates what he is doing; she is in favor of this, but the opinions of Chair Zonka and Commissioner Tobia weigh the heaviest with her, as it directly affects them the most; and she will probably support whatever it is they feel needs to be done.

Janice Scott stated she was a little disappointed not seeing anything on the Agenda recognizing today being the 80th anniversary of Pearl Harbor; she saw an elderly gentleman and he really did not look a day over 80, but he remembered every minute of Pearl Harbor's attack and she was very impressed; he spoke very eloquently and looked like a young fellow; since she was present for another issue, she planned to speak about Frank Abbate, County Manager; she watches him on these meeting every time the Board meets; and as a former, and probably the oldest living former Mayor of Cocoa Beach, she has been through a lot of managers. She stated to Mr. Abbate she hopes when he retires, that he will mentor whoever follows him; he must have great staff and they must do a great job also; he seems unflappable; Cocoa Beach just went through a very expensive head-hunting and ended up with two candidates from out of the County; and she thinks it is important for the cities and counties to look within their own County for competent professionals.

Sandra Sullivan stated she had done some records requests relating to impact fees, and looking at other areas; she noticed that the impact fee schedule was last updated in 2007, which was 15 years ago and now everything is much more expensive, like infrastructure cost and construction costs; in looking at other areas of Florida, she sees that some of them are doing studies on revising the impact fees; in the interest of seeing some of the costs of infrastructure, on the Agenda, there is almost \$7 million for water; and at the last meeting there was a 7.9 percent increase averaged-out over five years for water and sewage. She added that infrastructure cost is talked about at these meetings quite a bit; when she did one of her records requests, the amount that was paid previously on the first-time development was written off the impact fees; when one considers in 30-60 years when a building gets redeveloped, it has gone through an infrastructure cycle, so she does not think writing-off impact fees that were paid years ago, is something that the County should be doing; she wanted to make a few suggestions, since infrastructure costs are talked about so much, and there is so much development going on; she saw that the fees of Brevard County are, in some cases, one-third of what they are in other counties; and she asked the Board to consider that thoughtful suggestion and maybe it would benefit all of Brevard.

Commissioner Lober echoed what the former Mayor of Cocoa Beach had mentioned; the Board does occasionally get complaints about some employees, which sometimes he agrees and sometimes he does not, and sometimes he agrees in part; he does not remember ever having a complaint about Mr. Abbate; it is nice that someone came up and gave him some positive recognition, as he deserves it for tolerating the Board; and he cannot imagine that is an easy task on most days. He added as to what Ms. Sullivan mentioned, he does not know that looking at comparisons is the most informative in terms of being able to form a basis for County decisions; the reason he says that is, when he thinks of an impact fee, he really focuses on the word itself, impact, and what the impact of that development is; he does not know at this point whether the impact fees pay more than the actual impact, or roughly offset the impact, or alternatively, if they are not sufficient to accommodate the impact that is anticipated based on the development; he would imagine there is some where the calculation may differ substantially

based on the particulars of the project; but before he would consider anything in that front, he would want to have a better idea from staff, because if the County is not offsetting them, whether it is too high or too low, he would be open to discussing at the very minimum. He further stated that whether it is changed or not, he is not in a stance where, even if the County is one-third or one-thirtieth of what another county is, prior to knowing what the actual impacts are relative to what Brevard charges; but it is an interesting item that she brought up, and he thanked her.

#### **H.1. Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Hearing for Capital Trust Agency Educational Facilities Revenue Bonds (Imagine Schools at West Melbourne Project), Series 2021 (the "Bonds")**

Chair Zonka called for the public hearing to consider Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) for Capital Trust Agency Education Facilities revenue bonds (Imagine Schools at West Melbourne Project), Series 2021 (the "Bonds").

Abigail Jorandby, County Attorney, stated this is a hearing for the purposes of the Federal Tax Equity and Fiscal Responsibility Act (TEFRA) as required by section 147, subsection F, of the Internal Revenue Code of 1986, as amended, (the "Code") regarding the possible issuance by the Capital Trust Agency of one or more installments or series of its educational facilities revenue bonds, Imagine Schools at West Melbourne, Inc., Project series 2021, in an aggregate principal amount not to exceed \$18.5 million.

Chair Zonka stated she did not have any cards on this other than for questions only; she asked the audience if anyone wishes to speak for or against the bonds of the Project to be financed; and she asked if there had been any written communication.

There being no objections heard, the Board held a public hearing on proposed bonds; adopted Resolution No. 21-169, approving the Bonds for TEFRA purposes and the ability of the Capital Trust Agency to issue the Bonds in a principle amount not exceeding \$18,500,000 and to loan the proceeds thereof to Milestones Community School, Inc. d/b/a Imagine Schools at West Melbourne, Inc., a Florida not-for-profit corporation, and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and/or one or more related and/or affiliated entities (collectively, the Borrower"), to finance the acquisition, installation, improvement, equipping, and furnishing of the charter school facilities herein described; and authorized the Chair to execute the Resolution.

**Result:** Adopted

**Mover:** Bryan Lober

**Secunder:** Rita Pritchett

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

#### **I.1. Workgroup for Innovative Solar Energy Resources (WISER) Recommendations, Clean Energy Transition Plan and Cost-Benefit Analysis for Brevard County**

Amanda Elmore, Planning and Development Assistant Director, stated this is the Workgroup for Innovative Solar Energy Resources (WISER), Clean Energy Transition Plan, and Cost-Benefit Analysis; John Constantinide, the Vice Chair of WISER, is here and other members of WISER are in the audience; and this is the culmination of their year of work.

Mr. Constantinide thanked the Board for the opportunity to speak and he thanked Commissioner Lober for appointing him to this work group; this work group has taken over a year to provide the Board with information on how to move forward with a clean energy plan; he started out with the accomplishments because the County has done quite a bit in the past

decade; for the first goal, Con Edison Solutions completed an investment-grade audit that recommended Energy Conservation Measures (ECM) which are measures that the County implemented to save energy and water, and over \$9 million has been avoided in cost from implementation of those measures and an annual savings of \$45,000; and furthermore, Brevard County has waived Photovoltaic (PV) permit fees since March of 2018. He mentioned the current Program expires in 2023, so there is a possible consideration there to renew that Program, but since then, there have been over 1,200 solar voltaic fees waived from 2018 through 2021, valued at over \$300,000, which is a significant impact for the community; in 2019, Brevard County approved Florida Power and Light (FPL) Solar Together Program and that is where Brevard County invested in a solar community co-op, where Brevard County gets solar power from a solar farm that others are involved in and in return, gets those savings from an initial cost put in; as it can be seen in years one through six, there is a cost, but that gets recovered in years seven through 11; and from there up to year 30, would be over \$10 million of accumulated savings. He asked what the County is looking to improve on or recommend as WISER, since so many accomplishments have been done; he provided three deliverables: an energy reduction implementation plan, a facility clean energy transition plan, and an alternative fuel and electric vehicle fleet transition plan; these are guiding, living documents to be considered for implementation for funding; for the second goal, they also have recommendations to improve public access; and they recommend providing support for events that highlight clean energy, as education is very important in the community. He went on by saying included in that goal is to promote solar ready construction, provide education and disseminate information about optional energy-efficient construction, such as the International Green Construction Code (IGCC) powered by ASHRAE Standard 189.1, and by weatherization techniques promulgated by the U.S. Federal Government; these are existing practices where the wheel does not need to be reinvented, as they can take industry standards and guidelines that have been proven; and also support the local Florida Solar Energy Center and other related community efforts. He stated for the third goal, identifying policy and practices that serve as barriers to the adoption of advanced energy technology within the County and make recommendations on policy revisions; supporting financial alternatives, such as grants, reducing permitting costs, that has already been done, and impact fees for homeowners and home builders to offset future strain on infrastructure in anticipation of future population growth, hiring of maintenance personnel to maintain and repair solar, renewable, and electric building and vehicle assets; there is much talk in industry and in government about electrification and de-carbonization, which means having more of an electrical infrastructure; and having staff to support that gets the County ready for that future technology and adopting those codes, as well as local additions to the Florida building code eventually to provide the County with suitable additions that are appropriate for the local area. He provided summary recommendations: pursue energy conservation grants to allow for the implementation of clean energy adoption strategies; prioritizing no-match grants; identifying and implementing those additional ECM's; consider creating an energy manager or employing a contractor for energy management; positioning and preparing the County to transition to alternative fuel and electric infrastructure; further develop an energy management plan for solar PV; and partnering with the community to transition not only the government, but residences and commercial entities to clean energy sources. He finished by saying WISER thanks the Board and is happy to continue service if it is the pleasure of the Board.

Bill DeBusk stated he is a member of the WISER group; he is present to thank the Board in person for having this working group, as he thinks it was a very valuable thing for the County; he would also like to go through a bit of one of his visions that is in this report; in the not so distant future, there is a lot of change coming; one of those changes is the transition for transportation to electric vehicles, which he thinks will provide some opportunities to Brevard County and the infrastructure changes, where it can provide additional energy that those vehicles are going to need through clean energy means; this is talked about some in these documents, where solar could be added to some of the Brevard County government buildings,

perhaps with batteries, to offset the additional power beyond what is already signed up for with the FPL Solar Together Program; and that additional power will not only provide for electric vehicles, but resilience for a number of these buildings, keeping lights on during hurricanes and other natural disasters. He added the one thing that FPL Solar Together Program does not do is reduce the cost for a peak energy demand, as there are still peak energy demands on a lot of the big buildings, but it can be offset with power from batteries and solar in those peaks parts of the day when the energy need is high; he wanted to thank the Board for having this group; and he hopes this is useful documentation.

Bruce Lindsay thanked the Board for allowing them to speak today; he is an alternate on the WISER group and he is the energy manager of Brevard Public Schools; he thanked the Board for allowing him to serve on the WISER group and influence the County's clean energy plan; he was hoping one of the other members would address the controversial component of the clean energy plan, to make sure the Board is aware of it, as he is sure there will be constituents that will bring up the fact that it did not recommend putting solar PV panels on every single building the County owns, and he wants to explain why; it was debated extensively, as there are a lot of people who really believe that solar PV panels have to be put on every building; but, instead, the group strongly recommends that the County participates in the FPL Solar Together Program. He went on to say solar PV is a great product but it is also very expensive; it is getting cheaper, and it is being adopted in California, Nevada, and Arizona, but that is because utility power costs 25¢ per kilowatt hour in California; Brevard County pays significantly less; additionally, there is a 30 percent tax credit on the solar panels, so in California with a higher price for electricity, there is a simple payback of three to five years; as a homeowner, he would jump on that; in Brevard County, the residential electric rates are 12 cents per hour, less than half of what it is in California, with a payback of nine to ten years; and County buildings are on a commercial electric rate at seven and one-half cents per kilowatt hour. He added Brevard County does not get an investment tax credit because the County does not pay Federal taxes, so the payback would be well over 20 years; that is before adding batteries, which are essential to have resiliency; he wanted to explain that it was thought about long and hard, and it was looked at and that is why his group is strongly recommending going with FPL Solar Together Program; and there is no capital investment, and it can be cancelled at any time.

Lisa Ruckman stated she wanted to thank the Board for putting together the WISER board for this important transition; the Board appointed some great members to the board and she is impressed with the range of expertise; she thanked the WISER board for doing a wonderful job; she also wanted to thank the Board for doing the energy audit in the past and signing up for the FPL Solar Together Program, all of which is putting the County on the right track; this is a new market of innovation right now with energy around the world; everything is changing including electric vehicles are now in mass production; and she is hoping that the group can join at least 50 other municipalities in the State that have staff that are focused on these issues such as finding ways to save more tax dollars and make the County more resilient. She added the 50 staff members around the State are supporting each other and sharing ideas of what is working in the State of Florida, as it is different than many other places; one way that has worked is some municipalities have staff dedicated part-time working towards these dedicated ideas and/or have brought in interns to start on new projects and new ideas; she is suggesting to look into companies that install chargers for electric vehicles, as there are some that will work with local businesses or local government, and install them for free because they can make a profit off the vehicles being charged; as more electric vehicles are on the road, visitors look to find those electric chargers to make sure they can charge up when going somewhere; and depending on where the chargers are located is where that car is going to sit for a while and then shop or go to a restaurant. She stated this is nowadays a needed infrastructure, as all these cars are coming on the road; and she is hoping the new Federal Infrastructure Bill will have options that can help locally with the transition to other vehicles, et cetera.

William Young expressed his thanks to the Board for looking at this and setting up the committee to do this program and set up this plan; he thinks the team that was picked is a good one, as they all are knowledgeable and they worked together, worked hard, they are very interested, and came up with a plan; as most plans with a group of people, there are some differences on how things are done; and this is a consensus of everyone. He continued by saying one of the things in the plan was to work with the Florida Solar Energy Center; Florida, and especially Brevard County, is very lucky to have such an organization within its bounds; he just happens to work there, but that is beside the point; HE PROVIDED THE Board with a hand-out, and stated he started doing solar in 1979, and his house was built in 1903 before there was electricity in the town; he has a picture of a house down the street that had solar hot water installed in 1923; and he showed a picture of a zero-energy home. He added all the things that are being talked about are in the plan the Board will look at; Mr. Lindsay mentioned the payback, and the solar on his house was paid back in nine years which means he has been getting free or reduced services for the past six or seven years; he did that to save him money so he could retire and have lower costs; and he mentioned Socrates wrote a book on solar houses 2700 years ago.

Kimberly Newton stated she is a member of the WISER board and chair for the U.S. Green Building Council, Brevard Local Market; she wanted to thank Chair Zonka for appointing her to this board; she mentioned it has been two years since the WISER board was established and in that time there has been a lot of progress in renewable and clean energy across the County, in separate municipalities across the State, and globally; it has been a great opportunity and has shown that Brevard is a definite and absolute that it will be transitioning to clean and renewable energy sooner than later; she hopes there is a focus on energy conservation and weatherization of existing buildings soon; and she hopes that the plan can help move that forward in the best, most cost-effective way that is accessible to everyone. She hopes the Board can see the amount of work that was put into creating this document and the presentation; their main goal is definitely to benefit the County as a whole and the residents as well; and she hopes the plan is approved and looks forward to seeing Brevard move forward in the renewable and clean energy space.

Commissioner Tobia stated he believes this Agenda Item is the quintessential reason why government tends to expand; when this board was initially created, it was lauded roughly \$1,200, and now two years later, that has expanded to more than \$6,000 and 228 hours of valuable staff time that could be serving other constituents; he is glad that some of the speakers brought up the PV fee waive that came out of the County Manager's office without the WISER board solar co-op; the two accomplishments mentioned happened aside from this board; he was surprised while reading through the plan, he had to get all the way to page three before this board made a recommendation to increase the size of government even more by having another employee to oversee this; and thankfully, the individual who wrote this, coming out of his office, created a Sunshine provision on this so if the Board takes no action, this Board can waste no more valuable tax dollars moving forward. He added he thanks everyone for their time going in, but the reality of the situation, he thinks one would find it hard-pressed for any of the Board that read the 18 pages; he does not think it is worthy of continuing at this point; their suggestions, and those of the public, are always welcome here, the forum is free and does not cost taxpayers any money, unfortunately, this Board does; and he asked that no action is taken and to disband the WISER board.

Commissioner Lober stated he wanted to go through the recommendations, some of which he agrees with, and some he does not, and some will depend on the cost of the benefits; Commissioner Tobia mentioned it was \$6,000 and 228 staff hours; he may be wrong, but he thinks the \$6,000 was the 228 staff hours; and he asked if he was wrong.

Ms. Elmore replied she thought it was actually about \$1,500 of advertising costs and the remaining \$4,500 was staff time.

Commissioner Lober stated he thinks there are some good and bad ideas; first, as far as the charging stations for electric vehicles, he has looked into to that and reached out to several providers, including FPL, and the concern that he has, and he has spoken with County Legal, was that the Program did pay to do the install but the counter-balance of that is that the locality itself was obligated to pay for the cost of electricity as the County could not install a credit card reader and allow people to pay, with or without an administrative fee to cover the cost of administering the program; if the County had it as a benefit that could be restricted to Brevard County constituents, he still would probably have concerns with it, but the thought of paying to have tourists charge their vehicles on the County's tax dollar is beyond what he can tolerate; he thinks if it were doing new construction, the cost to put in conduit before the concrete or asphalt is down is dirt cheap; and as far as the FPL Solar Together Program, he appreciates WISER and staff having included that in the presentation. He added he pats this board on the back, as there are many things this board does that he disagrees with, and that was not one of them; he thinks that was a great maneuver and very decent of this board to elect to move forward on a plan that saves the County money over a period of decades, even though it costs money over 4-year election cycles, so he thinks that was definitely a good move; to the degree that the County wants to increase investment and comparable plans, he thinks it is all an opportunity cost question along with cost and benefits; and he apologized to the WISER board member that took time out of their day to come here and who might not have gotten the warmest reception based on some of the comments just heard. He added he appreciates that they are serving on an unpaid board, taking their time that could be spent doing anything else; as to the actual recommendations, as far as pursuing energy conservation grants and prioritizing no-match grants, he thinks that is wonderful; Frank Abbate, County Manager, was wise enough to bring on a grant writer for the County, and he thinks he can be used to look into that; the one that he is on the opposite end of the spectrum with is number three, and Commissioner Tobia will agree with him on this, in terms of considering creating an energy manager position, he does not think it is necessary; and he thinks there are a few steps that are much less expensive to get the same return. He mentioned first, there is a County grant writer and he thinks the County should make use of that individual for projects of this sort; second, in terms of the idea to bring on interns, he would not have a problem with that if staff is comfortable with it; third, to continue with the WISER board; he agrees that when there is a program that starts out at a particular cost and down the road, at a multiple of the cost, it is reasonable to keep some safeguards in place; and he would not want the board to meet more often than every other month to keep the costs down. He stated if staff has the impression that things are escalating, he would be open to them coming to the Board for direction; he thinks there is enough value in continuing it; he does agree with Commissioner Tobia's concerns about increasing the size of government and thinks there are potentially appropriate safeguards; as to the other items two, four, five, and six, to him it is a question of cost benefits and opportunity costs; and there are things he would be open to as opposed to number three, which he would not be open to, based on what the likely cost and benefits.

Chair Zonka interjected and suggested Commissioner Lober bring back the things from this report that he wants to discuss so the meeting can move along, as she thinks it is going to be a long meeting and there are people waiting.

Commissioner Lober replied he is fine with that.

Commissioner Pritchett stated she is good with this; she knows there is a lot of money coming down from the Federal government for things like this, so it is actually a good time to have this board together; and if the Board wants to make some tweaks as far as meeting times and stuff she is good with that too.



Chair Zonka suggested maybe, as far as the utilization of staff time, to limit the amount of things that staff is designated to investigate, and maybe not meet quite as often; she thinks the board has done the hard work and has a plan in place, so maybe meeting semi-annually for updates and discussion; this way it is not utilizing lots of staff time, having to notice meetings, and that sort of thing; and she does not think disbanding it is the way to go either, as she thinks it is important to keep an eye on the things that are available such as grants and that sort of thing.

Commissioner Lober stated he did not have a problem keeping the frequency of the meetings a little less, like quarterly, if that is something the Board can live with; he would rather not take it to the degree of semi-annually yet; and he proposed to continue the WISER board meeting quarterly, prioritize pursuing energy conservation grants and no-match grants, making as much use as it can of the existing grant writer, having staff free to bring on interns and staff teams appropriate to assist; and he asked what the Board wanted to do about the plan, approve it as a guiding, but not binding, document or take no action as to it.

Chair Zonka remarked she thinks some of the things on the document are a little unrealistic, at least at this point, for the County to achieve; she thinks a lot of this is not action, it is just identifying and pursuing, that sort of thing; and actionable items would have to come back to the board because there is a cost associated.

Commissioner Smith stated he thinks everyone knows that he has solar panels on his roof and he is very energy conscious; as one of the speakers mentioned, the government pays roughly seven and one-half cents per kilowatt hour; he asked how much can really be saved with investing in solar for the County; he would suggest before making a vote tonight, to go back to the drawing board and think about this until the next meeting to see if it should go forward with this; and he loves the idea and the purpose, and he appreciates the work that has been put in, but he does not see the value there. He added he knows the WISER board feels like they are doing something worthwhile, but he has not been convinced and does not see it; he would not vote for it tonight; and he suggested to revisit it.

Commissioner Lober stated he does not agree or disagree with Commissioner Smith because he does not know that the level of specificity necessary to make a directional choice has been laid out; the motion that he phrased does not bind the Board one way or the other in terms of obligating the Board to spend any resources in pursuing solar, or alternatively, preclude the Board or staff bringing an Item to the Board that would suggest that it do that; and he is focusing more on whether WISER is continued and whether the Board goes forward and identifies to staff to prioritize grant opportunities, especially where there are no-match requirements.

Commissioner Smith remarked he agrees that the grant opportunities are something to be aware of and focus on, but he does not know that a separate board is needed to do that.

Commissioner Tobia stated, to be clear, the Board is not going to recognize the one document that came out of the WISER board, but yet, continue the board.

Commissioner Lober replied he thinks some good has come out of it, but yes.

Commissioner Pritchett asked if Chair Zonka would still support it if it is quarterly or only if it is semi-annual.

Chair Zonka replied she would be more comfortable if it was semi-annual; she would only be comfortable supporting the meeting, not telling them to pursue anything at this point, without

and Agenda Item that is specific to what the Board is asking them to do, so there is no confusion or ambiguity; and she would only support not disbanding them.

Commissioner Lober asked how about three times a year to compromise, as he feels semi-annually is too long of a gap between meetings; and it make him uncomfortable delaying it that long.

Chair Zonka replied she would still prefer semi-annually, not to be stubborn, but she wants the best use of staff time since they come to all of the Board meetings and there are so many boards; and they all do great work but she does not want to be forced to prioritize.

Commissioner Lober withdrew his motion.

Commissioner Pritchett made a motion for the WISER board to continue meeting semi-annually and continue with their work, but failed for lack of a second.

Chair Zonka asked with no action, what is the status of the board.

Ms. Elmore replied they are sunset.

The Board considered the WISER recommendations, Clean Energy Transition Plan and Cost-Benefit Analysis for Brevard County, but took no action.

### **I.3. Continuing Board Discussion Regarding Reimbursement of Expenses Related to Concealed Carry Permits**

Commissioner Tobia stated on October 26, 2021, he discussed the potential for reimbursing County employees to get their concealed weapons permit under Florida law and, thankfully, the Board was supportive in doing that investigation; the Human Resources department, in conjunction with the County Attorney's Office did that research and they found out that there is a potential for significant detrimental consequences to the County in implementing such a regime; as such, he is requesting the Board decline to move forward with this policy as previously suggested; he thanked the Board for allowing him to move forward with this and thanked staff of the County Attorney's Office and Human Resources for investigating this, as to the best of his knowledge, no city or county has moved forward on this stuff; and he is not asking for a motion due to the significant impact on the insurance premiums.

The Board discussed declining to move forward on a policy amendment to reimburse employee expenses related to concealed carry permits, but took no action.

### **J.1. Approval, Re: Tourist Development Council FY 2021-2022 Major Event Grant Program Recommendations**

Peter Cranis, Tourism Development Director, stated this Item is for the Board's consideration of two major events grants, Space Coast Air Show and Thunder on Cocoa Beach Boat Races, which were both approved unanimously in the amount of \$73,000 each by the Tourist Development Council.

Janice Scott stated she did not see this on the Agenda and was not able to find out how much these grants were, but she wants to add for public edification, she is not an avid bird person who makes lists and goes around putting them on Facebook and so forth, but the 25th bird festival moving to the Radisson at Cape Canaveral, is a huge impact on tourism and hotels in Cocoa Beach; she did not hear that they are included in any kind of substantial grant to support their festival; she thinks they need the money with the numbers of people they attract to

Brevard County; now that it is closer to hotels, when the people come, it will be piggy-backing on going on cruises and many other things in the area; and it is a great family activity and inexpensive, and keeps senior citizens out of trouble. She added she hopes in the future that the bird festival will get some type of significant grant because she thinks it is only about \$3,000 this year; the next largest bird festival in the United States is in New River Valley in Virginia, and she thinks this is the biggest birding event in the Southeast; and she asked to give them some more money.

Chair Zonka remarked that this is the major events grant, and does not have to do with funding.

Mr. Cranis mentioned that the bird festival did receive a cultural grant, but he is unsure of the amount; these major event grants were for larger events with 25,000 or more attendees; the birding festival fell into a different grant category; and they did receive money, though.

Chair Zonka stated she has no problem funding these air shows, but she would caution the Board that these are large amounts of money and typically, there should be grants in place that support these sort of events, and not to bankroll them; she is going to support it this time, but in the future, she would like to look at the guidelines; she thinks these are specific and only a few people would actually qualify, even though it is a major event; and she wants to make sure that the County is not funding the entire event, because if that is the case, the Board needs put it out for bid.

The Board approved the Tourist Development Council's recommendation to approve funding for the FY 2021-2022 Major Event Grant Program applications for \$73,000, each, to two recipients (Space Coast Air Show and Thunder on Cocoa Beach Boat Races). The Board's approval of this Item will make the following Legislative finding for each grant: Tourist Development Tax funds are authorized for the cultural grants pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)d, of the Brevard County Code of Ordinances. Each of the tourists-oriented cultural and special events have, as one of its main purposes the attraction of tourist as evidence by the promotion of the activity, service, venue, or event to tourists from outside Brevard County. The Board granted the Tourism Development Director to negotiate and sign all necessary grant agreements upon County Attorney's Office and Risk Management approval, related documents to support the grants; and authorized the County Manager to execute any necessary Budget Change Requests.

\*The Board recessed at 6:27 p.m. and reconvened at 6:31 p.m.

**Result:** Approved

**Mover:** Bryan Lober

**Seconded:** Rita Pritchett

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

**Nay:** Tobia

**J.2. Approval of a Resolution Authorizing Florida Development Finance Corporation (FDFC) to Issue Revenue Bonds in Amounts in Excess of \$7,500,000 for Brightline Trains Florida LLC (Brightline), and an Agreement between the County and Brightline**

Kathy Wall, Assistant to County Manager, stated this is a request to approve a resolution authorizing the Florida Development Finance Corporation (FDFC) to issue bonds in excess of \$7.5 million for Brightline Trains Florida, LLC, (Brightline) to finance a portion of the cost of inner city rail projects located within the County and the approval of an agreement between the Board and Brightline; the resolution and the agreement provide the County with railroad-grade crossings for an additional eight years, or two full cycles, whichever is greater, after the train

operates within the County; the County will also receive \$616,000 for a bond waiver and these funds will be deposited into the County's Public Works Department for future maintenance of railroad crossings; the County has no liability related to these bonds issued by the FDFC; and the County's bond council and financial advisor has reviewed the resolution and it meets Federal and State legal requirements and provides neither the County or any of the elected officials or staff of the County any obligation or liability and are solely secured by revenue of Brightline.

Commissioner Pritchett expressed her thanks to Brightline and the County staff for working so hard towards this maintenance agreement and getting the continuation eight years beyond what the County already has; the safety of the high-speed rail is a top priority and she is very supportive of that, but she would like to emphasize that the hope of a long-term economic plan for Brevard to get a station would greatly drive an economic increase to Brevard County and the Cocoa area; the City of Cocoa is willing to set-aside some funds for a station; she would hope that some of these funds could be utilized to designate for Brightline in the community to partner with the City of Cocoa and Brightline and join into a public-private partnership; and she asked if there was any vision for a station and, if so, when can it be built.

Christine Kefauver, representative for Brightline Trains Corporate Development, stated she has spent most of her 30 year career in Florida and this is her third time around talking about high-speed rail for Florida; she is really excited that the operations have begun in South Florida, which is incredibly important, which is phase one; phase two is under construction with over 70 miles of it going right through Brevard County; the next number one priority is to complete that construction to get it to Orlando International Airport (OIA); and they absolutely want to look for opportunities, just as they have done after getting operational in south Florida, as they are doing in Boca Raton, of looking at an additional station. She continued saying the Brightline commits, maybe in the new year, to begin working with County staff to identify a location; she has met with Georgiana Gillette, Transport Planning Office (TPO) Executive Director, who provided her with a copy of the previous study to look at station locations and work that has already been done in the County; she will continue to look to identify potential station locations, a financing plan, which may include partnerships, as mentioned, and possibly go together in pursuit of possible additional Federal funding to build-out that collective program; she spend seven years as Mayor Dyer's transportation policy advisor and working on Sunrail was her number-one project; and it is the power of partnerships that make it possible to complete and do big projects. She added she looks forward to doing that and maybe in the New Year start to get together; and she would like the Board to tell her who from the County to meet with, along with the TPO, and begin those conversations.

Commissioner Pritchett stated she was hoping Ms. Kefauver was going to say that because she is so excited about the thought of having that kind of economic driver on the north end; right now, Brightline just blows through the County and waves at people all the way along; it would be nice to get a stop; and she is hoping the next path is up to Jacksonville.

Ms. Kefauver replied she has been hearing that as well; the goal is to get to OIA, then working towards Tampa; Brightline is the only company in American doing this from the private sector; it is not easy and she is reminded regularly from friends, if it were easy, it would be done by now; they are working hard towards it; and she thanked the Board for their support.

Commissioner Pritchett informed the Board if they wanted her to do anything to help, she is at their service.

Commissioner Lober stated this is an Item he was hoping to be able to support; he cannot the way it is phrased at this point; that may be a surprise to the Board because when it had the Item pertaining to Debbie Mayfield, he was probably the least negative toward Brightline at the

time; he wants to explain his position and then ask Abigail Jorandby, County Attorney, and John Denninghoff, Assistant County Manager, a question to hopefully put the Board on notice of the information and the assurances, or lack of, as he sees it; the status quo is fine, as none of the Board caused this Item to be on the Agenda, so from Brevard's perspective, this is something that the Board was approached and asked to do; and in dealing with Brightline and their representatives coming up to this Item, he was reminded of the negotiations that took place in the past. He continued to say those negotiations were an arm's-length transaction conducted by two well-funded entities, a governmental entity, and a rail entity; no one was coerced, misled, or tricked, and everyone had the ability to do as much due diligence as felt appropriate at the time; if someone failed to make a good bargain or failed to include something, he is sorry, but this is not a charitable entity that is being dealt with, and if it were, he does not like taking tax dollars or an opportunity and squandering it for no benefit to the constituents; he is going to focus on one important item; he mentioned that Commissioner Pritchett stated the safety of high-speed rail is a top priority; and he agrees. He stated Ms. Kefauver mentioned that the power of partnership is something that is important and he agrees with that as well; when looking at a 72-mile long County, there are dozens of crossings; he mentioned the traffic number of the crossing at State Road 520 and U.S. Highway 1 was around 80,000 cars a day, and he is sure in Palm Bay there are a number of different intersections that have high traffic as well; one of the items he was looking at for safety purposes and to potentially get a quiet zone, was for quad arms to be put on each of those major crossings, especially in the high traffic areas; he was just shown some engineering sketches that were submitted in the permitting process that show several of the intersections that do not have the quad arms; and to offset that, Brightline informed him that an elevated median coupled with the standard, or minimal, two arms is designed to prevent the same thing that four arms is designed to prevent, which is to keep people from swerving into the oncoming direction of travel. He added when he asked whether or not that was sufficient in order to enable Brevard to obtain quiet zones, he got replies such as "well it should be" or "we believe it is" but that does not guarantee anything and it does not put him in a position where he has any confidence; right now Brevard has leverage, a position of strength, because it does not need anything; the bottom line is that now there is the opportunity to ensure that all appropriate safety measures are put in place and if Brevard squanders that, it is gone for good and the County is going to have to eat into tax dollars to make improvements in the future; what he had proposed to Brightline was the \$500,000 that was put in place during the prior negotiations where they get the full benefit of their bargain, having nothing to do with tonight's request, which is separate; he does not know whether that is enough to effectuate any necessary improvements to the dozens of crossings in the County; and he does not know if that is sufficient to put quad arms in or if that is something that is needed for a quiet zone. He continued to say the answer he has gotten from staff and Brightline has been consistent in that it is a regulatory process to obtain quiet zones and there are points that are assigned, based on different safety devices, whether it is an elevated median, and quadruple arms, but he does not know, and hearing things that are not definitive do not help him; an agreement to try to help the County walk through the process does not help; and the representative that he spoke with talked about working with the Senate majority leader who, last he heard, was horribly negative toward Brightline, which does not leave him confident. He suggested that Brightline put an equal amount to the \$500,000 that was already given, put it in escrow, and the County does not take a penny out of it unless the \$500,000 that is currently had, proves to be insufficient for the County to make the necessary safety upgrades to get those quiet zones; if it is insufficient for those safety upgrades to get the quiet zones, then the County can dip into the escrow in order to effectuate those changes; if the County does not need to do that, then every penny goes back and all that is lost is the amount of interest that it could have earned; he does not know if the \$500,000 would be enough but, given the historic negotiations, it has a frame of reference and there is some significance to that number; and he asked John Denninghoff, Assistant

County Manager, if he is at all confident or cared to comment on the \$500,000 that was previously provided and whether that would be sufficient to obtain quiet zones and crossings throughout the County.

Mr. Denninghoff replied he did not have a feel for what the cost of the quiet zones will be; and he advised he has never been involved with such a thing and he is not aware of any research to identify what those costs might be.

Commissioner Lober stated he does not know either; he thinks if Brightline is truly as confident as they represent themselves to be, this is a minimally costly way to get this done and to ensure that the constituents are protected and there are not lapses where there should be safety devices; beyond that, Commissioner Pritchett and Ms. Kefauver that there was some commitment to meet with staff and work with the Board to look into a potential location for a station here in Brevard; that does not even reach the level of an agreement to agree, but just an agreement to have a meeting; and he asked Attorney Jorandby if there is any legal significance to that whatsoever.

Attorney Jorandby replied essentially, the Item on tonight's Agenda is regarding the bonds; as far as meeting with staff, Brightline has committed to doing so; and it is unknown where the parties will end up on that decision.

Commissioner Lober remarked if this is approved, Brightline could say "no, we changed our mind" and do what they wish to do.

Attorney Jorandby responded that being good community partners, she would hope that they would not.

Commissioner Lober stated again, there is a position of strength; he is not asking Brightline to spend anything, but to put money aside to ensure the safety of the constituents throughout the County and to get the quiet zones; he would love to have a station here in Cocoa if that is an appropriate location; he has spoken with Stockton Whitten, City of Cocoa Manager, and he does support the idea; but he thinks pushing them is not going to change whether or not it is profitable for them to do it. He added it is either profitable or it is not; and he thinks there is the opportunity to take no action tonight and let them know that they do not dictate the terms and the County just rubber stamps it, or it can rubber stamp it and go in that direction.

Ms. Kefauver stated that is the Federal Railroad Administration (FRA) who grants a quiet zone based on the infrastructure that is in place; there are 50 railroad crossing throughout the County, including some in the cities, some that Florida Department of Transportation (FDOT) manages as well; in the design, permitting, and construction process, Brightline has evaluated each of those crossings to determine the most suitable solution; when the FRA looks at a quiet zone risk index, that is what they use to evaluate whether or not it can move forward with a quiet zone; the technical team evaluated the entire County to look at ways to get to that index level in which a quiet zone is given; and that is for the public sector, the County, or the Transportation Planning Organization (TPO) to apply for. She has a listing of all 50 of the crossings and yes, some of them have quad gates because that is what is most appropriate in the design and safety of that crossing, and some have non-mountable curbs in between as well as a gate; what Brightline is trying to do is create the safest environment possible, which is what everyone wants; Brightline has in their design and permitting that has been submitted to the County, what each and every one of those crossings look like, and their team is confident that through that design, that has been looked at and evaluated through the FRA criteria, they are confident that it will pass; in addition to the \$500,000 that was put in there so if additional evaluation or infrastructure needs to be put in place, there is a pot of money; and through this agreement, as well, there was an additional \$616,000 as part of this bond financing that goes

to the County as well. She went on to say Brightline does feel as if they have done all the due diligence and design, and look to implement a program that meets what Commissioner Lober is looking for, as well as what Brightline is looking for; she mentioned that she worked on the Sunrail project and FDOT owns and operates that program right now, and they bought the 61 miles throughout four counties, and had not one dollar for quiet zones for any of those communities; she would like to recognize the investment that Brightline is making in Brevard County because this was a priority for it; and she feels as if this has been addressed through their design and construction.

Commissioner Tobia stated he has some concerns with this and, while he appreciates Commissioner Lober taking an approach dealing with safety and quiet zones, he takes a fiscal approach on this; the basis is relatively the same, as the Board can stay with the status-quo, but he wants to talk about what, potentially, is coming up; while this gets the County somewhere near 16 years, it leaves future elected officials on the hook to the tune of about \$1 million per year; he asked to recall that the Board is going to have to deal with infrastructure that was not taken care of by its predecessors; and the Board looks back and says it wishes they would have maintained it, as now it is going to enter in, potentially, an agreement that will leave future commissioners, as well as others, on the hook for roughly \$1 million. He added this clearly, as Commissioner Lober said, is not the best deal the County can get; the railroads have been given these rights in perpetuity; what he is asking is that the railroads would maintain these crossings in perpetuity; many times individual citizens come up here and talk about the circumstances of their families and ask that fines be reduced, and the Board lowers or dismisses them; this is not such a case, this is a multi-billion dollar company that it would be providing taxpayer resources in the future; and his second point is 27 crossings are maintained by municipalities, so it is not just the County that would be entering into this agreement, it would be forcing the local partners to maintain these crossings as it moves forward. He stated because of this, this proposed agreement has a massive fiscal impact that is not just born by the County, but by the cities and the State partners; and he remarked to Ms. Kefauver he appreciated her doing her due diligence and evaluating each crossing; and he mentioned one of the crossings is a private landowner and asked her to tell him about that.

Ms. Kefauver asked if he was speaking of Rinker, and what he would like to know.

Commissioner Tobia asked if she had discussed this with Rinker.

Ms. Kefauver replied she has not personally, but the team has; they have been working out in the community; a point of clarification is that Brightline is the railroad, the crossings are local and State roads that are crossing its corridor; what they are doing is creating the safest environment of those crossings and in many other areas, it is the State, and/or County, and/or City's responsibility and Brightline has taken-on that responsibility as part of this agreement; she wanted to make sure not to mix apples and oranges here, as its responsibility is to maintain its corridor; and they are going above and beyond by making these additional investments.

Commissioner Tobia stated just to be clear, if it was, she would not be here; she is asking something from the County Commission that is going to get them preferential treatment when it comes to bonding; they have the ability to go to private bonding with higher rates, but Brightline decided to make an economic decision the same way that it will make an economic decision on whether to put a stop in Cocoa; he does not care, as it is their decision; and what he is concerned about is the future taxpayers, not only as individuals, but the cities. He went on to ask if she has the sign-off from Rinker that they are okay with that agreement.

Ms. Kefauver replied there is no agreement with Rinker, it is just improving the crossing there.

Commissioner Tobia remarked as he understands it, this is an agreement that would be with the County and the municipalities; and he asked if that was correct, to maintain that \$7.5 million that would not go to the private party.

Ms. Kefauver responded that in the agreement, it states that they will maintain them for 16 years, or two cycles of maintenance.

Commissioner Tobia asked if that was private, State, and County.

Ms. Kefauver replied it is throughout the County.

Commissioner Tobia stated this brings in the municipalities; his understanding is there are 27 crossings maintained by municipalities; and he asked if that was correct.

Ms. Kefauver replied affirmatively; and there are five with FDOT.

Commissioner Tobia stated he picked one City that happened to be in his District, Grant-Valkaria, with five crossings that are maintained by them; and he asked if she, or her team, had spoken with the Mayor or anyone on that town council.

Ms. Kefauver replied she has not; they are doing all the design of these and have to get them permitted, so if they are within the City and require the permitting, then their team is working with them; and to keep in mind, that is expanding over 175 miles.

Commissioner Tobia asked just to be clear, if she has spoken with them about this particular agreement, not with the permitting.

Ms. Kefauver replied she has not.

Commissioner Tobia stated for the benefit of the Board, Grant-Valkaria has a budget of about \$3 million; to put that into perspective, about \$1 million this year will go into transportation; he has been told these crossings are about \$200,000 each, with a five to eight year cycle and Grant-Valkaria's transportation budget will be swallowed by just maintaining the five stops; yes, it will be expensive, but 15 Countywide with a budget of \$1.6 Billion, and Grant-Valkaria with a budget of just less than \$3 Million and having one-third of that, the impact is much greater; and not having spoken with the City and looking at their future budgets, while it may be good for the current elected officials, as a Board, it needs to be cognizant of what future Boards will have on this. He added he had not looked at it from the safety perspective and at the quiet perspective, of which he probably should be more concerned, but from the fiscal perspective, understand after 16 years, the County will be on the hook, and it is in a bargaining position right now; this organization needs the County and this is the one opportunity the Board has; his ask would be simply maintain it in perpetuity; Brightline has the ability to use it in perpetuity, so just maintain those crossings; if they are willing to do that, he would be more than willing to support this document as it stands, but he is not willing to leave that burden on future taxpayers; and for that reason, he cannot support it as it stands.

Commissioner Smith stated he comes to this from a little bit different perspective because he was part of the negotiations way back in 2014; one of the things that he remembers from those talks and from reading a book called The Last Train to Paradise, which was about Henry Flagler building the railroad all the way down, was to thank the State legislators in 1900 or thereabouts, because they gave Henry Flagler this land, every mile that he moved, they gave him hundreds or thousands of acres; basically, they gave him all that property for building tracks on the land; that company, which has evolved into Florida East Coast Railway (FEC), and now there is an agreement with Brightline, but the bottom line is, those crossings, every



time a road goes over a railroad track, that area belongs to that area; and they can tell the Board to go pound sand if they want to, but they have offered to fund the construction of the crossings and the maintenance. He continued to say they never promised that every crossing would be a quiet zone, because frankly, a lot of these crossings are in the middle of nowhere and there is no point; as part of the negotiations, they did not have to give the County any money, except now they are trying to be a good partner; he believes they can just walk away and say they are going to cross these roads and they will have to be maintained and they are willing to step up and help defray the cost; originally, the plan was for eight years and he thought that was pretty good, in fact, he believes the negotiation was to give the County 10 years and the cities six years; and the Board did not think that was fair to the cities so it asked for a compromise to give everybody eight years. He stated, ironically enough, that it did not put a start date on that, which will be fixed, as technically, the start date could have been any time they said; from his perspective, Brightline has stepped up and done a yeoman's job of doing all this; from the beginning he was not happy with Brightline at all, as a member of this Board and a member of the Central Florida Expressway Authority (CFX) board; he felt Brightline was a terrible company to deal with at the beginning; and over the last two years, it has changed 180 degrees and done everything it said it was going to do. He added that he has no issue with this and welcomes having Brightline do what it needs to do; he understands they will make a decision on the stop in Cocoa based on economics and that is it; when it makes sense financially, they will do it and he trusts that it is going to happen at some point in time; and he supports what is being done and thanks Brightline for being an upstanding organization that came to the table and doubled the eight years to 16 years, and they did not have to do any of that; and as far as the bonds are concerned, he said to correct him if he is wrong, but they do not cost the County anything, it is just giving them its bonding ability. He stated yes, going forward, Commissioner Tobia is correct that the community is going to have to pay, but that is not for 16 or 17 years down the road; as he said, they could be paying right now if Brightline had not decided to do this; this was negotiated fairly seven years ago and he gave kudos for a fair negotiation; and he supports what Brightline is trying to do.

Commissioner Pritchett stated she used to watch all the meetings and negotiations, and was always fascinated with what was done; she wanted to bring up what Commissioner Smith said, as she thinks it is almost unusual the counties are getting funds back from supporting bonds, which is good; what was done with the negotiations was fascinating to watch the way he got the maintenance funds in; she would vote this through, as she supports it; and she mentioned as far as economic growth that the station would be a smart thing to do with the cape traffic moving through Orlando. She added she thinks it is going to be a big money producer for Brightline and the County; she has watched the Orlando airport improve the economic condition of Orlando and she thinks the Melbourne airport was the catalyst there for a lot of growth; she thinks the stop in Cocoa is going to do the same for this area as well; she says this as an accountant, the revenues that are going to be produced from that in the County, as far as taxes, will more than cover the maintenance of the crossings; and it will be a great driver for the community. She thanked Ms. Kefauver for announcing that the work will start on the Cocoa stop in 2022, and she hopes it is in January; she hopes the County will continue to be good partners with Brightline; high-speed rail is the travel of the future and she is glad and thankful, as she knows there is going to be a stop here; she sees the economy coming here, as Brevard has the highest growth in the State of Florida; and she is watching all the homes come in and the people, so it will be smart to do the station, as she has no doubt it will happen. She feels the stop would more than cover the costs; with that money, the County can start putting other extra things into its crossings as well; and she stated she would be supporting it.

Commissioner Lober stated he stands on his prior arguments and does not want to repeat more than he has to; in response to the arguments and the comments he made, nothing was really rebutted; essentially there were a lot of aspirational comments about what they anticipate such as quiet zone risk index, and evaluating the entire County, which is wonderful; he does

not doubt that Brightline believes that a majority or all of our crossings will qualify for quiet zones, but their confidence does not guarantee that it takes place; and there is a mechanism available, that he has already identified, that would guarantee that the County is able to knock-out more of the cost, if there is a cost associated with that, and if not, the money will be returned to them. He added it was interesting to hear from Commissioner Smith after Ms. Kefauver mentioned all of the various things they have done and their confidence that the County will qualify for quiet zones across the County, having evaluated the entire County, and never promised every crossing would be a quiet zone; that stands in contrast to what it was just led to believe; the concept that they do not have to give the County anything is technically true; the fact of the matter is they are here because they need something from the County that is of value; there is a value in getting the Board to okay the Agenda Item, and as Commissioner Tobia pointed out, the Board is in a position of strength at this moment; and if the Board sells itself short for a cheap fare, it will not get that back. He went on to say if he were Brightline, he would not step-up because they have a fiduciary duty to be as profitable as possible; Ms. Kefauver mentioned that the individual crossing were evaluated and the particulars selected for each crossing were determined to be suitable and most appropriate, which is interesting in that there is really no specificity whatsoever in that; the Board did not hear that cost impacts suitability or appropriateness, but one would have to be naïve to think otherwise; if their only goal is safety over profit, there would be sealed corridors at the crossings; he thinks there is a balance to be struck, but the Board has an opportunity to represent the people of Brevard, an area heavily dependent on tourism, where they are going to be impacted as well, to bring more to the table; and if the Board gives it away, it gives it away.

Chair Zonka stated she knows she did not talk to staff beforehand, but she asked if there was a cost estimate; she knows eight years of maintenance is not a one-time thing; and she assumes that if other maintenance issues come up between a full-on redo, that it will be covered by Brightline as part of the agreement.

John Denninghoff, Assistant County Manager, remarked there has not been a detailed cost estimate of the maintenance costs performed; he has an idea of what it would cost based on what has been paid for the railroad crossing in the recent past, before the Brightline improvements; in most cases, the crossing sizes are doubling, as can be seen at the Michigan Avenue crossing in Cocoa, which has gone from two tracks to four; and the nature of the crossings is changing because there are more gates, longer gates, and more signals, all of which wind up having increases in maintenance costs.

Chair Zonka stated ultimately, like it or not, the maintenance of those crossings, without an agreement, would be the County's responsibility because it is in a County roadway, as that is part of the transportation system; and she asked if that was correct.

Mr. Denninghoff responded as to the County's crossings, that is correct.

Chair Zonka stated she knows it is not a popular opinion, people can hate Brightline or high-speed rail, or this project, but as Commissioner Smith said, it is the County's responsibility whether it is liked or not; it can be said this does not cost the County anything, but it would be paying issuance bond costs elsewhere anyway; she thinks it is in a position to negotiate and this is a fair agreement; she is okay with it but it is not perfect, as in perpetuity would be ideal; but at the end of the day, it is the County's citizens that are crossing the Brightline railroad, and she will be supporting it.

Commissioner Tobia stated the concession that Brightline is willing to make is laid out here at \$7.5 million; it has been mentioned by Commissioner Smith and Chair Zonka that this is not perfect but a fair agreement so they must have more information than he does; his question is if Brightline is willing to concede \$7.5 million, how much does Brightline stand to make by going

to this funding mechanism; he asked if this tax-exempt funding mechanism is going to save them \$8 million and the County is going to receive \$7.5 million of that savings; and it is his understanding that this is a billion-dollar endeavor. He added that his guess is the fact that Brightline is coming up here, they will be saving tens or hundreds of millions of dollars; his question is if it is fair, they are conceding \$7.5 million, and they are a for-profit organization, how much are they getting out of this; and he could be convinced here.

Chair Zonka responded anytime this Board has ever done bonding, the County has gotten nothing as a pass-through; they are a private business and she is happy to ask them what their profit margin is; again, this is the County's roadway; anything that is gained is good; she is not saying she will agree to anything, but ultimately, the safety at those crossings is the County's responsibility; and she is happy to get maintenance free for eight years.

Commissioner Tobia responded he is not disagreeing but it was said this is a fair agreement; in order to be fair one has to understand what both sides are getting; he understands what the County taxpayers would be getting, \$7.5 million; but his question is what is Brightline getting since she said it was fair.

Chair Zonka stated she believes it is fair because, technically, there could be a Board up here that would not have gotten to an agreement, and gotten a lot less for it; and the County has bonded without cost before for other agencies.

Commissioner Tobia remarked they did not need the Board to approve that; that is what the issue is; and the County is holding pocket aces now.

Chair Zonka questioned then shake them down because it can.

Commissioner Tobia replied no, shake them down, this is dealing with taxpayers here; the Board has a fiduciary relationship with the taxpayers; the same way the Board has to vote, potentially, to raise fees for infrastructure because previous Boards did not make that decision; those folks, 15 or 16 years from now, will be looking back at this Board; and he is concerned about Grant-Valkaria, as this will be 20-25 percent of their budget when this is done. He continued saying it may be inconsequential to Brevard County, but to municipalities, he mentioned there are 12 crossings in Melbourne, three in Palm Bay, three in Cocoa, one in Malabar, and three in Rockledge; taxpayers and municipalities will be doing this; and all he is asking for is perpetuity.

Commissioner Smith interjected to say that was a good question, but he does not have the answer because he does not know what their books are or what their profits are; he can tell him that Brightline could go elsewhere to get the money but they would not get the deal that Brevard County is giving them, but Brevard County would get zero; and both parties are giving and getting, that is the deal.

Commissioner Tobia remarked he understands that and he understands what the County is getting but he does not understand what Brightline is getting; he understands that they do not have to do it and may have to spend tens to hundreds of millions of dollars extra; they are getting preferential bonding because they get the County's okay; and his question is how much are they saving.

Commissioner Smith replied he does not know, but he is telling him it is fair based on the fact that the County has no other option that to walk away and get nothing; that is where it is fair; the County is getting something in return that costs it nothing, as it costs the County nothing to allow them to use its bonding; the County is gaining \$7.5 million, plus the cost of the crossings; it will cost the County in the future when this agreement expires, then all the municipalities in

the County will have to pay; but the County will be paying from day-one if they decide they are getting their financing from somewhere else.

Commissioner Tobia remarked they are not showing their hand; the Board is folding right now, on them not showing their hand; the Board may not see it as a fold, but they need the County more than the County needs them; and there are seven or eight counties that have approved this.

Commissioner Smith interjected that are getting nothing...

Commissioner Tobia stated he does not represent the people of Osceola, Palm Beach, and Miami-Dade.

Commissioner Smith stated Indian River, Martin, and St. Lucie counties are getting nothing and they will have to pay from day one for all these crossings; and these folks are willing to work with the Board and it will benefit greatly.

Commissioner Tobia remarked they benefit so much more; and he stated he was going to lose this one anyway.

Commissioner Smith Called the Question.

Chair Zonka stated she does not know if this discussion is going to go anywhere.

Commissioner Smith remarked that is why he is Calling the Question.

Commissioner Pritchett stated she knows the Board is probably settled but she wanted to ask one question; she asked Frank Abbate, County Manager, when these funds are taken aside from what Brightline is going to give the County towards this, where do these funds and the other funds go right now, and are they designated into an account used for the Brightline project; and it does not get moved through the County, it is kept for use towards Brightline.

Mr. Abbate replied what was put on the Agenda Item for these funds would be that the funds go into the Public Works fund and the intent is to use it for the railroad crossing-related expenditures.

Commissioner Pritchett stated she would like to keep it earmarked to use it either on the crossings or, if the County gets a station, it could be used to join with the City to work towards a station; a station is a game-changer for the County; it could always be brought back later, but she would like to do that; if there is no station, it could always go towards maintenance; but if a station comes, the Board would have the ability to move some of the funds over at its discretion. She added this is a public purpose; it is getting people from here to there at a high speed, like an airline; some of things that Commissioner Smith and Chair Zonka brought up, she did not think about; but if the County does not give the bonds, Brightline will get it from somewhere else and the County would not get a penny; and this is protecting the community by getting the extra funds and having the ability to increase what is good for the community. She asked that the money is put into a fund where the Board would have an ability to make a choice if the station comes; and that way the County has an ability to use some of these funds towards that as well.

Commissioner Lober stated the premise that it costs the County nothing does not mean that what it is offering or Brightline is seeking has zero value; if one rents a cabin, unless it is destroyed, one is putting next to no use, not really harming it in any way, but still paying to get it; as far as the County trying to seek more value for the constituents being a shakedown, it can

be called whatever, but the Board has an obligation to be good stewards of the taxpayer resources and dollars; whatever Brightline does not pay now, is going to be funding that has to come from the constituents; if there is ambiguity as to what it is that Brightline is standing to make from this deal, he would suggest just continue this out until that information is given and then make a decision; and if they are being fair with the County, then go ahead and vote for it. He added as far as using the money to pay for the station, then it is talking about whatever is received now going to offset a business cost for them to put in place a station; either the station is profitable for Brightline or not, and the Board putting some trivial amount in the scheme of a station cost, is only going to cost the County that amount of money; and he would not support that now or in the future.

Chair Zonka stated the Board just approved grants of tens of thousands of dollars to private people without asking them what their private profitability was; she knows that is a lot smaller number than asking Brightline what theirs is, but she finds it a little odd; the Board did not ask them how much money they are making or to open their books; Commissioner Tobia did not vote for it, so she will give him that; and she Called the Question.

Commissioner Pritchett asked Commissioner Smith if he was willing to change it to give the ability to spend the funds on the railroad.

Commissioner Smith replied yes, but he did not want to subsidize the station.

Commissioner Pritchett stated the Board did not have to but the City of Cocoa is willing to put in almost a quarter of a million dollars towards it; the County would have the ability, if needed, to work through something on its behalf; she does not think it would have to be used, but that way it does not have to come back and change the personality of it; but if it stays in the rails, it is going to go to the purpose of the rails, but not on anything except railroad.

Chair Zonka remarked to just make it for use of railway purposes; she is okay with that; and she stated the motion by Commissioner Smith is to approve the money set-aside for railway purposes, to come back to the Board if there is action.

The Board of County Commissioners, in regular session on December 7, 2021, adopted Resolution No. 21-170, approving the issuance by the FDFC of its Transportation Facilities Revenue Bonds in an aggregate principal amount not to exceed \$308,000,000 for Brightline Trains Florida LLC to finance that portion of costs of an intercity rail project located within the County; approved the Agreement between Brevard County and Brightline Trains Florida LLC; and directed you to deposit the bond cap waiver fees into a separate fund for railway purposes to be brought back to the Board for consideration if further action is requested.

\*The Board recessed at 7:28 p.m. and reconvened at 7:36 p.m.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

**Nay:** Lober, and Tobia

### **J.3. Board Discussion: Tourist Development Tax (TDT) and County Parks**

Commissioner Tobia stated he wanted to start with some background and then get to where he wants to go with this; in August of 2017, the Board transferred the responsibility for funding the maintenance of Lori Wilson Park to the Tourism Development Office (TDO) by a 4:1 vote, with himself being the nay vote; in Fiscal Year 2019, responsibility and maintenance was transferred

back to Parks and Recreation, but still funded by the TDO using tourism tax revenue; in the meantime, the Board has approved multiple capital projects totaling millions of tourism tax dollars to improve the Park; and over time, staff has identified multiple parks that are also eligible for Tourism Development Tax (TDT) funding, either through the use of beach park facility funds under Florida Statute 125.0104.(5)(a)(5), the same mechanism used to fund Lori Wilson Park, or another provision of the TDT statute 125.0104(5)(a)(1) which allows for funding of tourism-related sports arenas and stadiums. He added that this was utilized to pay for the Viera Regional Park; those parks that are in the same category as Lori Wilson Park are Chain of Lakes, Dick Blake, Kiwanis Island, McKnight Family Sports Complex, Mitchell Ellington, Viera Regional, Canova Beach, Cheri Down, Howard E. Futch Memorial, and Robert P. Murkshe Memorial; he mentioned not one of those are in District 3; he is looking for the Board to treat everybody the same, as it has singled-out Lori Wilson Park and put millions of dollars into it; and there are ways to go about curing the inequity of that, one being to return responsibility for funding and operation back to Parks and Recreation, consistent with not only the parks that he mentioned, but all the other parks in the County, two, which is the way he would like to go, to take the other parks and fund them the same way as it funds Lori Wilson Park, or three, which could be handled simultaneously, to hand Lori Wilson Park over to the City of Cocoa Beach; and he mentioned to recall that \$4 million of tax money has already gone into this so it is that much more of a marketable product. He stated it is his understanding that staff has already had plans to re-engage with Cocoa Beach in the near future regarding negotiations and he hopes that would continue; as such, simultaneous to the direction the Board goes, staff is also requested to continue with that; he is looking at one of two things; he would like equity to happen, as inequity is clearly happening; one park has been cherry-picked, and he has listed the ones that are similar and could be funded the same way; and he suggested to either pull that park out and fund it the exact same way as the others, with tourism-related expenses, or take the other parks that are also tourism-related and fund them through the TDO. He added he does not care which; all he asks is that all parks are treated the same; this is just for discussion; he just wants to make folks aware that this happened in 2017 and there is the ability to rectify this inequity; and he wants to hear where the rest of the Board was on this inequity.

Tom Hermansen stated he was having trouble understanding Commissioner Tobia's direction and he is still not sure he understands it; Parks and Recreation is maintained with tax dollars; one could argue that they are all tax dollars, be it the General Fund or TDT; the plan that was hatched, that the Board approved, he thinks, with the exception of Commissioner Lober was a transformative Project to take Lori Wilson Park, which is at the heart of the tourism sector, in Cocoa Beach and turned it into that much more of an attraction, because it had suffered from years and years of neglect and maintenance under the management of County Parks and Recreation; and the tourism industry recognized what a jewel it potentially could be and sought the Board's approval to spend upwards of \$5 million to create a tourist destination in that Park, be it venues for music and everything else, and it would be a gem for visitors and residents alike. He added then COVID-19 came and the Tourist Development Council (TDC) later found out the extent of the deferred maintenance and how much it was; obviously TDC's funds were cut-back due to COVID-19, although the Board approved upwards of \$2.5 million to address that deferred maintenance, which has now happened and will only continue to be maintained if there is a resource to maintain that, going forward, which is what he was hoping the Board would discuss today; all Parks are not the same; there is a Parks and Recreation Department which is funded, presumably by property taxes; and this Park, specifically, is in the heart of the tourism district. He suggested if the Board wishes to put it back with Parks and Recreation, that is fine, but what he would like to be discussed is to come up with an ongoing funding mechanism in order to maintain these Parks so that it is not back in 10 years looking to spend millions of dollars again to clean-up Lori Wilson Park in the heart of the tourism district; that mechanism, logically, is a user fee, which for Parks is parking; Cocoa Beach charges \$15 to \$20 per day for parking, the owners of the Pier charge \$20 on weekdays and \$30 on the

weekend, and are sold out; Cocoa Beach generates \$2.5 million in parking revenues; but it does not have to be that rate, as he thinks the general public understands that maintaining parks to a higher standard costs money. He continued to say hopefully, the Board will discuss having a user fee for the high-impact parks, unlike several of the other parks that Commissioner Tobia listed, and consider a user fee so these parks can be maintained and improved going forward.

Sandra Sullivan stated she likes the number two idea that the tourist parks have funding from the TDT, however that mechanism is worked out; she would prefer that parks not be given to municipalities, as she would be adverse to that idea; in her own community, she saw parks being given to a municipality and then found that there are terms of those covenants not being held up, issues with the park maintenance due to not having the resources that the County has; she documented quite a few of those issues for a few years; and she thinks moving forward, it is a growing County, the utilization of the parks since COVID-19 is they are full now and the bigger picture of funding needs to be looked at. She added even additional spaces on beaches and looking at this particular issue as not just a Lori Wilson Park issue, but doing a cost analysis, or study, of funding the parks moving forward; in her community, with the parks full, South Patrick Residents Association (SPRA) Park has an empty lot next door with twice the parking area, and another lot beyond that; if one looks at the grant process with Florida Forever Fund and also Governor Desantis' resiliency, which is funding \$740 million for 2022, there is a lot of grant money out there for acquisition of parks, but maintaining it; then this morphs into a bigger question of the Environmentally Endangered Lands (EEL) Parks, is it going to referendum in 2022 for the voters to vote on because those EEL funds are maintaining those parks; and if that terms out in 2024, there is no funding mechanism for that. She stated there is a bigger picture here to consider; she thinks a study needs to be done looking at the funding mechanism of all the parks; she would like to thank the County for the improvements done beachside; there were homeless camps in some of the parks, and new signs were put up, and they work very hard and the residents are very appreciative of the parks; but she would not feel good about when the Board looks at the parks as a tourism asset, it should want to have the control over the quality over that product, the tourism product. She went on to say she would keep them in the County where it has a lot more resources than a city has.

Commissioner Lober stated he is going to mix a little bit of J.3. and J.4. together; he thinks it is interesting, and kind of funny in a way, that both J.3. and J.4. have similar wording qualifying the Agenda Item; his Item and Commissioner Tobia's Item are both discussion Items; he would not be interested in making a vote on either of the Items tonight, but this is something that absolutely warrants discussion; and in terms of Commissioner Tobia's comments, that it is essentially not fair that Lori Wilson Park is singled-out, he does not necessarily agree with everything Mr. Hermansen said, but he mentioned that Lori Wilson Park is in the heart of the tourism sector, and he agrees. He added he thinks that there is a delineation between community parks and parks that are drivers of tourism; obviously, in the heart of Cocoa Beach next to where the Westin Project is slated to go, is a unique location; he acknowledges it does not necessarily feel fair that one park is treated differently than others, even if there are valid reasons for doing so; whether the park is transferred to Cocoa Beach, he has spoken with them for years about terms that would be potentially acceptable to handing it over to them to take it off of the balance sheet so that they can maintain it in a way that they are satisfied with, protecting the constituents, protecting its use as a park, and protecting the County, but they have not arrived in common ground; and now there is a new City Manager there and he is hopeful that may change the outlook a little bit. He has even spoken to Cape Canaveral about transferring Cherie Down Park and had substantial interest with that; there are certain conditions that, to him, are threshold issues to exploring that; he thinks the point that Mr. Hermansen made was identifying an ongoing funding mechanism, which, to him, he thinks the Board has to look at a sustainable path forward; part of that, in his estimation, is having visitors defray a meaningful portion of the cost, which is part of the next Agenda Item that he added;

and user fees are a means to do that, and yes, residents pay user fees but visitors pay them as well. He stated that for the Parks and Recreation Municipal Service Taxing Unit (MSTU), the visitors are not paying that, as it comes from locals; he would feel more comfortable having a portion defrayed by the people using the parks, many being visitors; to the degree that the TDT offsets it entirely, it is great for locals but is it really fair and keep in play the dollars that can be used for other opportunities; he does not know that it does; and he is really interested in finding some path forward so, as was said, it is not back here in 10 or so years discussing the same problem with no clear end in sight.

Commissioner Pritchett stated she supports Item J.4.; she is looking at Item J.3. and like Chain of Lakes Park, all of these parks have user fees; she has a granddaughter in softball and they pay some pretty hefty tournament fees to pay for the field, so it is already happening; there are people that use things that have user fees that do help to pay for upkeeps on these parks; as far as Lori Wilson Park, it needs to stay clean as it has bathrooms there, and it needs the funds to do it; and she thinks user fees are reasonable to use the parks. She would not be in favor of transferring any more of beaches over to cities, particularly because, with COVID-19, if County did not have any of those beaches, people would not have been able to be outside; and she is not going to support transferring the beaches, as she likes keeping them in the County and they are good assets for the County; and when it comes to Item J.4., she is going to support it because there are already user fees at the parks, regardless.

Commissioner Tobia stated he has had this up on his whiteboard almost since 2017, but other things have taken priority; the question is whether the Board is supportive of the inequity of funding for Lori Wilson Park; if someone is, that is fine, but he wants to find out if the Board is okay with this inequity, and if some is not okay with how it is funded, he has given two options for the Board to investigate; all he is looking for is direction here, and then it can move on to fleecing taxpayers for parking fees; and of course the tourism industry loves it because they are charging for parking and do not want to see that take place. He added he is sorry Mr. Hermansen does not understand the inequity, even though he was extremely clear and when he stood up here, he clearly understood what he was trying to do; he is looking for Board direction; and just tell him no, it is absolutely okay with treating this one park differently than every other park out there and he will erase it off his board and move on to fighting another windmill out there.

Commissioner Lober stated it is not that he is okay or not okay, he is looking for a reasonable path forward; the reason is because he does not think the current status-quo is going to remain in place indefinitely and he would rather be involved in the process of determining something that it can actually do, moving forward, whether it is shifting entirely out of the TDT or reducing the amount of the TDT and supplementing it with part of the MSTU or with parking fees; he is trying to figure out the Board's comfort level and is surprised at Commissioner Pritchett being opposed to transferring any of the County parks to cities; and when he alluded to having conditions that were threshold issues for him, among those conditions is that they would have to be maintained as parks in perpetuity. He added if giving them away is a trigger for folks to oppose, he is fine looking at long-term leases, again, provided that the Board does not have them used for some purpose other than a park, and provided that the municipality's residents are not favored over residents of other portions of the County; he thinks there are a lot of intricacies that need to be hammered-out in order to make sure that actually happens in practice; really, he was just trying to get some guidance for his Item; on the face of it, he is not thrilled with the Item that was proposed, but he has not made a decision on any of this; and he just wants to gather some more information to figure out where he wants to go moving forward.

Commissioner Tobia stated he would make a motion to table; he thinks where Commissioner Lober is going on this is that he is trying to get it to J.4. and that may supplant J.3.; if there is an additional funding mechanism, he would not support it but it seems like there would be a



second on that one; this may take it off the table and, not only would the Board be treating it in a fashion that was not equitable, it would be even less equitable by doing so; and he made a motion to table J.3. till after J.4.

Chair Zonka stated she would change the order, no motion needed.

#### **J.4. Discussion Item: Parking Fees at Lori Wilson Park**

Commissioner Lober stated he had mixed the two and apologized for any difficulties that may have created; as far as it being inequitable or less appropriate for locals here, the concern and the difference in his mind, is when the Municipal Service Taxing Unit (MSTU) funds have been used for Parks and Recreation facilities, that is being shouldered 100 percent by locals; if there are user fees, parking fees, anything of that sort, everyone that visits the Park is paying it, whether they are a visitor or local, and a portion of the overall cost is captured by visitors; to him, that is the beauty of considering an approach like that; and he is not saying he is sold on that and that is the way to move forward, as there may be other ideas that are sustainable. He added he just wanted to get a feel from the Board; he got one from Commissioner Pritchett and Commissioner Tobia and is hoping to get a little bit more from the other two Commissioners, so he knows what to put on the Agenda; and then he could also have an opportunity to hear from some of the constituents over there as to whether they love it or hate it.

Janice Scott stated she finds herself in a difficult position because she has always felt that parks should be open and free to the public, however, as a resident of Cocoa Beach, she pays \$20 per year for a parking pass; in the handout she gave to Frank Abbate, County Manager, just to give the Board an idea, if it sees the list of amenities at Fisher Park, the fee is \$15 per day, or \$2.50 per hour, that is basically what Cocoa Beach is charging but look at the things one can get; essentially, people are coming from outside Brevard County and every county has a unique personality or people that frequent it; it would be hard for a resident of Cocoa Beach to get into Lori Wilson Park, unless they walk across the street, because it is packed and they park on the grass; and she thinks even if only \$5 per day was charged, it would generate \$1,370 per day, or \$480,000 a year, and it would support the Park. She went on to say with some statistical smoothing it could get some more accurate figures; like Murkshe Park, there would be a revolt if it tried to do anything to charge fees there because it is mostly residents within a couple of blocks that may drive there to bring their surfboards, rather than to bike them or something like that; she thinks it should take the burden of Lori Wilson Park, for one, just to try it out, to take it off the taxpayer's backs; for a single-family home, the rate is probably \$50 a month for water and sewer; and these people are getting water and sewer day-in and day-out for free.

Sandra Sullivan stated she was just wondering how many of the parks are really key to tourism here in Brevard County; she is saying to maybe go back and do a cost-benefit analysis; she is looking at \$5 for parking, but to do a proper analysis of the tourism parks; she mirrors what Janice Scott said about keeping the community parks, at this time, free of parking charges; but maybe looking at those tourism centers that have more of the tourism coming through. She added there might be more than just this one park, especially with the development of some of the other areas in Brevard County; that may be appropriate; but do a proper study first by doing the cost-benefit analysis and work with the budget numbers.

Commissioner Smith stated he would tell Commissioners Tobia and Lober what they want to hear from him, whether they want to hear it or not, he does not know; he is in favor of giving any County Park to a city that wants it; one of the first things he did when he took office was to facilitate that with the Palm Bay Regional Park, so he is in favor of doing that; he is also in favor of user fees because the County has got parks that are attractions, not just parks that families go to recreate; and these are parks that people come to with a purpose to be on or near the

beach, or be on or near a tourist destination, so he thinks it would be most appropriate to charge a competitive fee. He added if the Board wanted to make it a little bit cheaper than surrounding parks, that could be debated, but he does not care one way or the other; and he thinks that is it in a nutshell.

Commissioner Lober stated he is not looking at competing with the tourism sector, in fact, even if the Board has to use a portion of the MSTU to offset the cost of maintaining or improving the park, he can deal with that; the goal is to defray a significant portion of it and to have the visitors pay a significant portion of it, not necessarily to eliminate it altogether; he thinks it can take a step in that direction without it being an all-or-nothing approach; if it is phased-out, he thinks that is a potential way, moving forward, where it can be left on the TDT rolls for a period of time and phase it toward a user fee approach, supplemented potentially by the MSTU; and the Board can continue to make some improvements in that area as the area around it continues to improve as well, having a clear end in sight as far as remaining on the TDT. He added if the Park is charging \$20 or \$30 next door, he does not think that it factors that in whatsoever, in terms of determining what a reasonable fee is; he thinks to set it at a relatively low rate because the goal of this is not to rake in money hand-over-fist, the goal is to offset that cost, not to gouge folks; keep in mind there are a lot of tourists that visit Lori Wilson Park but there are still locals that go there, and yes, parking is difficult; it could be a gorgeous park but he thinks, moving forward, if this comes back, he will probably have some kind of an amalgam of what the Board discussed tonight that will involve a transition period as well; and hopefully he will have some input from some other constituents because this is a major Park and he is not dead-set on anything until he hears back from folks and gets a better idea of what folks over there think. He mentioned if the City wants to chime-in, he would be interested to hear what their perspective is; he thinks he has gotten more than enough at this point to do some math and understand what he is looking to accomplish to keep this sustainable and to ensure that visitors do pay their fair share; and at this point he is not asking to take any action on it.

Commissioner Pritchett stated she wanted to remind the Board that when it went through that COVID-19 period and it followed the science with the Governor, and being outside at the beaches was a wonderful thing to do; it only had two small areas that people were allowed into and Lori Wilson Park was one of them; she realized right then how important it was that it did not give up all ability for it to have things at its discretion of what it feels is good for the community; before that, she was in favor of moving it over but she realized it really ties the Board's hands as far as the community; she drove up there a few times and she realized how much love it needs; and it would not have bothered her a bit to throw in a few dollars to help with upgrades. She added whatever the Board wants to do with user fees, she is on-board with it; she wants to throw caution that once it gives up that ability and any kind of thing happens again and it feels like it is necessary to allow people outdoors, it will have hardly any ability, at that point, to have any place that it can allow that to happen; otherwise, she was in favor of it before; but she realized when going through that, how important it is that some ability is left open for it to make those decisions and have input.

Chair Zonka stated she agrees with Commissioner Pritchett and is glad she brought that up, as she had not considered that; if it was any other park inland, she would be the first person to transfer it to the City, but she thinks that on the beach, she is absolutely right; she is not 100 percent opposed to user fees, at least when it comes to the tourism; she does not know how one would officially designate it a tourist park; the smaller local parks she probably would not be interested in and that may solve the problem of who funds what kind of maintenance; and there may even be a better product at the end of it. She added that if it did look at that, maybe have Parks and Recreation Department come back with some number on what it costs every year for certain parks and it can probably base the fees on that; and then perhaps residents will not have to pay, or the fees would be nominal, so it would not be impactful to them.

Commissioner Lober remarked that is something he had hoped to be able to do; he thinks that is unlikely in a majority of the beachside parks; a lot of the grant agreements that the Board has entered into preclude it from, in any way, discriminating against any Floridian or in favor of any Floridian over another; it is something he would love to say it is free for any Brevard residents and basically couch the tourists that come here; but it is very unlikely to be something that can be lawfully implemented.

Chair Zonka stated she was willing to look at it but does not know that she will support it; again, it may end up with a better product which actually bring more people here; and she asked if the Board wanted to go back to J.3. or if it was talked about enough.

### **J.3. Board Discussion: Tourist Development Tax (TDT) and County Parks (continued)**

Commissioner Tobia remarked if he gets that the Board is okay with the inequities that exist in the way that this Park is funded, he promised to never bring it back; he is just confused where folks are; he thinks Commissioner Lober got that at least three or four folks are okay with fees; he asked to please not be confused if the fee is 50¢ or \$50, the result will be the same for him; he will be against it; but he is asking for clarity where the Board is so he knows whether to bring it up again. He stated he does not know how Commissioner Pritchett, Chair Zonka, or Commissioner Smith; he asked if they are okay with the way that this is currently funded, being the only Park that gets its revenue from the TDO; if they are not, he offered two ways to fix it and he would bring it back to the Board; if the Board is okay with it being that way, that is what he wants to know, yes or no, so he can erase this off his whiteboard, as it has been bothering him; and he just would like to hear from them. He added there is an issue out there and maybe it is not an issue to some.

Commissioner Smith stated he would get him qualified now; he is not adverse to listening to what he has to say at some later date; but at this point, he does not see any reason to change it.

Chair Zonka remarked she wants to find a way so that the TDO does not have to fund it; she knows that the maintenance needed to be brought up to speed and it could be classified as a tourism designation, so she does not disagree with that, but because he keeps characterizing it as an inequity does not make it as awful as he is trying to make it sound; and she does not agree with him on that.

Commissioner Tobia remarked there is on park and then there is every other park out there.

Chair Zonka responded exactly, and if he can compare Lori Wilson Park with some of those little parks that do not have tourists, they are not equal.

Commissioner Tobia remarked that Howard E. Futch Memorial Park is in her District and it is always jam-packed, yet funded in a different way than Lori Wilson Park.

Chair Zonka responded but it clearly got a lot more maintenance over the years than Lori Wilson Park.

Commissioner Tobia stated to forget about inequity and asked about the status-quo.

Chair Zonka replied she thinks that it is actually going to look at some options to get it out of the TDO; and she thinks that is the next step.

Commissioner Tobia remarked that is right here, in the two options.

Chair Zonka responded that he is giving two options that are right at this very moment, that she does not necessarily agree or disagree with, but there is not a lot of detail in them; the Board has never been able to come up with an agreement with Cocoa Beach to take the park and she does not want to give up access to the beach; the mayors closed all the beaches during COVID-19 and she does not want to see that again; and she will not agree to transferring to the City.

Commissioner Tobia stated that is helpful, he has two; any time staff gets direction it is wonderful, even though it is contrary to where he may stand; even though the word asset was thrown around, when it is a park, it is a liability; it is something that the County pays and does not get back; he knows the difference between an asset and a liability, and it, unfortunately is a liability and not an asset; and he asked for one more question.

Chair Zonka asked if he was having a conversation or if he was running a meeting; and asked if was bringing something for the Board to consider.

Commissioner Tobia replied he did; he stated no one will give him a straight answer; and that is all he is asking for.

Commissioner Smith remarked he did, he said that he would be willing to talk about it later; he is not going to give him an answer now; and he is not adverse to transferring parks to cities.

Commissioner Lober stated he is going to bring something back unless something drastic happens between now and the next couple of meetings; and he would anticipate that there will be an Item by the end of January dealing with Lori Wilson Park, and likely a transition plan.

Chair Zonka interjected which will actually get it out of the funding of the TDO, so there is the answer Commissioner Tobia.

Commissioner Lober stated realistically, whether he wants it to stay there or not, it is not going to in perpetuity.

Chair Zonka stated she wanted to see a plan because it cannot let it get into the condition it was before; and that is the fear that she has.

#### **L.5. John Tobia, Commissioner, District 3**

Commissioner Tobia mentioned the County Manager was in the news this week and he wanted to point it out; the Canaveral Port Authority is going to raise the Captain's salary again and they referenced the County Manager, saying that John Murray's contract at \$374,920 base salary was more than 70 percent higher than those of Brevard Public School's Mark Mullen's \$218,190 and Brevard County Manager, Frank Abbate; remember that is an organization that has a little over 10 percent of what the County has; his point is that the County has a great deal and a manager; and the Port continues to raise the Captain's salary. He added that the Legislative session is starting January 11, 2022, and there is a fun bill out there to be aware of; he is not asking the Board to take sides, as he thinks they would be on opposite sides; it has passed its first committee stop and it is Senate bill 620; this allows businesses to sue the County if it puts in ordinances or zoning that would show a loss to businesses of 15 percent or higher; and it seems to be a Senate priority and something to watch no matter what side one is on.

Upon consensus of the Board, the meeting adjourned at 8:13 p.m.

ATTEST:

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RACHEL M. SADOFF, CLERK

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KRISTINE ZONKA, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA