

October 26, 2021

# Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, October 26, 2021**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:00 A.M.**

**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

**MOTION**

The Board approved allowing Commissioner Lober to participate by phone.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**C. PLEDGE OF ALLEGIANCE**

Chair Pritchett led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the August 24, 2021, Regular, September 21, 2021 Final Budget, and the October 7, 2021, Zoning meeting minutes.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** Curt Smith

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

**E.2. Resolution Honoring County Attorney Eden Bentley Upon Her Retirement**

Commissioner Tobia read aloud, and the Board adopted Resolution No. 21-148, honoring County Attorney, Eden Bentley upon her retirement.

**Result:** Adopted

**Mover:** John Tobia

**Second:** Curt Smith

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

**F.11. Solid Waste Hauling Services for Class I and Class III Solid Waste from Sarno Road Transfer Station and the Sarno Road Class III Landfill to the Central Disposal Facility Competitive Solicitation and Contract**

Commissioner Lober stated just as a heads up, his concern with F.11., is the same as his concern with F.12.; he will be addressing both of them at once; he thinks they are both good ideas, his only concern is who is having to pay for it; the fact is, to his understanding, there is one entity that has a contract with the County which makes disproportionate use of the transfer facility; and without that entity making use of the transfer facility, there would not be a need to boost the number of drivers, the amount of equipment the County has there; he is not saying it is inappropriate to pay something towards it; however, he does not know that it is appropriate to pay the full Board cost. He continued by saying the alternative would be, the County could say to the other entity, anyone that makes use of this transfer facility with more than X number of

loads is going to have to go to the CDF in Cocoa; he thinks they could be brought to the table to defray some of the costs with both Items F.11., and F.12., because it is their benefit to do so; if the rest of the Board wants to pass it, he respects that; and he noted he thinks it is a good idea, he just does not like the funding mechanism.

Sandra Sullivan stated it is her understanding that this is due to Sarno running out of space; she has come to Brevard County Commissioner Meetings more than any other resident over three years; no subject has had more discussion than the landfill; in the May 18 meeting this year, it was said that there had been a 16 percent increase in waste the past year and that Sarno dump was expected to run out this summer; it was also stated that it would 18 months to build the new US192 site; and the Florida Recyclers deal would add 19 years to Sarno, but had 18 deficiencies including an issue with smell. She added it is very important to understand what the status is on the Florida Recyclers; the Board knew this was coming and that the County would run out of dump space but it has been quiet for five months; what is not discussed is how this option to move trash from Sarno to central disposal facility will shorten the life of the Cocoa landfill; a few weeks ago when Anne Samuelson called her, she said she talked to Walker Dawson who stated the muck from the grand canal dredging project is now going to the Cocoa facility; and she thinks this would be because of exceedances of the contamination issues. She asked how these two additional sources impact and shorten the life of the Cocoa facility which is a more expensive type of dump lined with clay; she went on to say in addition to additional year costs of \$750,000 for transporting, and three Mac trucks at \$1.5 million, maybe more, for both; she asked what is the real cost for Brevard residents for this mess; she mentioned there was just an offensive 28 percent increase in garbage pick-up; what was recently said by one Commissioner was, "We'll have to pass along the cost to residents"; and with a 33 percent increase in fire, a solid waste increase as well, welcome to inflation in Brevard. She inquired if Brevard County will see another hike on the trash rates with this; she stated she would suggest, if there is any way, to salvage the deal with Florida Recyclers; she does not like this Agenda Item nor how it hides the details, which hides the actual costs; she does not like that it will be approved without the public knowing the costs, as well as the real costs with Cocoa landfill shortening its lifespan by how much; not only does this Agenda Item authorize the bid in awarding but subsequent contracts and budget changes; and she believes the requested action should only be sent out for bid, but decision should come back to this Board for a decision with transparency to the public.

The Board authorized Solid Waste Management Director to develop, advertise, and award a competitive solicitation for Class I and Class III Solid Waste Hauling Services from Sarno Road Transfer Station and the Sarno Road Class III Landfill to the Central Disposal Facility; authorized the Chair to execute any subsequent contract(s), contract amendments, contract renewals, and any necessary contract extensions, upon review and approval by the 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:** Kristine Zonka

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

**Nay:** Lober

#### **F.12. Approval to Purchase Three (3) Mack Anthem 64T Semi-Truck Tractors**

The Board authorized the development, advertisement, and award of a competitive solicitation to purchase three (3) Mack Anthem 64T Semi-Truck Tractors; authorized the County Manager

to approve any Budget Change Requests; and authorized the County Manager to reject all responses received and utilize the existing Florida Sheriff's Association Cooperative Purchasing Program Vehicle and Equipment Contract should the lowest bid price exceed the cost (for the same vehicles) in the Florida Sheriff's Association Cooperative Purchasing Program Vehicle and Equipment Contract.

**Result:** Approved

**Mover:** Kristine Zonka

**Seconded:** Curt Smith

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

**Nay:** Lober

**F.18. Request for Approval to Award B-4-21-85 / Aquatic Vegetation Management Services**

Sandra Sullivan stated given the priority of voters in Brevard with the half-cent sales tax for saving the Lagoon, people are concerned about the decline of the Indian River Lagoon (IRL); she asked that County re-evaluate the decision to increase spraying of herbicides from about 85,000 annually with aquatic vegetation management services for the past three years, to two and one-half times that amount for two additional Districts to \$221,000; in addition to not being a cost effective bid, she wants to talk about the Lagoon and the fact that retention ponds, ditches, canals, and other waterways being sprayed often drained to the Lagoon; the problem with this is that several herbicides are known to kill sea grass, not to mention affecting the environment and health; using mechanical harvesting has been discussed here at the Commission meetings and the Save Our Indian River Lagoon (SOIRL) meetings; maybe the manatees can even eat the weeds harvested, with nearly 1,000 lost this year to starvation. She continued by saying the herbicide levels and manatees also made the news; the County needs to ban herbicides near the Lagoon; in 2008 the seagrass looked better than 1943, and since 2010, it has lost 98 percent of the seagrass biomass, 58 percent loss compounded with thinning, even where nutrient loading is good, seagrass is dying, suggesting another factor at play, according to Marine Resource Council (MRC); scientific literature shows that some herbicides kill the seagrass; and banning herbicides use near the Lagoon would be a cost-effective way to help save the Lagoon. She noted the decline began in 2010 when the State cost savings switch from mechanical harvesting to herbicides began which corresponds to the sea grass decline; unfortunately Florida Statute 487.051-2, preempts cities and counties from enacting any regulations restricting the use of pesticides including herbicides; the Board can at least decrease the use of herbicides as a County, rather than increasing their use; in 2008, the seagrass looked better than 1943 and the Lagoon was very resilient for recovery; that recovery was due to Florida Statute 403.086, which requires wastewater treatment conversion to AWT preventing raw sewage from going to the Lagoon regularly; and by not using herbicides, the Lagoon could see an equally strong recovery.

Commissioner Lober stated his thought with this, as with a lot of things the Board has to deal with, it is a double-edged sword, there is good and there is bad, with a lot of decisions that the Board has to make; the question is, given the factors that would apply on both sides where is the County better off; he knows for the northern part of his District, on the island and for the western part of his District on the mainland and some spotted areas throughout the rest of it, the fact is people's homes flood whenever there is anything approaching a named storm; the issue he has, that the Board has made reasonable efforts to address, is that there are not enough people doing the ditch clearing; the County has the equipment for it, the County just does not have the personnel; and he has spoken with the County Manager as recently as

probably a month ago, and the County Manager has made a number of efforts, about what the County can do about incentivizing people to do the ditch cleaning crew that are not glamorous and probably rather miserable during the summer, but the problem is the County cannot seem to fill those spots at a reasonable cost level. He noted he would agree that the County should try to avoid using pesticides or herbicides in areas that may end up going to the Lagoon; in the scheme of things, if it is allowing that to happen to some measurable or un-measurable degree, versus having these culverts blocked off, and he did a site visit with Assistant County Manager, John Denninghoff, to an area in his District where that was exactly the issue, the culverts were getting blocked off, water was not flowing, and when it drops from the sky, it will eventually flood houses; to him, it is great to have a clean Lagoon and he thinks there are a lot of factors that go into it, but he does not know if one individual factor is going to cause it to rebound or to really drop into a worse position; but he thinks the need to keep houses from flooding, is the greater need in his book. He advised he is going to support the Item; and he noted it is not that he does not share the concern that was expressed, but he thinks the overriding concern is keeping houses from flooding.

The Board authorized the award of invitation to bid B-4-21-85/Aquatic Vegetation Management Services-Aquatic Weed Control, to the apparent low bidder, Aquatic Vegetation Control, Inc.; and authorized the Central Services Director to execute the Notice of Award.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.1. License Agreement with the City of Melbourne for the Brevard County Natural Resources Annex**

The Board authorized the Chair to execute a License Agreement between the City of Melbourne and Brevard County for overlapping use between 1311 E. New Haven and Front Street Park.

**Result:** APPROVED

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.2. Final Plat and Contract Approval, Re: Pangea Park - Phases 1 & 2 Developer: The Viera Company**

The Board granted final plat approval in accordance with Section 62-2841(i) and Section 62-2844; and authorized the Chair to execute the final plat and Contract for Pangea Park, Phases 1 and 2, Developer: The Viera Company, subject to minor engineering changes as applicable, and does not relieve the developer from obtaining all other necessary jurisdictional permits.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.3. Final Plat and Contract, Re: Aripeka at Viera - Phase 1, Developer: The Viera Company**

The Board granted final plat approval in accordance with Section 62-2841(i) and Section 62-2844; and authorized the Chair to execute the final plat and Contract for Aripeka at Viera, Phase 1, Developer: The Viera Company, subject to minor engineering changes as applicable, and does not relieve the developer from obtaining all other necessary jurisdictional permits.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.4. Approval, Re: Notice of Non-Acceptance of Easement Deed for Ingress and Egress Conveyed to Brevard County from Rodney F. McConkey**

The Board approved and authorized the Chair to execute the Notice of Non-Acceptance of Easement Deed for Ingress and Egress conveyed from Rodney F. McConkey.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.5. Adopt Resolution and Release Performance Bond: Stadium Parkway Southern Extension, Segment D - Developer: The Viera Company**

The Board adopted Resolution No. 21-149, releasing the Contract and Surety Performance Bond dated March 9, 2021, for Stadium Parkway Southern Extension, Segment D – Developer: The Viera Company.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.6. Approval, Re: Donation of Warranty Deed from Brian M. and Catherine M. Lally for a Portion of Ramsey Lane**

The Board approved and accepted the donation of a Warranty Deed from Brian M. and Catherine M. Lally for a portion of Ramsey Lane.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.7. Adopt Resolution and Release Performance Bond: Viera Boulevard Commercial Center II - Developer: The Viera Company**

The Board adopted Resolution No. 21-150, releasing the Contract and Surety Performance Bond dated August 25, 2020, for Viera Boulevard Commercial Center II – Developer: The

Viera Company.

**Result:** Approved

**Mover:** Kristine Zonka

**Secunder:** John Tobia

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

**F.8. Approval of Shootouse Agreement Between Sheriff, Brevard County, and Eastern Florida State College**

The Board executed and approved the Agreement between BCSO, Brevard County, and Eastern Florida State College; and authorized the County Manager to execute any necessary contract amendments, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** Approved

**Mover:** Kristine Zonka

**Secunder:** John Tobia

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

**F.9. Permission to Advertise Public Hearing; Re: Proposed Exchange Agreement Between Brevard County and Space Coast Town Centre I, LLC**

The Board authorized the advertisement of a Public Notice for proposed Exchange Agreement between Brevard County and Space Coast Town Centre I, LLC, pending final negotiations, in accordance with and as required by Section 125.37, Florida Statutes

**Result:** Approved

**Mover:** Kristine Zonka

**Secunder:** John Tobia

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

**F.10. Approval, Re: Resolution and Easement in Favor of Florida Power and Light Company (FPL)**

The Board executed and adopted Resolution No. 21-151, authorizing the conveyance of real property interest by the County, located in Section 28, Township 27 South, Range 37 East, on the east side of Nieman Street in Melbourne; and executed the Easement.

**Result:** Approved

**Mover:** Kristine Zonka

**Secunder:** John Tobia

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

**F.13. National Opioid Settlement - County Approval and Authorization to Sign Two Nationwide Settlement Agreements Under Florida's Opioid Settlement Plan**

The Board approved to register, execute, and submit Settlement documentation required by the State of Florida to participate in Florida's Opioid Settlement Plan; authorized the Housing and Human Services Director, as the individual designated, to electronically sign the formal and binding documents on behalf of Brevard County, upon approval of outside Counsel, the County Attorney's Office, and the County Manager; and authorized the Housing and Human Services Director to take all other actions necessary to ensure the successful distribution of settlement

funds to Brevard County, upon approval of outside Counsel, the County Attorney's Office, and the County Manager.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.14. Permission to Accept Donation from Parrish Medical Center in the Amount of \$341,250 and to Advertise and Award a Competitive Solicitation to Install Additional Park Amenities**

The Board accepted a donation from Parrish Medical Center in the amount of \$341,250 for North Area Parks and Recreation; approved any advertisement and award of competitive solicitations for contractors to install additional park amenities; authorized the County Manager to execute all contracts, contract amendments, and necessary contract extensions, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve all necessary Budget Change Requests.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.15. Approval, Re: Interlocal Automatic Aid Agreement Between the City of Cocoa Fire Department and Brevard County Fire Rescue (BCFR) and the Lease of the City of Cocoa's previous Fire Station #2 (BCFR Station #46)**

The Board approved an Interlocal Automatic Aid Agreement between the City of Cocoa and Brevard County for fire and rescue protection to areas that are bordered by the City of Cocoa and unincorporated Brevard County; and approved the continuance of the Lease Agreement to occupy and operate an ambulance out of the BCFR Station No. 46, located at 113 South Fisk Boulevard, Cocoa for the sum of \$1.00 per year for the duration of the Agreement and is responsible for any maintenance, repairs, and utility costs.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.16. Acknowledge Receipt of the FY 2021-2022 Parrish Medical Center Revenue and Expense Budget and Millage Resolution**

The Board acknowledged receipt of the FY 2021-2022 Parrish Medical Center Revenue and expense Budget and Millage Resolution.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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



**F.17. Permission for the County Manager to Execute Renewals for PFM Financial Advisors LLC, for Financial Advisory Services**

The Board approved renewal of the existing award of Financial Advisory Services to PFM Financial Advisors LLC, per terms of Request For Proposal (RFP) 3-18-18; authorized the County Manager, or designee, to execute the current and any future contract renewals, contract amendments, and any necessary contract extensions, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.19. Request for Permission to Award RFP-5-21-25 / HOME Consortium Consolidated Plan to Cloudburst Consulting Group, and Mullin & Lonergan Associates**

The Board approved award of RFP/HOME Consortium consolidated plan to the highest ranked proposers, Cloudburst Consulting Group, and Mullin and Lonergan Associates; authorized the Central Services Director to execute the Notice of Award; authorized the County Manager, or designee, to execute all contracts, contract amendments, renewals and any necessary contract extensions, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.20. Request for Permission to Reject All Proposals Received in Response to Request for Proposal (RFP) 7-21-24 / SAP Consulting Services and Piggyback an Existing Competitively Procured Sourcewell Contract**

The Board approved the rejection of all proposals received, in response to RFP 7-21-24, SAP Consulting Services; approved the usage of Sourcewell Contract #090320-PNX a competitively procured Public Sector and Education Administration Software Solutions with related Services Contract with Phoenix Business Consulting; authorized the County Manager, or designee, to execute all contracts, contract amendments, renewals, and any necessary contract extension, upon review and approved by the County Attorney's Office Management, Risk Management and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Kristine Zonka

**Second:** John Tobia

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

**F.21. Resolution for Duran Sub-station**

The Board approved the Resolution No. 21-152 authorizing the conveyance of real property interest by the County; and authorized the Chair to sign.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.22. Consent of Deemed Assignment of Investment Advisory Agreement**

The Board consent to the deemed assignment of the County's Investment Advisory Agreement with PFM Asset Management LLC to U.S. Bancorp Assets Management Inc. (USBAM), a subsidiary of U.S. Bancorp, subject to the acquisition transaction closing.

**Result:** Approved  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**E.1. National Veteran Small Business Week November 1st through 5th**

Chair Pritchett asked if Stuart Smith or someone with the National Veteran Small Business is in attendance; she advised the Board her request would be to approve the resolution and the consent and she will get with him later this week to present him with the plaque.

The Board adopted Resolution No. 21-153, recognizing November 1 through November 5, 2021, as Veteran Small Business Week.

**Result:** Adopted  
**Mover:** Kristine Zonka  
**Second:** John Tobia  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**G. PUBLIC COMMENTS**

Sandra Sullivan stated while not everyone cares that Brevard has the largest Loggerhead Sea Turtle nesting in the world, and Green Sea Turtles are 50 percent of nests in Brevard, making Brevard the key to survival of these species, as well as endangered shore birds, she thinks everyone can agree that the lives of the coastal barrier island residents should be a priority especially with resiliency prioritized by the State; she received some new information since she was last here pertaining to State Statute 163.3, which protects people's lives on the vulnerable barrier island for evacuation with a level of service of no more than 16 hours, and they are 18 hours for evacuation according to Eastern Central Regional Planning Council (ECRPC) studies; density was capped in 1999 as a condition of the Florida Communities Trusts (FCT) grant for Hightower and Pelican, of which the County is also bound to those terms; the city is not respecting the terms of the Agreement; and the County has the authority to enforce this at the municipal level since it affects the unincorporated residents' lives in South Patrick Shores, Snug Harbor, and Patrick Space Force residents and service members. She continued by saying consequences will be the loss of life if nothing is done to address the critical evacuation deficiency; the issues is not just the view that endangers lives for evacuation on the vulnerable barrier island, it is also the intention of Satellite Beach to redevelop A1A West as high density; lives are being endangered in Brevard; an attorney noted he was hired by Satellite Beach to rewrite their Comprehensive Plan so they can redevelop the west side of A1A, high density, in response to sea level rise to stay viable as a city; and the fallacy is that A1A is just as much of

a flood zone as the west side of A1A because of the coastal element and the city's hardening of the coast line. She went on to say in May of this year, the District Four Commissioner, Commissioner Smith, had instructed legal to write an Agreement to release the covenants on Hightower and Pelican following the County's legal opinion; she asked why this County Commissioner is supporting the City on a parking management plan that would have County residents pay for parking, while City residents pay nothing, on park land that was paid for by the County and given to the City at their request; she asked why nothing has been done to address the environmental and has risked lives being lost; and safety issues for evacuation of residents, appointments to boards, and social events all raise a red flag.

Courtney Barker, Satellite Beach City Manager, stated she is there to give the truth against what Ms. Sullivan keeps coming to the podium, every meeting and talking about; the packet she provided the Board, most of the comments have to do with the View; the View is one phase of a large Planned Unit Development (PUD) in Satellite Beach which was the former Base housing; that was a property that had 999 units of family housing, meaning it had to be occupied by a family; it is being replaced mostly by, especially the View side, single-family housing, three buildings of eight story condos, and a hotel; all of those, and as the Board knows, condominiums are not occupied full-time year-round; primarily the comments on the View started with the City approving this development without public advertising; they have proved the statement of the Ordinance being wrong, Department of Economic Opportunity (DEO) sent letters saying the City is fine and this is a City issue not a State issue; then it turned in turtles and now it went to the turtles are going to be destroyed; and she advised there is an email in the packet from University of Central Florida (UCF) stating that most of what Ms. Sullivan is saying about the turtles is incorrect. She noted then it became chlordane and the Board heard about chlordane for about a year; the Base finally caved and had all that property tested for Chlordane and the test results are in the packet she provided, which shows that there is no Chlordane present on the site that is above residential cleanup standards; the Board can now see the posts and emails that she is now receiving copies of saying the schools are over capacity; she has provided the school district and highlighted the schools in Satellite Beach which show none are over capacity; the View has received all the currency permits they need to develop; they are developing now, they are building the site infrastructure and that project is not going to stopped, it is going to be developed. She went on to say now it is hurricane evacuation; she would like to put this perspective for people for the reality for hurricane evacuation and evacuation in general; she has been through eight hurricanes in this community while she has lived in Satellite Beach and she has never had trouble getting off the island; there was trouble getting back and waiting for the bridges to open, but never getting off the island; this project is 219 units and 175 hotel units; to put that in perspective, Viera, the last village that was approved, is 666,600 units of residential, 460,000 square feet of office space, 250 hotel rooms, and 600,000 square feet of commercial space; and that is the perspective.

The Board approved allowing Ms. Barker an additional three minutes to speak.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Kristine Zonka

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

Ms. Barker continued on by saying this Board approved zoning for 33 units in South Patrick Shores in 2019, but she has not heard a word about that; in the City of Melbourne portion of the beachside, just approved 135-unit hotel on the beach, and she has not heard a word about that; this property is across the street from the beach; the County Commission partnered with

the City of Satellite Beach to apply for an FCT grant to buy up the beach property and move the development west of A1A because they thought it was the responsible thing to do; for some reason this development project has been re-hashed over and over for three years; and it is still being re-hashed as it is being built right now. She noted she just wanted to make it clear to the community at-large that everything Ms. Sullivan is saying when she comes to the podium is completely untrue; the other issue is the FCT grants and that the City is in violation of FCT; there is a letter in the Board's packet that she provided, that shows from FCT that the City of Satellite Beach is in complete compliance with the management plan and all the FCT regulations at Hightower and Pelican Beach Park; the City is not in violation of FCT, they are not in violation of the State, there is no corruption, the City Council, just like the County Commission, used their authority to approve zoning, which they did, for a development project that is literally replacing development that was already there; and she stated there is no better way to develop property but to replace what is already there with new stormwater, new sewer pipes, new water pipes, and new roads, and all of it is in compliance.

Commissioner Lober stated he thinks Ms. Barker may have an idea in terms of where this is going or she really ought to; he hates hypocrisy, it is one of the absolute worst things on the planet; to mention what Viera's stats are, when Viera is not on a barrier island and does not have the same concerns with respect to causeways and evacuation, is at best a red herring or at worse, something quite a bit more misleading; he was not going to respond to it, but quite frankly since the City Manager is here, he is sure she was aware, and he cannot imagine otherwise, there was an email that went out maybe a week or two ago, to all of the County Commissioners and all of the Redistricting members, in which a City Council Member of hers referred to Ms. Sullivan as a close contact of his; to remind everyone, he has never texted Ms. Sullivan, she does not have his cell number, she does not have his home number, she has never had a coffee or a beer with him, he has never had a lunch or dinner with her, he has never met her at his office, or her office, if she has one, he has never met her at her home, he has never met her at his home, he has never met her anywhere other than a duly noticed Board of County Commissioner Meeting or Transportation Planning Organization (TPO) meeting ever, so when people want to take the moral high ground and want to point out that something someone said is true or not true, it would help if individuals from that same entity were not putting out either dishonest or tremendously misleading information; if it were just one City Council member, he might let that be, but the Assistant City Manager over there has an objective documented history of lying, which if anyone wants to get into it, he would be happy to do so, but he thinks that would be a mistake on Satellite Beach's part if they want to go there, but if that is what they want to do, he can go there; and the bottom line is that he thinks people should be very careful on what they say and if they are making things up, expect that he will call them out because he just does not play that.

Chair Pritchett stated she thinks everyone gets Commissioner Lober's point; she thinks he is just trying to make clear that he does not have a relationship, and that sounds bad, but as far as emails.

Commissioner Lober stated if he had a close relationship with Ms. Sullivan then he has an intimate relationship with some of those on the Board; and he does not think that there is an intimate relationship with anyone on the Board.

Chair Pritchett responded she is with him; she does not think Commissioner Lober has a relationship with Ms. Sullivan and she does not think that he hangs out with her either; she just phrased that wrong; she apologized and announced that he has her honest respect on that; and she gets his point.

**I.1. Approval, Re: Contract for Sale and Purchase from Karla Celiris Rodriguez as Part of the FEMA Hazard Mitigation Grant Program (HMGP)**

Susan Jackson, Public Works, stated this is a contract for sale and purchase from Karla Rodriguez; her property is located in the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program in District Two; this is one of four lots that are located in the Silver Pines subdivision that are part of the FEMA grant H0565 that this Board previously approved; the appraised value of the lot is \$175,000; FEMA will be paying 75 percent of the grant; the requested action today is that the Board approve and authorize the Chair to execute the attached contract for sale and purchase and statement of voluntary participation for acquisition of property for the purpose of open space, to authorize the Chair to execute all required closing documents and other required FEMA Grant documents related to this contract; and for the Board to authorize the County Manager to sign all future contracts and any related contract documents, closing documents, and all other related FEMA grant documents included in FEMA grants H0564 and H0565.

The Board of County Commissioners, in regular session on October 26, 2021, approved and authorized the Chair to execute the Contract for Sale and Purchase and Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space; authorized the Chair to execute all required closing documents and all other required FEMA Grant documents related to this contract; and authorized the County Manager to sign all future contracts and any related contract documents, closing documents and all other related FEMA Grant documents of land included in FEMA Grants H0564 and H0565 for acquisition and demolition of specified flood prone properties in the West Cocoa and Silver Pines project areas. Enclosed is Contract for Sale and Purchase and Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space.

**Result:** Approved

**Mover:** Bryan Lober

**Seconded:** John Tobia

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

Chair Pritchett stated she wants everyone to know that she thinks Commissioner Lober has complete integrity; he always does what is on his heart to do what is best for his community; and as far as she is concerned, his integrity is never a question with her.

Commissioner Lober expressed his appreciation for her comment.

**J.1. Waiver of Section 62-102(c), Re: Unpaved Road Agreements to Allow Access Via Paper Right-of-Way to Dixie Way - Applicant: Lawrence Stewart**

Tad Calkins, Planning and Development Director, stated this Item is a request to waive the unpaved road agreement; it is established in Section 62-102c, where the applicant is seeking a waiver in order to construct a single-family home without constructing an unpaved road within the County right-of-way without providing the maintenance for said roadway; and also without the requirement of entering into a proportionate share agreement for the assessment of the paving of the roadway; and if there are any questions staff is happy to answer them.

Chair Pritchett stated she is willing to table this right now for Mr. Stewart without the Board having to make a motion, to allow him to take the time to get some engineering plans so that staff can help him on this; once the Board makes a motion it might mess that up; however, she reiterated she would be willing to do that for him if he needs more time to see if this is possible.

Lawrence Stewart stated he thinks that is wise; he noted he has had a very hard time finding an engineer; it has been very suspect that the engineers who initially say they would be willing to help him, come back later and say they cannot, after supposedly speaking with Public Works to find out what is required; and he reiterated he is having a very hard time finding an engineer that will provide him with what Mr. Calkins told him he would need.

Chair Pritchett stated she really like him, but she is having a hard time with that, because staff is pretty straight up; and she would guess is it could be such a small project that it might be making it a little more difficult as well.

Mr. Stewart advised he is not accusing Public Works by any means.

Chair Pritchett stated she is kind of hoping that someone will hear this today and come help him with this; she would really love for him to build his home; however, there are so many things involved in this right now that staff has to make sure that the County is not placing this burden on other taxpayers. She asked if staff wanted to add anything.

Mr. Calkins advised he would be happy to work with Mr. Stewart to get that accomplished; he thinks the Board has had a concern with the amount of roadways and the required maintenance for those; and he wants to be careful on how to extend that out to obligate the Board for future maintenance concerns.

Chair Pritchett mentioned one of these came up a little while ago and it was denied by the Board; there are all these properties there and there is typically one guy who owns the majority and is subdividing them all; he is land-locking them when he does this; the problem is the County trying to get access to those properties, especially with emergency vehicles, to handle the growth out there; and this is where she has to protect the other taxpayers as well, it is not just him, there are a bunch a things going on out there right now. She reiterated if Mr. Lawrence is willing to table this, it will allow him time to provide County staff with engineering plans showing how the road can be constructed within the 30-foot right-of-way, with additional easements of this right-of-way, including necessary improvements, road drainage, and utilities; and staff can have the administrative authority, at that time, to approve the plans if it is something that they find will work, including a waiver of engineering standards, should the proposal become acceptable to what they receive.

Mr. Lawrence inquired if that would be a road built to road standards.

Chair Pritchett advised something is going to have to be to the standards if that is what the engineer comes back with; the thing right now is nobody knows because staff does not have any information; and she cannot put that on the taxpayers to do that; and if Mr. Lawrence could do that then staff probably would have something to help work with him.

Mr. Lawrence asked if it will be tabled until the next meeting.

Chair Pritchett advised if this is tabled she can give staff the authority to look at the Item and they can help Mr. Lawrence through this to see if they can come up with something that will help him get this accomplished.

Mr. Lawrence agreed to table it.

Chair Pritchett advised there will be some cost but the goal is to make is least costly.

Mr. Lawrence mentioned he understands, he just cannot afford to construct a road along an

existing road that is already used for agricultural reasons.

Chair Pritchett explained it is a right-of-way; she stated there is so much to that; there are two houses hooked up and to start bringing in all these other properties having a potential of 12 other houses, with what the actual zoning is there, but to build on AU, they would have to be connected to a County road and that is the problem; she likes the idea of Mr. Lawrence going to see if he could buy a neighbors area and make a right-of-way there, he could build a flag lot straight up; but other than that, this is the County's code and there is a reason for it because if he does this, all the other taxpayers have to pick up his cost to build his project. She reiterated she just cannot do that to others, especially when all of Scottsmoor is blowing up like this right now; and it is typically one guy who is subdividing all his property and making this mess.

Mr. Lawrence advised he is not involved in that situation.

Chair Pritchett commented she knows.

Mr. Lawrence continued by saying the parcel that he is purchasing is not being subdivided by the definition of State statute, it is not a subdivision.

Chair Pritchett noted she disagrees with him on that; she really wants Mr. Lawrence to be able to build there; he may want to pull back on purchasing it until this can be worked out to make sure he can afford all this on that property; but as of right now she has great concerns because someone out there has put millings on the County's right-of-way after she had made it clear to not mess with it right now.

Mr. Lawrence responded he does not know where the millings came from, obviously he did not do that.

Chair Pritchett stated she knows.

Mr. Lawrence stated he would ride his bicycle in that same place and it was milled back then.

Chair Pritchett stated not that the County knew of, so someone is taking advantage of the County's right-of-way without permission; she has a real concern about that; and she does not believe it was Mr. Lawrence, she thinks he is a straight up person.

Mr. Lawrence stated it is being used for agricultural purposes which less than a mile from him, there is a special district that utilizes a road exactly like his road for their purposes to get to their property.

Chair Pritchett advised to build a home on an AU property, it has to be connected to a County road or with a flag lot with the road; she stated she is willing to do that and table this so that Mr. Lawrence's cost is not totally thrown away; staff can work with him and help him work it out; and she is going to be adamant that he must go get some type of engineering so that the County knows what it is dealing with.

Mr. Lawrence advised he is agreeing with her; he has been trying to get that engineering for three or four months, and actively pursuing it; he noted he feels like he has a pretty good argument to most of the things that she is stating; however he will step back and take another month to attempt to get an engineer.

Chair Pritchett advised it is that or it will not be approved by her today; and she reiterated she

thinks he is a good person.

The Board tabled consideration of a waiver to the Code of Ordinances of Brevard County, Section 62-102(c) to allow construction of a house at Tax ID 2004427 without constructing an unpaved road within County right-of-way, providing for the maintenance of said roadway, and agreeing to a proportion share assessment for the paving of the roadway to provide time for the applicant to provide County staff with engineering plans showing how the road can be constructed within the 30 foot right-of-way, with additional easements of the right-of-way including necessary improvements, road drainage, and utilities; and this will provide staff the administrative authority, at that time, to review and approve the plans, if appropriate, including a waiver of engineering standards.

**Result:** Tabled

**Mover:** Bryan Lober

**Seconded:** John Tobia

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

**J.2. Approval, Re: Contract for Sale and Purchase with Donna R. Dean for the Zone M-Milford Point Septic to Sewer Conversion Project**

Susan Jackson, Public Works, stated this is a contract for sale and purchase with Donna R. Dean; her lot is located on the west side of Milford Point, just north of State Road (SR) 520; she is in Zone M of the septic-to-sewer conversion project in District 2; the fiscal impact of this purchase is \$415,000; it is \$50,000 above the appraised cost; and the requested action is for the Board to approve and authorize the Chair to execute the contract for sale and purchase.

Commissioner Lober stated he has some comments; the Board has been through this and other items that have taken place in District 2, even with respect to Save Our Indian River Lagoon (SOIRL); if the Board remembers there was a parcel north of Walmart on SR 520 by the causeway; they had done something similar where they wanted more than the appraisal amount; in this case there is a very recent appraisal dated August 23, 2021, for \$365,000, yet they are insisting on \$415,000, simply because they think the County needs their property in order to make this happen and this is a bend over the barrel price; he has never paid more than the appraisal or the average of the appraisal and the property owners current appraisal; and to pay an amount that is objectively over an appraisal where there is no flaw being argued with respect to the appraisal, no issue with the methodology or what was reviewed, it sets a horrible precedent. He continued by saying he would love to see this area put on sewer and he has been pushing for that for some time; this is not the way to do it because it is going to cost \$50,000 more on this project, but the precedent that this sets that he has actively fought against for the past three years, is not one that he is willing to assume; if it is only \$50,000 here, it may be several million down the road when people realize that if the County needs the property they will pay way more than the actual value of the property; and this is simply a good deed for the people who live there, and for the County to be punished for the good deed is not the way to do it. He advised there are other options that will allow the County to complete this project, granted they are more expensive; but he thinks in the long run, and in the County's long-term interest, he is not comfortable with anything over the amount of the full cost of the appraisal; what he would prefer to see is staff to be given the authority to offer and to close it at the full appraisal cost and go from there; and if they do not want to sell it, then that is fine, but he does not think the County should get into the practice of paying more than the land is worth.

Chair Pritchett stated she has a little heartburn on this as well; she asked the Board if there are all these houses that have leaky septic tanks into the Lagoon, is there a way to show that these



are polluting the Lagoon and perhaps fine them for not taking care of what they should be doing; she asked if maybe that is something the Board could look into; and fining them may make them realize this is something that is being done for them.

Eden Bentley, County Attorney, advised that is something that is regulated by the State and the County would have to contact the State to see if they could do anything; she noted if the septic tanks meet the regulations, there will probably not be a fining mechanism in place; and that might be an amendment to statutes that the legislative delegation could pursue.

Chair Pritchett noted this is tough because the County has already invested so much money in this already and she does not like it.

Commissioner Zonka stated she would not ask staff to analyze the cost savings to the Indian River Lagoon (IRL) fund, assuming there is a little less clean up over time and stopping pollution, but it is pretty typical; paying an appraisal price for a property that the County is asking for is just not standard practice whether anyone likes it or not, it is always going to cost more than the appraisal because the County wants the land; that is pretty typical because this is not a property that is on the market; and she knows staff can verify this is typical because she has been around a while. She went on to say the County is not paying double it is just paying a percentage over; the savings to the Lagoon fund, it can almost not even be quantified because the Board does not even understand what that would save in the future; and those are her comments.

Commissioner Tobia stated he read the report and he has some questions for staff; and he inquired if the County has an alternative site picked out should the Board not use this one.

Eddie Fontanin, Utility Services Director, stated no, not logistically.

Commissioner Tobia stated his understanding is the County does but it would have to bore underneath the road and that is clearly listed in the report that apparently only he read.

Mr. Fontanin stated under 520 there is parcel.

Commissioner Tobia advised that would be a yes; he stated he is just trying to move this along; and he asked how much extra according to the report, that would cost.

Mr. Fontanin responded it would be \$150,000 to \$250,000.

Commissioner Tobia advised that is what the report stated; he went on to say if the Board were to go with the alternative site there would be a net increase of between \$150,000 and \$200,000; and he asked if that is correct.

Mr. Fontanin responded affirmatively.

Commissioner Tobia continued by saying even though the County is spending a little bit more than appraised value, it could show quite a bit of savings for this; he does not think this sets a precedent; if one looked at the viewership of these meetings, he does not think a bunch of people are sitting out there watching this, knowing that they can have the County over the barrel; the Board does not have to make that decision as it moves forward, it has the ability to stop that precedent; however, in this singular case, the County can save between \$150,000 and \$200,000. He noted he thinks it is a wise decision to move forward with this.

Commissioner Smith mentioned he agrees with Commissioner Tobia; this is a case-by-case basis; he does not think people are out there rolling their hands together thinking they can take advantage of the County; on a case-by-case basis, if it makes sense the County will do it, and if it does not make sense, the County will not do it, and in this particular instance, it makes sense because the location is ideal and if they were to use another location it is going to cost up to \$250,000 more. He went on to say it is a cost basis decision of \$50,000 versus \$150,000 to \$250,000.

Chair Pritchett asked if the County has offered her the appraisal amount yet and if she said no.

Ms. Jackson responded affirmatively.

Commissioner Lober stated he thinks what is getting lost based on the conversation he is hearing, is that he is not arguing that to do this would represent a cost savings over the next least-expensive alternative for this particular project, that is clear; what he is saying is that long-term, the impact is the problem; as far as this being routine, in the three years he has been in District 2, he has never, certainly not knowingly, approved spending more than a property is appraised for, or the average of the owner's appraisal and the County's appraisal, in District 2, even for property that the County needed, even for the spoil site that was addressed north of Walmart which was a much bigger property; and he did not hear his fellow Commissioners suggesting the cost savings on that, the County saved money by going the way he had suggested, which was a high six-digit number. He continued by saying the bottom line is these people are not necessarily looking to sell their house, but if someone were to knock on his door and he were to give them an inflated number that does not mean he will not take some other inflated number that is not quite as high as he initially threw out; he reiterated it is not routine in District 2 at least not in the past three years, it may have been prior but he does not know; there are frequent flyers that watch these meetings who are impacted by the fact that the County will pay more or less than appraisal; to think that people are not watching these meetings, who will be impacted by that, for instance the lot that the County did the spoil site on by Walmart, that was a commercial broker that represented that owner, so to think people do not watch or look at the minutes, he thinks is a little short-sided.

Commissioner Zonka commented she really does not want to go in circles but again, the bottom line is it is going to save the County between \$150,000 and \$250,000; that is what she is looking at and it gets people off of septic, nevermind that it is going to save the County money in the long run as well, it makes perfect financial sense; and as far as setting precedent, it would have to be pretty specific precedent about a utility project, specific to what the County is doing here. She added she does not know of any others in the last four or five years; and every situation is unique and every situation comes back to the Board, therefore, she will be supporting it.

Commissioner Lober stated it is fine and it sounds like it is going through; he does not think this has anything to do with being specific to utility projects or SOIRL; as far as one that has taken place over the past four to five years, he just mentioned one that was north of the Walmart on Highway 520, not far from the area that is being talked about, where doing what he had suggested had a huge savings to the County; and with that said, whether the County is acquiring the land for Utilities, Public Works, Natural Resources, or other Department, the fact that the County is willing to pay more than appraised value is a fact that applies to any purchases that the County may make in the future, it is not limited to Utilities or SOIRL projects. He continued by saying it sounds like the votes are there, but he thinks it is a mistake.

The Board approved and authorized the Chair to execute the Contract for Sale and Purchase

with Donna R. Dean for the subject property located in Section 31, Township 24 South, Range 37 East, on the west side of Milford Point Drive in Merritt Island, for the Zone M-Milford Point Septic to Sewer Conversion Project.

**Result:** Approved

**Mover:** Curt Smith

**Second:** John Tobia

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

**Nay:** Pritchett, and Lober

**J.3. Approval and Authorization, Re: Brevard County as “Qualified County” Under Florida Opioid Settlement Plan**

Ian Golden, Housing and Human Services Director, stated this is another Item to support the opioid settlement; this one positions Brevard County as to what is called a qualified county; it has a number of actions that are being requested from the Board to accomplish that; to be a qualified county, Brevard has to have an opioid task force, which it does and is a member of; it has to have an abatement plan that has been adopted by the Board, which is attached to this Agenda Item; the County has to be either providing or contracting for substance abuse services, which the County does; and the final one, the County has to enter interlocal agreements with enough municipalities that covers 50 percent of the municipalities population. He continued by saying based on 2020 Census, that would be based on about 191,000 people; staff has started having conversations with the cities regarding that interlocal agreement; one of the things that one will see is, they are asking for an implementation option from the Board; there are four options; one is to use together in partnership, as the body to prioritize the abatement plan and then do recommendations through a Request for Proposal (RFP) back to the Board for final approval; the second option is to create a standing Committee which includes municipalities under the Together in Partnership (TIP) to prioritize, and it would also allow for cities because of the way TIP works and to become members of TIP and also have further input into the process, staff envisions there is probably going to be a smaller committee in TIP that will do recommendations for the Board to approve for funding; there are 50-odd agencies that are members of TIP and staff does not want 50 different people reviewing an RFP, so they will look at restricting that down; the third is to create a new advisory board which includes the municipalities, which would require infrastructure, TIP allows the County to already use existing infrastructure, an existing board that has already been approved by the Board; and the fourth option is another process as defined by the Board.

Commissioner Lober advised he has spoken with Palm Bay Mayor, Rob Medina, and he thinks there were a couple of options that were livable for him, one of which is certainly livable for himself; and he is interested in the second option, presuming that the Board is very clear on the record that Palm Bay will have a seat on the committee that makes recommendations to come back to this Board.

Mr. Golden went on to say staff would actually be bringing together a partnership resolution back to the Board at the end of November because they are due to sunset in December; staff will have that resolution with changes; one would be if the Board goes with options two, that standing committee; however, they also contemplate potentially some changes to the membership to make some of the municipalities, some of the larger ones, actual members and then look at that recommending committee also.

The Board reviewed and approved the draft Interlocal Agreement governing the Regional

Opioid Settlement Funds with eligible municipalities, as edited, to reflect the Board's Implementation of Option 2: Create a standing subcommittee (including representation from municipalities) under the Together in Partnership Advisory Board to annually prioritize activities in the abatement plan for inclusion in Request for Proposals (RFP) and utilize Together in Partnership as the selection committee to recommend activities/agencies for funding to the Board of County Commissioners; approved the County Manager to sign Interlocal Agreements with eligible municipalities upon County Attorney Office and Risk Management approval; approved the Brevard County Opioid Misuse Abatement Plan as submitted by the Brevard Prevention Coalition's Opioid Task Force; authorized the Housing and Human Services Department as the agency to be responsible for the administration, oversight, implementation, and monitoring of the Brevard County Opioid Settlement Funds; authorized the Housing and Human Services Department to take all additional actions necessary to ensure Brevard meets the State's criteria for a "Qualified County"; provided staff direction for Implementation of Option; and authorized the Housing and Human Services Department to conduct a RFP process.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**J.4. Staff Direction, Re: Charter Review Commission - Three (3) Attorney Panel for Review of Amendments**

Steve Darling, Purchasing Services Director, stated this Item is requesting staff direction for the Charter Review Commission, three attorney panel, to review any amendments that are received by the Charter Review Commission; he has outlined a couple of options for the Board to consider; as far as the Board serving as the Selection Committee or staff serving as the Selection Committee; and then authorizing the County Manager to execute contracts and Budget Change Requests.

Chair Pritchett stated she thinks there needs to be a motion whether the Board of County Commissioners want to do this or if it wants staff to do it.

Commissioner Lober advised he would defer to staff to see if they have a strong preference one way or the other.

Commissioner Smith stated he has no objection to that.

Frank Abbate, County Manager, stated he staff would be happy to serve as the Selection Committee and they would not have to bring it back to the Board if the Board is good with that.

The Board of County Commissioners, in regular session on October 26, 2021, authorized Purchasing Services to develop and advertise a Request for Proposal (RFP) for a Three-Attorney Review Panel to review any charter amendment proposals; authorized the following individuals to serve as the selection and negotiation committee: County Attorney, Community Services Group Assistant County Manager, and Central Services Director; authorized the County Manager to execute all resulting contracts, contract amendments, and any necessary contract extensions upon review and approval by the 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  
**Seconded:** John Tobia  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**J.5. Amending BCC-92 In Order To Limit Mileage Reimbursements by Commissioners**

Commissioner Tobia thanked Chair Pritchett for leading the conservative initiative to place spending limits on County Commissioner Offices; he stated to say the least, it is rare for a politician to show willingness to investigate and limit their own offices; it is for this reason that he is confident that she will support this one as well; currently Board Policy allows employees on the Board, including Commissioners, to seek reimbursement for mileage expenses within the County; he thinks this makes perfect sense for staff members who are just doing their job and going where their duties take them, which the Board has significant roles in shaping and can change depending on the Board's request, often times requiring them to go; frankly, while it may be legal to have Commissioners being reimbursed for attending Board meeting that are entitled Commission Chambers, because it is not technically their office, but it is incredibly fishy to taxpayers; and attending meetings such as this are expected and the Board Members all knew going into this, that each would be attending these meetings. He continued by saying those few times when Commissioners are traveling within the County for things that are not truly typical with their job, it would not be worth their time spent calculating that reimbursement; however, for out of County trips, his amendment would have zero impact and Commissioners would follow the same procedures that they do now, working within their budget; as such the amendment to BCC-92, what he is proposing is that it prohibits the Board Members and their successors from seeking reimbursement for mileage expenses within the County; the Policy is attached; and he would like to make a motion after listening to everyone's thoughts or suggestions.

Chair Pritchett stated she would probably vote with Commissioner Tobia if he would make it within Districts; if she has to travel from District 1 to District 4 or District 5 to do a Supervisor of Election, there are some things that become quite expensive for the Board Members; she noted this is not income, it is reimbursement of out-of-pocket expense; she knows that Commissioner Tobia and Zonka never do this; and as an accountant she has no problem being reimbursed for things she is doing out-of-pocket. She mentioned another thing to realize is that the cost of living through the years, the CPI index, is equal to 8.8 since she has been on the Board, so the Board Members are already making \$5,327 less than what they started as far as buying power; this is not an inexpensive job, there is some cost with it; if this is within the Districts she would be fine with it; but she thinks when the Board Members have to do the excessive travel because of what they have to do with their responsibilities on this, she thinks it is absolutely fair.

Commissioner Zonka asked Commissioner Tobia if he has any data points on what it costs.

Commissioner Tobia responded yes.

Commissioner Zonka continued on by saying she personally never claimed mileage.

Commissioner Tobia replied not a penny; he advised in Fiscal Year 2019 it was \$5,621, in Fiscal Year 2020, it was \$4,380, and this year to date it is \$2,787; he commented he appreciates Chair Pritchett's suggestion, however, he would not consider that a friendly amendment as it does not solve the issue of the Board Members driving into work; Viera is outside of his District and the reason he has decided not to accept those dollars, and he has not taken dollars traveling within or outside of the County, is because he thinks it is fishy and

hard to explain that he is getting mileage to walk into the Commission Room doors, when it says Commission Chambers; he appreciates the premise because this came up due to Chair Pritchett's conservative nature of putting limits on things; and he understands how Chair Pritchett would not support it as written, unfortunately, he cannot add that as an amendment because he thinks it guts it.

Chair Pritchett advised she respects him, she just does not agree with him on this.

Commissioner Lober stated he appreciates the efforts that would save taxpayers money; he supported Commissioner Tobia's recent efforts to encourage productive behavior amongst staff members; he thinks today's Item, despite what he is confident are good intentions, may accomplish quite the opposite; he thinks the way the Agenda Item is written, it may cause taxpayers more money and it may encourage laziness and/or a lack of preparation on the part of individual Commissioners; and if it was not for Sunshine Laws, he would have had this conversation with Commissioner Tobia outside of this meeting so as to avoid having to get into something that is unpleasant of this nature, during a public meeting. He explained he has been content for the past three years but he thinks this Agenda Item forces his hand; when he took office back in 2018, he was advised that two of his four colleagues at the time routinely took staff briefings and the other two did not; the fact is no one knows what they do not know and he knows that applies to him as well; he routinely takes staff briefings and he always has, it is part of what he does to ensure he is prepared for these meetings; however, he goes to staff in Viera, those among the most highly compensated employees, nearly all of whom earn a six digit income, instead of them coming to his office for briefings; at least one of the other two Commissioners who routinely took briefings, had staff travel to their office; but it does not make sense to have half a dozen or more highly-compensated employees driving to Commission Offices potentially paying over 10 times the mileage, but the Commissioner would not be billing the mileage. He mentioned it is his understanding at present, that the other two Commissioners who have routinely taken staff briefings, they both now follow the same thing he has been doing and they go to the Government Center in Viera, given that it is most convenient for staff members and it really ensures efficiency in keeping staff in their offices and off the roads during the work day; even if none of those employees were allowed to seek mileage, he believes the County Attorney is not allowed mileage but the others are, the opportunity cost of keeping a dozen or more employees on the road for an hour or so roundtrip quickly renders the \$0.57 entirely meaningless whether it is going to a Commissioner or having a Commissioner and their own staff go to County staff; the fact is many of those employees would be on the road if the Commissioner did drive to them; Commissioner Tobia said in introducing this Item that he has no concerns over staff members seeking reimbursement for mileage; and he agrees with that, but he thinks if there is a way to avoid multiples of the mileage reimbursement being sought, it is a good idea. He continued by saying he does not wish to discourage Commissioners from representing the County at any of the various municipalities or even some of the civic organizations, give or take a mile in this 73 mile-long County; he has been to a slew of City Council Meetings to represent his constituent's interest, everywhere from Melbourne, the Conditional Use Permit (CUP) dealing with height variances for the County dump, to Cocoa to talk about grant issues and the Indian River Lagoon, to Cape Canaveral on various issues, to Palm Bay and Valkaria, even for Melbourne-Tillman; there are locations in the County that are objectively further, especially for Commissioner Pritchett than a number of locations out of the County; he would not want her, Commissioner Smith, or himself to be punished for ensuring quorum at a Melbourne-Tillman meeting, he has been to every single one since he has been elected; the fact is he spends well under his budget and he has consistently had the fewest full-time employees of any Commission Office; and he has paid the least of any Commission Office in Comp and benefits. He noted he has never paid a penny of taxpayer dollars for rent; he continues to have the most unadorned austere office of any

Commissioner with asbestos in the walls and the carpet has been there since it was lawful to smoke in the building; he has never billed for any hotel, airfare, or meal despite having incurred a number of qualifying expenses under at least a couple of those categories; he does not bill to go to office although it is somewhat far from his house unless he is returning from another County obligation; the one reimbursement he has ever sought is mileage; and the \$0.57 per mile may or may not even cover the cost of maintenance or gas in his car, but it offsets it to a degree. He stated he has no major qualms with mileage reimbursement being included in the Commission Office's overall budget, he thinks that makes sense; as it is written this Agenda Item would discourage the practice of keeping County Manager staff, County Attorney staff, and other departmental staff in their offices during the work day, and it would discourage Commissioners for making site visits to see problems their own constituents are experiencing firsthand; he did that recently with Assistant County Manager, John Denninghoff, for some flooding concerns and a culvert concern on the west side of his District, and what is more, it may also encourage laziness on the part of future Commissioners; he has a different suggestion though; and he mentioned if Commissioner Tobia is interested in keeping costs down, he would be happy to put his money where his mouth is, or better yet, back in the pockets of taxpayers, he would support a motion requesting, on behalf of the Board, that the Charter Review Committee consider amending the County Charter to set Commissioner pay at the median household income in Brevard. He added while some Commissioners treat this as a full time job, others absolutely do not; as such, he does not think that what he is saying is unreasonable or ridiculous; he is not being facetious, but the Board Members can all take a multi-thousand dollar a year pay cut without risking the foreseeable and unforeseeable consequences of this Agenda Item; this would potentially hit him the hardest because he is the only one who is not currently term limited, but it is still the right thing to do; at least let the voters decide; however, if on the other hand Commissioner Tobia does not like what he has presented and he wants to go through with the Agenda Item as he listed it, the one thing he thinks he absolutely has to have, so he does not end up with some promissory estoppel claim, he really needs to specify an effective date at some point, that does not go back into the past. He went on to explain if Commissioner Tobia wants to say for travel after the end of this meeting or travel starting on October 27, he thinks that makes a lot more sense because there are folks that may have a couple months of mileage that has not yet been submitted that they had every reason to believe would be reimbursed. He stated he has concerns not over the intentions but the ramifications of this.

Commissioner Smith stated the amount of money discussed here is not going to make anyone rich or poor; paying people for their mileage and expenses is realistic and customary as a business expense; to ask an employee or an elected official to travel for free, either in or out of the County, is just unreasonable; he owned several businesses and he paid his employees to travel; he even paid himself with it being his own company; that is just what is done, covering the expenses because an employer should not ask people to work for free or travel for free; he thinks it would be a terrible precedent; if he or any future Commissioner chooses to voluntarily forego any part of their entitled salary or reimbursement that is one's own choice and that is the way he would leave it; and he does not think that this Commission or any other Commission should work or travel for free, to him it does not make any sense.

Chair Pritchett responded that she is in agreement with Commissioner Smith.

Commissioner Tobia advised he agrees with part of that and if Commissioner Lober wants to go in that direction he is certainly more than willing to do that; Brevard County actually had a Commissioner who donated his full salary and that always went below the radar and he never sought any type of recognition for that; it is important that he bring that up because he appreciates people who go above and beyond, and do not just talk about things but actually do

them, or even that do not talk about it and do it; listening to what Commissioner Lober said on staff briefings and trying to follow it, there was a gentleman by the name of Alexander Graham Bell who invented a telephone a few years ago and there are now things called Zoom calls, people are more than willing to use them, so people have never had to ask staff to come to an office, they have phones and many times cell phones that are paid for by taxpayers that a Commissioner can contact them and it does not require them to come to a Commissioner or a Commissioner to go to them; and he cannot think of a time where he has had trouble at the last minute getting ahold of staff, they have been very attentive. He added just because he does not ask staff to come to his office and he does not routinely call meetings with the entire staff, because many times he does not need the entire staff, he may just have a question for Mr. Denninghoff and it may be a waste of time to have an entire briefing with a bunch of staff who make \$100,000 when he only needs to speak with one of them; and to be honest Mr. Denninghoff pretty much knows more than most of many of those others cumulatively. He mentioned he does not believe that Commissioner Lober was insinuating that Commissioner Zonka or himself are lazy, looking at this Agenda it is very apparent where much of it comes from and he will leave it at that; he thinks it is fishy that the County Commissioners are getting reimbursed to drive into the County Commission meetings; and with that he will make the motion to accept the Policy.

Commissioner Smith asked if the Commissioners get paid to come to the County Commissioner meetings.

Chair Pritchett responded he does not because he lives there.

Commissioner Smith corrected her by saying because his office is there.

Chair Pritchett advised that each Commissioner runs it differently, how they need to learn and how they need to absorb the information; there is no doubt in her mind that all five of them do their very best to bring the very best they can for their communities; she thinks everyone is doing a great job; but she wants to reiterate that this job is not cheap to do and the Board's salary would be \$96,000 without the Charter Cap, and they are at almost half of that; that is fine it is what they did when they were elected; if that is done again with the CPI change, everyone else got the increases but the Board never does; it is all good with her; however, when it comes to reimbursed expenses, she just does not think this request is right and she does not think anyone is abusing it; she bought all her own furniture for her office; and this is reimbursed expenses for out of pocket expenditures. She continued to say District 1 is the furthest away even to get to the Commission meetings; District 1 is the County seat, and the meetings used to be there, but the middle is probably better; she does not think it is unreasonable, if someone has to drive excessive miles; when she had to do the Supervisor of Elections to East John it took her an hour and one-half in travel getting there and back; the cost of using one's own car and the mileage, she just does not think this is unreasonable; and she asked Commissioner Lober if he has anything else to add as she has a motion and a second.

Commissioner Lober stated he has a couple suggestions but he is not going to support the motion either way.

Chair Pritchett asked Commissioner Lober if he wants to make a motion right after this one, but she wants to go ahead and do this one first.

Commissioner Lober advised before she does that, he thinks there is one critical deficiency, there is no effective date to specify and that could open the County up for potentially promissory estoppel claims for miles that have already been driven, so he would suggest



respectfully whether it passes or not that Commissioner Tobia specify an effective date, either as of today, tomorrow, or whatever he wants; and he does not think it is sufficiently clear with how the motion has been phrased, whether that applies to travel that has already taken place.

Chair Pritchett asked Commissioner Tobia if he wants to place an effective date on that.

Commissioner Tobia responded no and the reason why is because that only pertains to the Board Members; and he noted when Commissioner Lober is saying it opens the County up to claims, he means he may, unless it is one of the other three Commissioners, sue the County.

Chair Pritchett inquired if Commissioner Tobia wants to do this moving forward from here.

Commissioner Tobia continued to say his understanding is the only official that sued the County previously is an Altman.

Chair Pritchett inquired if he wants to do this moving forward, right now, starting today or the end of the month.

Commissioner Tobia stated it is very clear that this is not going to pass, so he was just extremely concerned when Chair Pritchett got into the County's budget, and it opened it up.

Chair Pritchett stated Commissioner Tobia brought this up before and she does not blame him.

Commissioner Tobia advised he absolutely has not.

Chair Pritchett stated he had brought it up in his very first year.

Commissioner Tobia advised he has never brought this up as a Policy, absolutely not.

Chair Pritchett mentioned she thought he had brought it up at a budget meeting.

Commissioner Tobia reiterated to the best of his knowledge he has not done that, but for respect he does not want to place the Board in a tough position; and he pulled his motion.

Chair Pritchett asked if Commissioner Zonka is good with that.

Commissioner Zonka responded that is fine, but it would be great if the Board could stay on topic.

Chair Pritchett noted this Item is dead; and she advised Commissioner Tobia that she has respect for him.

Commissioner Smith advised he would like to reiterate that he really appreciates this Board and the perspective that each Member brings; everyone has good ideas and interesting perspective; and he really appreciates what everyone has to stay.

Commissioner Lober stated this is for the benefit of two on the Commission moreso than the others; yes Alexander Graham Bell did put in place an interesting communication system that everyone makes use of but there are a number of reasons why meeting in person is better; often times Planning and Development for Zoning meetings have printouts; good luck viewing those on a screen and having someone try to explain them on the phone; he agrees one does

not want to have staff that one does not need sitting there indefinitely; if they do not have an Item on the Agenda they simply do not come to the briefing; the last time Mary Ellen Donner was at a briefing of his, she had one Item on the Agenda, he took her Item first, and she was in and out in probably five or six minutes; he does not think it is inefficient, he thinks it has tremendous value; and the other thing is when a person is physically there with someone they have more of a sense generally, to bring one up to date, not just to what is on the Agenda, but also potentially Items that are coming up in the very near future. He went on to say he finds just being in the Government Center and being in an environment where employees and staff can approach him with issues that they think may be coming up or that he ought to know about, has a value in and of itself; he is not saying that everyone has to do briefings every time, it is up to each person to do what he or she wants to do, he is just saying that he sees tremendous value in it; it has helped him in being prepared for meetings; and he has never felt at any meeting that he has been blown out of the water because there was something he simply did not know.

The Board considered the passage of amending Policy BCC-92, Reimbursement of Expenses, but took no action.

**J.6. Amendment to BCC-08, Allowing for Employee Reimbursement of Concealed Carry License Expenses**

Commissioner Tobia advised this was done in accordance with staff and it was all done remotely; in fact, he had this on the Agenda and staff brought up some issues that needed to be dealt with; this is an idea of a proposal that came about in a conversation that he had with an employee in his office; this employee had recently purchased a firearm and she was going to be taking her concealed weapons course; when he asked her why, she said one of her primary reasons was so she could carry during work hours consistent with the Policy that thankfully this Board passed several years ago; and he agreed with her whole-heartedly that this was a rational decision since his office has been the subject of violent threats in the past and his office is next door to Representative Randy Fine, who has publicly stated that he has been the target of Muslim terrorists. He noted since this is an hourly employee who is taking on a fairly significant expense due to a work related issue, he had staff inquire as to whether it was eligible for reimbursement through the County; Steven Darling, Central Services Director, diligently informed him that it was not an eligible expense because under current Policy, licensing fees may only be reimbursed if they are required by State law, as part of their duties; while initially considered proposing an amendment to this Policy, several questions were raised by staff, particularly regarding insurance coverage; as such, he is requesting that staff simply research the impact of a proposed amendment and report back to the Board in 60 days to its findings; and his question is if this comes back and it is not going to be an additional expense of any great magnitude, he would put forth that as a Policy change. He added if the Board is against this, there is no use in staff going through additional time and effort whether it would be legal or insurance; and he noted the Board has the ability to cut this off at the pass so if anyone is against this, regardless of cost, he or she would be saving staff a lot of time doing the research on it. He advised the motion would be to direct staff to research potential implications of adopting the proposed amendment to Policy BCC-08, including but not limited to general liability, workers compensation, drug testing, training, and compliance and public record issues; and that is the motion which would come back once all of those things were dealt with one way or another.

Chair Pritchett advised she appreciates Commissioner Tobia asking the Board before incurring the cost; she thinks that is very commendable; and she thinks Commissioner Lober just gave the motion a second.

Commissioner Lober responded affirmatively.

Chair Pritchett advised she is probably not going to support this when it comes up; she does not know where the rest of the Board falls on it; she does not know that the County should start down this path if someone needs a driver's license; she thinks there are just some things that people need to pay for on their own; she is not against people carrying because the Board voted on it; however she just has some heartburn with this one.

Commissioner Smith mentioned he finds this one very interesting; he has thought about it a lot; initially he liked it, but he came to the conclusion that if the Board requires anyone on staff to carry, then the County should pay for a permit; if the County does not require it, then that is going down a slippery slope; Chair Pritchett mentioned it with the driver's license; it is not a big expense, but everyone needs a driver's license to come to work, but it is not a prerequisite, it is a decision that the employee makes; and he thinks it needs to stay there.

Commissioner Zonka responded she is happy to look at this Item, or have staff look at it; she would just say that where her limitations lie is if it is not warranted; it may not be required, but in this example where there is a safety issue, and if that is something the employee is eligible for that helps them essentially perform at their job better because they feel safer at work and being in the office by themselves at times; she has someone in her office who carries and she is glad she is because there have been some interesting calls in the past; and she would be comfortable if Commissioner Tobia worked with staff and they came up with a list of positions that they feel people may benefit from personal protection; the County has a lot of staff and a lot of different positions in the County; and one example would be Code Enforcement. She added there are some others, and some are obvious ones where if people carried it would benefit them at their job and make them be able to perform their job safely; and she thinks she would be okay if the Board went down that path.

Commissioner Lober stated he has one thing but if Commissioner Tobia does not want to do it then he does not do it, but he would prefer, all else equal, when this comes back that he would exclude Commissioners themselves from participating in this; he has no problem if staff members do, but he does not know that the Board Members should be doing something that would give a reimbursement even if it is for a good reason; he carries the vast majority of the time and this would simply pay him to do something that he is already doing; and he would ask that Commissioner Tobia exclude the Commissioners themselves.

Chair Pritchett stated she has a thought; should the County reimburse all the ones who have already paid for it out of their own pocket; her entire staff has it already; when they came on board they did it because they are kind of secluded; and she inquired if the County does this if it is going to reimburse everybody that has already had to do out-of-pocket expenses. She added that would seem fair; and another thought on that is she thinks there are over 2,000 employees; she thinks this all needs to be put together; she knows his heart was right with this, but she has some heartburn with it; and she noted if he would work all that out before he comes back with this, that would be great.

Commissioner Tobia stated he will take all that into consideration; what he will not take into consideration is the irony that just took place that it is okay to reimburse the Commissioners for voluntary decisions like driving to a location, but it is not okay to reimburse staff for making those same voluntary decisions, the Board Members for education and staff for probably their primal safety; and he thanked her for the suggestions.

Chair Pritchett commented the difference in that is that one has to be at places, but people do

not have to necessarily carry; she has a member in her family whom she would never want carrying a gun because she has seen the way he or she shoots; and she thinks that has to go under consideration. She stated Commissioner Tobia knew he had depicted a very controversial subject when he brought this to the Board anyway; and she knows he will be able to work all of that out.

Commissioner Lober stated he may differ with Chair Pritchett on this Item, but the other difference that makes this distinguishable from the other Item is that the other Item was talking about taking away something that employees were entitled to under existing Policy; this is adding an entitlement, which to him is night and day different from the other; he still supports it and if Chair Pritchett does not support it he still respects her; and they will see how it comes back.

Nathan Slusher stated of all the government meetings he has sat through at the County and various municipalities over the past year in Brevard County, this is probably one of his favorite Items to ever be brought up; the fact that the Board is actually considering this is a fantastic thing; he wants to point out some things on the actual motion itself; Section 3, Subsection Part A, he wants clarification of why the County only wants to give it to people who have been there for 12 months; he could understand a 90-day waiver when someone gets hired on they are going through the process, but once someone is an employee, they should be an employee; he asked if there is reason for that 12 months; he noted as far as Subsection G, he would ask the Board to remove it; if the Board is going to do something great for the County employees then just do something great; the fact that one would have to pay it back if they were to leave and get a better job, just seems inadequate; back in Part A of Subsection 3, it very clearly states full-time employees only; if there is one thing he has learned in over 15 years of business management and ownership, it is that part-time employees are just as important as the full time employees; this is a benefit that can help every American; and if this can be given to full-time employees, then it should be provided for part-time employees as well. He went on to say the costs with upwards of 2,000 employees and given the chart that was attached to the Agenda Item, at max that is \$300 per person, which was the highest amount on there; that comes out to \$600,000; and he has seen \$600,000 spent on things that are far less important than this. He noted everyone knows it is not going to be \$600,000; that would have to be recurring if there were 2,000 people every year, brand new, but the County will not, it is going to have long term employees so the costs will not be that, it would be much less; and he reiterated if the Board is going to do full-time employees, it would be great to also do part-time employees and really set a standard.

Chair Pritchett advised the County has 2,200 employees so it is \$829,000; as there are new hires, they would be added on as well; and she mentioned that Commissioner Tobia might want to frame this a little different to consider the costs, when thinking through all that.

Commissioner Tobia asked if Chair Pritchett is aware of how long a permit last for.

Chair Pritchett responded no.

Commissioner Tobia advised he is aware because he did a little research, it is good for seven years; that would be assuming 100 percent of the employees did it, that would be \$800,000 divided by seven; maybe if a few Board Members took a couple less trips to their offices...

Chair Pritchett inquired if this is an upfront cost; and she stated it would not be paid per year.

Commissioner Tobia commented it is ridiculous to assume; as Chair Pritchett mentioned

previously, her entire office has it; he has one, but he is not carrying it right now, nor does he ever carry; that would have been in the policy had he brought one that none of the Board Members were eligible for; he advised that would be a cost assuming 100 percent did it and 100 percent needed it the first year; the odds of either one of those two happening is extremely small; he wishes Mr. Slusher would not have brought up that number because it sounds daunting at the beginning, but it would only be a small fraction of that; and he is not opposed to any of those suggestions.

Chair Pritchett asked if Commissioner Tobia would not want to reimburse for the ones that have just received it.

Commissioner Tobia stated he would not be opposed to it; it could be done proportionately; it is something that could be discussed; that is why he just wanted to see about bringing this forward; he thanked everyone for the suggestions; he noted he amended a current Policy when it comes to reimbursement of licensing, this would not be a completely new one; if the Board would feel comfortable creating a completely new Policy with many of those suggestions, none of which he would be opposed to, he would certainly do it, but he had a draft policy based on the one that the County currently does and the reason why the Board cannot put it forward; and he appreciates everyone's time and consideration in allowing staff to go forward with this to see what its potential impact could be. He added it could be detrimental with liability; and if this comes back with additional millions of dollars of liability then it is probably not something that would be feasible.

Chair Pritchett thanked Commissioner Tobia for doing all the work on it, bringing it up, and letting them bounce their thoughts off of him; he has always done that in the past, bringing something up and letting the others bounce their concerns with it; and she certainly appreciates that.

Commissioner Lober stated he has a suggestion for Commissioner Tobia, but he is fine either way, he just wanted to put it out there to see if he had a strong feeling one way or the other; with respect to what Mr. Slusher said with the part-time employees, he does not have an issue if he leaves it as is, or if he wants to make it so it is proportionate to the fraction of full-time work that someone is doing, so if they are a three-quarter time employee to make it three-quarters of it; he reiterated he is fine either way; and he will support it either way.

Chair Pritchett commented she would be more apt to support it if he were to write in the criteria that Commissioner Zonka had brought up in it as well.

Commissioner Tobia reiterated the motion was to direct staff to answer the questions that they had posed concerning a list of Items.

The Board directed staff to research potential implications of adopting the proposed amendments to Policy BCC-08, Education Assistance Program and Licensing Fee Reimbursement Program, including but not limited to general liability, workers' compensation, drug testing, training and compliance, and public records issues allowing for employee reimbursement of concealed carry license expenses.

**Result:** Approved

**Mover:** John Tobia

**Second:** Bryan Lober

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

**J.7. Approval of Legislative Intent to Advertise an Ordinance Change to Rename the County-Owned Spaceport Commerce Park in Titusville to Exploration Park West**

Troy Post, North Brevard Economic Development Zone executive Director, stated the District Zone Board has recommended that the Commission consider advertising for a hearing which would change the name of the Commerce Park in Titusville to Exploration Park West; what this would do is allow them to capitalize on the cachet of Exploration Park which is a development over at Kennedy Space Center which is the home to Blue Origin and One Web Satellites; this is part of a marketing campaign, a rebranding of that area; the reason he is coming to the Commission to do this is because they have restrictive covenants that are recorded on that park and they want to go back and rerecord those covenants to keep those governing regulations in place as to what development scan go forward there; and this is the first step in the process of changing the name.

The Board adopted Resolution No. 21-154, authorizing a name change to Spaceport Commerce Park, authorizing staff to pursue modification of the restriction and Deed covenants of the Spaceport Commerce Park to add the name change to the covenants, providing legislative intent to amend Brevard County Code Section 98-247, 98-247a to update the name of said Park; and approved legislative intent and granted permission to advertise for an ordinance change to Brevard County Code, Section 98-247, 98-247a, to remove the name "Spaceport Commerce Park" from the County-owned business park in Titusville, and replace it with "Exploration Park West", as part of a rebranding and marketing campaign that the North Brevard Economic Development Zone (NBEDZ) and its economic development partners, including Space Florida initiated.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**J.8. Authorization to Permit the Rental of County-Owned Parks and Recreation Department Community Centers for Commercial Gun Shows**

Commissioner Lober advised he wants to point out a couple things in regards to the summary explanation background; the vast majority of this, not to say it is identical, is based on what the City of Melbourne does in allowing their auditorium to be rented; there are some differences; the \$2 million general liability insurance, he believes Melbourne may be \$1 million but the event host that uses their facility routinely provides \$2 million; Risk Management and potentially the County Insurer also recommended \$2 million, and to avoid issues on that front it was made \$2 million, since that seems to be an industry standard; where it talks about submitting a security plan to include one Bureau of Alcohol, Tobacco, and Firearms (ATF) Agent and one additional Law Enforcement Officer (LEO) on site while firearms are present, he thinks the way Melbourne had it was 24/7, but the bottom line is he thinks what they were attempting to accomplish, but did not phrase it perfectly, was they did not want the firearms between days, when there is a multi-day show, to be in the facility without law enforcement being present; and that is why he changed that a little bit from what they did. He continued by saying as far as the security plan including one ATF and one additional law enforcement officer, it is not to be taken and this is to be included in the motion by reference at this point, that it is limited to one ATF agent plus one law enforcement officer, that is a dead minimum, irrespective of the location so if there is a small event, there still needs to be one ATF Agent and one LEO; if it is in a city it can have a reserve officer or if it is unincorporated Brevard County it can have a reserve deputy; and nothing says that that is the maximum, so if there is an event that has 10,000 people in it, two law enforcement officers probably will not cut it. He advised this was put

together working with staff and Risk Management to ensure there was some level comfort; he would like to be able to have guns show groups put together gun shows at County-owned facilities without being discriminated against based on the nature of what it is that they are doing; this provides protection to the County so that should something happen, and it is incredibly infrequent that something happen at a gun show that results in injury, people are on the lookout like hawks at these things; it is an astounding rarity for anything bad to happen; he thinks this provides the adequate protections; and he did not make it specific to the Parks and Recreation Center in District 4 because looking at it and considering it would be artificially limited to one location in District 4, and he thought perhaps the Board should look at it as a County-wide Policy; if someone wants to do this wherever the same rules apply; and he made a motion with the caveat to say the security plan is to include one ATF agent and one additional LEO, and that is not taken to mean that is a maximum, it is simply the floor.

Commissioner Smith stated he is good.

Commissioner Tobia advised he has a litany of questions for not only the sponsor of this but potentially for staff as well. He asked Commissioner Lober if this is intended to be an Administrative Order or a Policy.

Commissioner Lober stated at this point, he believes it is being geared towards a policy; and he asked if Commissioner Tobia sees a need for it to be an administrative order, because if so, he can re-gear it.

Commissioner Tobia advised his question is, if it is a policy and there is no policy attached, once it is drafted would this have to come back to the Board; is the Board voting on an idea not necessarily a policy; an administrative order would give staff the discretion to make the decision; and it was not clear, but it is a very important distinction.

Commissioner Lober asked if he is more comfortable with it coming back he would be happy to have it come back.

Commissioner Tobia mentioned he is just trying to clear it up either way.

Commissioner Lober stated he was comfortable with staff, but if Commissioner Tobia has concerns that it is not going to be written in accordance with what everyone is anticipating, then he is happy to have it come back.

Commissioner Tobia noted it is not with staff going with the direction, it is with the legality of a policy happening without approval of that policy; whether that is an issue or not he does not know, it is something he would have to discuss with staff; secondly, he appreciated Commissioner Lober pointing out that Melbourne is doing that; but Brevard County Commissioners decided not to raise taxes and Melbourne did, therefore, the Board is a little different than Melbourne. He continued by saying he had three things that could potentially come up with this, the first being competition; he asked if Commissioner Lober has given any thought to that because doing some quick Google research it appears that there are two such gun shows scheduled in the next month, one at a Moose Lodge in Merritt Island and another in the Melbourne Auditorium; and he noted there are presumably other venues including the commercial market; and by giving access to a County venue essentially at cost, the County may be tipping the scales on private enterprise in competition with others. He added as a conservative, he does not like government getting involved in these types of things; and he asked how that would be squared away.

Commissioner Lober stated pretty easily, he does not view it as an issue simply because everyone has the same opportunity; he does not even know the name of the individual who sought to rent the facility in District 4; if someone wants to strap him to a polygraph despite how he is feeling, he will happily be grilled on that to their hearts content; he does not think that the County simply making this available that it is picking a winner or loser, it is whoever books it; if someone wants to book it next month and someone different wants to book it two months from now, it is open to everyone, just as the County Commission Chambers; the County is willing to rent the Chambers to the local democrat party or the local republican party.

Commissioner Tobia explained he did not explain himself very well; he appreciates the explanation but his thought is if the County does this at a subsidized rate at the Holiday Inn and the Holiday cannot do it because they pay employees a different rate, and they have other things the County does not have to incur, he asked if it is fair with choosing various gun sellers at the County's location; and he mentioned he is concerned about the County's location versus private enterprise, that being a another auditorium, a private auditorium.

Commissioner Lober advised now he knows where Commissioner Tobia is coming from; he thinks that is a subjective question; obviously one could have a different answer than he could; he has an issue and some heartburn when the County starts regulating who can use the County facilities or what they pay based on the content of what it is they intended to put on; and to him that is the over-arching concern. He commented if someone wants to rent it for religious purposes or for political purposes, that is fine, as the Policies are now; he has an issue with starting or continuing in this case, to regulate based on content; he thinks that is the over-arching concern that to him overrides any potential impact on local business.

Commissioner Tobia advised he is not concerned about any of these; he thinks there should be a prohibition altogether; the second, he is sure Commissioner Lober is aware that Parks and Recreation currently has 80 unfilled vacancies right now and this would require overtime; he thinks recently there was County negotiations with the Fire Union where fire people came up with this mandatory overtime and Commissioner Lober was strongly against that; and he asked if the Board is okay with Parks and Recreation having mandatory overtime because that is what would have to happen, should this situation transpire.

Commissioner Lober mentioned he thinks the question is there are competing goals; the goal he has is making the County's rental process more content neutral so that groups are not being precluded, or accepting groups based on the nature of what it is.

Commissioner Tobia noted Commissioner Lober is trying to interpret his intent; he advised his question is simple; and he asked if Commissioner Lober has any problem mandating overtime for County staff.

Commissioner Lober responded affirmatively.

Commissioner Tobia asked if Commissioner Lober understands that this will cause that situation.

Commissioner Lober replied he does not understand that that is a certainty but he understands that it is a possibility.

Commissioner Tobia commented he may have to punt that one to staff; he noted the crux of the issue, and if Commissioner Lober is looking for something, this is what he is willing to go forward with; these venues have activities currently in them; this would have to displace the



people who are using these facilities; the one apparently that he was looking at, it just so happens that on that certain day there are not any activities taking place; however, there are activities taking place, both the preceding and the day immediately following, so there will little kids that were taking Taekwondo or that had a big basketball game come up that will now have to be displaced; and the Board has to look at the mission of these facilities, which he thinks is park activities. He noted he has no problem with gun shows, bible selling, or whatever Commissioner Lober wants to do, his motivation is he does not want to displace children who have games going on; and he would support this with the one disclaimer, and it is very simple, that there is no displacement of community activities, because he thinks that is the reason that these were built. He stated he was not around and he did not vote for these but he thinks the reason the facilities were built was to give people an outlet for recreational activities; now Commissioner Lober is choosing one activity over the purpose; a simple clause added on to this, whether it is an administrative order or a policy, that no little children will be kicked out from an activity that they have planned, even despite the overtime and that other stuff, this is his most important caveat; and he asked if Commissioner Lober would be amenable to not removing any children from scheduled activities at these facilities.

Commissioner Lober responded yes as long as it is worded appropriately; he has heard a few different versions or variations of what Commissioner Tobia stated; when he said for an activity that was already planned, if they were already on the books he is fine with that; he does not want to get into a situation where some anti-gun group calls as soon as they find out that the venue is booked and say their children want to play taekwondo or practice taekwondo there and then they get booted because someone is trying to gain the system by claiming they want a community activity, potentially to not even show up; and he reiterated if someone is already on the books, that is fine. He went on to say he has an issue of someone calls after a group is already reserved, whatever that group is, he does not think it is right to boot anyone that has a standing reservation at a facility; he is with Commissioner Tobia with respect to that; and he will have that explicitly stating, prior to making a motion, or with respect to the motion, that that is contemplated by it.

Commissioner Tobia noted on the face this sounds pretty simple, however there are some issues that he brought up that some other members of the Board and staff would have whether it be with overtime or activity so he would ask that this come back in the form of a Policy so the Board can look at it at a future date; he is willing to look at it at the next meeting; and he thinks it would be much clearer given all these other circumstances for the Board to actually see the language not only for his protection, but for Commissioner Lober's as well. He mentioned he thinks Commissioner Lober knows where most of the Board Members stand, including himself given what he said he would support with this type of stuff; he is not punting this down the road, he will most likely support it; but he just wants to see it in black and white; and he asked if Commissioner Lober is okay with outlining and giving the Board an actual policy to vote on.

Commissioner Lober stated he is fine with that provided it is not delayed to a point where the organization that had spurred this into occurring in the first place is beyond some deadline for making their event.

Chair Pritchett asked Commissioner Lober if the Board did it and brought back policy next week, do they still have time to fulfill it.

Commissioner Lober advised he would have to defer to Mary Ellen Donner, Parks and Recreation Director, if she is there.

Chair Pritchett asked Ms. Donner if the Board brought this back to the next meeting as a policy

if there is still time for the organization to do this event.

Ms. Donner stated the communication with the potential organizer indicated that he would have to know yesterday or today.

Commissioner Lober stated he does not want to cause problems for them that is his only concern; he has no problem having staff, or he can do it, but until there is a formal policy brought back before the Board that it use this summary explanation background as though it is policy; and he will bring back a policy that is intended to be more permanent or more formal at the very next meeting; and that he would be comfortable with. He continued by saying between now and the next Board meeting to make use of this as the policy with the understanding that a more formal policy will be drafted and brought it back for final approval.

Chair Pritchett stated she wants to throw it out that she spent some time asking staff about this because they are coming with their own liability insurance; there was no school in session at the time at all because the children are out for a holiday weekend; that fixes some of the concerns she had; those were her two biggest concerns but there could be others; she asked staff if they saw any unforeseen consequences and they said there were none that they are aware of.

Commissioner Zonka stated she does not think this is the right thing to do, at the very least, rushing to put a policy in place for an organization that is banking on the Board passing; that is not really how the Board operates; the Board gives the public a chance to speak on it; she is not even opposed to it as long as it does not interfere with recreational activities; but is this agency that no one knows the name of, was banking on having their gun show in this community center without the County allowing that, it sounds bizarre to her; kind of like rushing to bring it to the Board, it will be approved and they can go ahead and have their show; and she would never as a business or organization assume that the County is going to say yes if they said no already. She noted she is not comfortable with passing this just as a policy, temporarily or otherwise; the Board talks about precedent, and it is going to start allowing anything and everything in there; she feels more comfortable seeing this in person, complete, and legal; and seeing if there is any liability. She commented she has other questions as well; she reiterated she finds it a little odd than an organization who was probably told by County staff that they could not do this at this facility and now has to know yesterday if the Board is going to go ahead and allow them to do it, after they knew the County said no; she is not comfortable passing this; and she is not going to support it today.

Chair Pritchett asked if the Board approves this it is allowing this one-time event here because it came before the Board and the Board outlined some criteria; and she asked if the Board could still come back with a policy.

Eden Bentley, County Attorney, advised the Board could come back with a formal policy; and this is for gun shows generally, it is not just for one event, it is for gun shows anywhere.

Chair Pritchett asked for clarification that it is for gun shows anywhere.

Attorney Bentley answered yes in Parks and Recreational facilities.

Commissioner Lober advised he would be comfortable with that if there were enough votes, he does not know if there are or not; he will withdraw any motion he had out there and make a new motion just to approve the event that has been discussed; this is supposed to come up in a month's time of which Ms. Donner is familiar with, at the recreation center in District 4, that was

previously identified, provided that the entity that is putting on the event complies with all of the requirements that are in the bullet list of the summary explanation background; and he will be bringing back to the next meeting a more formal policy to apply to all gun shows in general.

Chair Pritchett stated this is Attorney Bentley's last meeting so she is going to ask Abigail Jorandby, Assistant County Attorney, if she is comfortable with that.

Attorney Jorandby responded yes she is; the Board is going to talk about this particular event today; but it will bring back a formal policy for all events in the future.

Chair Pritchett inquired if Commissioner Smith's second holds.

Commissioner Smith responded in the affirmative.

Commissioner Tobia advised he will not be voting for this for some reasons that he did not bring up, but that this Board has brought up in the past; the Board was not interested in doing a one-off, and this will be exactly that, a one-off; this organization, be it private or public, had the opportunity to see the Board members ahead of time, and to give the Board an arbitrary deadline does not seem to work out so well; he is probably in favor of this policy, but to pick and choose one organization, he would have to ask himself if an organization that he did not support and the Board may not support, would the Board have gone through all of these hoops to allow an organization that did not necessarily jive with the Board's ideology, would it be doing this same sort of thing; and he reiterated if Commissioner Lober incorporates the displacement of community activities and the Board gets it in such a way that it is comfortable, and it deal with the mandatory overtime that really gets stuck in the craw, he is going to most likely support this policy. He noted but to pick and choose as this Board has brought up one activity over another one, and he thinks Commissioner Lober brought that up, this Board would be doing the very thing that Commissioner Lober warned it against; and for that reason he cannot support this one organization moving forward, at this point.

Chair Pritchett asked Ms. Donner if there was anything else that is pending in this place during that time period, or if anyone else is looking at wanting to use the location.

Ms. Donner responded there is a program that is scheduled on Saturday; it is an ongoing program; and as this proposed Agenda Item outlines, they would need the entire facility which means they would have to displace the karate on Saturday morning.

Chair Pritchett inquired if they would be okay with that, or if they were asked about that.

Ms. Donner replied they have not been approached because they knew this Item was going to be heard by the Board today.

Commissioner Lober noted he does not know how much space the karate takes up, but the goal was never to displace anyone; he thinks that was a valid point raised by Commissioner Tobia; if they can make use of it with that area still being allowed or a comparable area in the same facility still being permitted for the folks doing the karate, he has no problem making that part of the motion or incorporating it into the motion; as far as picking and choosing, he receives that poorly in the sense that he thinks what the Board has been doing up to this point is picking and choosing, and this is eliminating the picking and choosing because what is being said is regardless of what the content is, the County is going to allow someone to do this; to say if it happens to jive with the Board, it may or may not, but if one was to look at the fact that it was disallowed rather arbitrarily, he does not know that it really did jive with the County's

position up to this point; and yes, if there was a group that he disagreed with, even if it were an Atheist group or something along those lines, he would do the exact same thing in permitting their event. He added the fact is he thinks the Board has to be content-neutral in allowing the use of the County facilities; if that cannot be done then the County should not allow anyone to use the County facilities; if a gun group wants to use it, then it should absolutely be allowed to be used by them; if an anti-gun group wants to use it, that should be allowed; the Board cannot start picking and choosing who is entitled to use which facilities, as long as it addresses the liability concerns and the concerns Commissioner Tobia made over displacement; and he reiterated he thinks it should be open to everyone. He explained it is a community center, or recreation center, it is not for this section of the community or a fraction of the community center, he thinks that is totally wrong.

Commissioner Tobia stated this may be a moot point but he has one final question for staff; he assumes Commissioner Lober wrote the summary explanation and the background; he asked Ms. Donner that under bullet point two, it says rent the entire community center, there would be no concurrent center use and the event or organizer has the sole possession of the building, therefore in her opinion, would karate going on and guns going on at the same time be concurrent.

Ms. Donner responded yes.

Commissioner Tobia asked if the Board were to vote for this, and it were to be followed as written, would that organization have access to the facility.

Ms. Donner responded the karate organization would not have access to the facility if it is as written because it was the recommendation of Risk Management that the building be...

Commissioner Tobia went on to say there would be no concurrent center; he asked why would the default be the organization that wants to be there as opposed to the default being the one that is there; why would staff say no to the karate, who scheduled it, instead of the guns; and he inquired where in the summary of the explanation does it give authority for the guns to supersede the karate.

Chair Pritchett responded it all depends on what self-defense one is after.

Commissioner Tobia continued by saying this will be given to Ms. Donner to make the decision and his reading of this, that there will be no concurrent and the default is what is currently in place, and what is currently in place is karate.

Ms. Donner responded that is correct.

Commissioner Tobia explained in other words if the Board were to pass this right now, the gun show would not have the ability to work.

Ms. Donner explained if the Board passed this, karate would not be able to have its class if the gun show was going on.

Commissioner Tobia stated he is sorry, there is a miscommunication; and he asked where in here does it say guns over karate.

Attorney Jorandby asked if she can help. She stated she thinks what he is asking is the motion was originally for Countywide in general; now it has gone to this particular event and the dates

that they have asked Ms. Donner for already have a concurrent event going on in that facility, so it would have to be displaced if this was adopted now for that particular weekend which she thinks is Thanksgiving weekend; therefore it is because the motion changed that it is guns over karate.

Commissioner Tobia thanked Attorney Jorandby for explaining that; and he stated it does not even meet with the policy that was given initially.

Chair Pritchett commented she has a feeling that with the karate there are children; they have to be over the age of 16 by the things that Commissioner Lober drafted out; and she asked Commissioner Lober what he said for the motion.

Commissioner Lober explained he thought he had stated either along with making the motion or subsequent to it that contemplated in the motion that the Board is not going to displace anyone who is already on the books there; that is not listed in the summary explanation and background but based upon the concern that Commissioner Tobia raised, which he recognizes as a valid concern, he is not going to kick out children for any other event anymore than he would kick out the gun show for the children; and whoever is there first is the one who gets it; and if that is something that could work, great, but if not, then it is what it is.

Chair Pritchett noted she does not think it will because Commissioner Lober put in there nobody under the age of 16 could be accompanied there unless accompanied by a parent; this is going on for a long period of time; she does not want to pick winners and losers, but when big events come along she does not mind that either; maybe the biggest heartburn for some of the Commissioners is that there is not time to hash this out on paper; and she inquired from Ms. Donner how many people are there for the karate, how long have they been there, how much of the facility are they using, and how hard would it be to displace them.

Ms. Donner responded she is not sure as to the number of children that are enrolled; it is an ongoing program that is every Saturday; and they use one single room.

Chair Pritchett advised it is up to Commissioner Lober whether he wants to keep a motion or not; and she suggested that he might want to see if he can bring it back to the next meeting and let them know from what she is hearing from the Commissioners is if they had something a little bit more comprehensive, as far as these concerns, she is guessing they would go ahead and pass it; and she reiterated that it is up to Commissioner Lober.

Commissioner Lober advised the only way he sees this working today is there would have to be three changes; one he has already mentioned at some length about not displacing anyone who is already on the books; the second would be for the last bullet point not permitting anyone under the age of 16 and it would have to say in the guns show instead of in the community center; and then the second bullet where it says rent the entire community center would have to be changed to read no portion of the community center in which guns are present may be rented for another event, or if the portion of the community center which is intended for the gun show is being used by another event, it shall be prohibited, namely the gun show.

Chair Pritchett asked Commissioner Lober to kick it around and bring it back next time; if they really want to use it she is thinking they will hang in there; and she does not know if she has such heartburn in displacing somebody who is there and ongoing for a year if there is a large event.

Commissioner Zonka stated it is clear that this is a one-off; it is clear that the Board did not

have the information; this would not have been brought to the Board if the Board knew about that karate class because it kind of contradicts the motion; she advised she is not comfortable with language just being introduced at a Board meeting on the fly; and she is definitely not comfortable displacing the community center community events.

Commissioner Lober interjected saying he is with her on that.

Commissioner Zonka stated she was talking but thanks.

Chair Pritchett asked if Commissioner Lober is okay with tabling this and bringing it back next time.

Commissioner Lober noted he would be happy to do that; and he mentioned he would like to give Commissioner Zonka the opportunity to speak as he did not intend to interrupt her.

Commissioner Zonka stated she is done and she does not want to keep going in circles.

The Board tabled consideration of authorization to permit the rental of County-owned Parks and Recreation Department Community Centers for commercial gun shows to the November 4, 2021, Board meeting.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** John Tobia

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

#### **L.2. Eden Bentley, County Attorney**

Eden Bentley, County Attorney, stated she would like to thank the Board for the opportunity and privilege to serve as the County Attorney; she would like to thank those who gave her a little push when she needed it, and those who gave her a chance; with the close call of Hurricane Dorian, the pandemic, dollars coming from Washington D.C., it has been an interesting time, but she is glad she got to do it; and as for the individual Commissioners, in this role she has really seen how hard their jobs are. She continued by saying she knows they think about it nights, weekends, vacations, and early morning; they have to take their personal views regarding smaller government, lower taxes, they have to listen to their constituents, their concerns, their complaints, and take all of that and apply it to this big bureaucracy; once one of them comes up with an idea he or she has to then get two more people to agree with him or her; she really appreciates how hard each of their jobs are; she does not think they are thanked enough; and she would like to thank them very much for everything they do for Brevard County. She went on to thank the County Manager's Office under Frank Abbate's positive leadership at all times; that Office has been tremendous and she will miss their intellect and humor; and she will miss all of the Board as well.

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

Commissioner Lober stated he just wants to apologize on that last Item because frankly, until today he had never heard or even had intimated to him that there was an existing event at the gun center for the same date in question; he met with a number of staff members on a number of occasions and that is something that caught him off-guard; and to the extent that it was an unknown to the rest of the Board it was also an unknown for him as well. He continued by saying obviously it is where it is and there will hopefully be a good policy at the next meeting for all of the Board to view.

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

Commissioner Tobia stated he would like to start off with a thank you and an apology; he wants to express his thanks to the Florida TODAY and the recent decision to bring back a competent reporter to cover matters of local government; to say the quality of coverage of the matters degraded after Mr. Berman changed position would be a gross understatement, particularly regarding coverage of taxes; in the month of September, the readers of the paper were grossly misled, including himself; because of this misleading coverage he is forced to apologize to the Board and the City of Titusville; while they did in fact raise taxes under Florida law, they were upfront and transparent about doing so; and based on the Florida TODAY coverage, he implied in a proposed letter to them, that they had not been and for that he apologizes and he will let the five republicans on the City Council apologize for raising taxes. He went on to say on a personal note, his office, while they work pretty hard, they have a tight relationship and family comes first; this job is very important but that is number one; unfortunately a couple people in his office took that a little too seriously, recently and Billy Prasad and Bethany Iliff became engaged; he is so excited for those two wonderful people; they could not be happier and for people to be happy in his office is really exciting; and he wishes them all the best.

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

Commissioner Smith stated as many may already know, Mathers Bridge for the foreseeable future is stuck in the down position due to overuse; as big as it is, it is a finely-tuned mechanism that depends on a lot of working parts and the more frequently, it is used the quicker it breaks down; as many on the Board remember, back on February 2, 2019, the Board approached the Coast Guard to allow the bridge to be opened on the half hour which would curtail the number of times it is used; just for a point of reference, last month alone, it was opened and closed 1,400 times in one month; they failed last time because the boaters convinced the Coast Guard that it was more convenient for them to be able to approach the bridge and have it open whenever they wanted; and that is disingenuous because if one travels the inter-coastal waterways all the way down to Key Largo, there are a number of bridges that open strictly on a timed element. He continued by saying there are huge boats, 100 to 150 foot boats that have to wait for the bridge to open on time; those big boats are dealing with tides and wind and they do not have to deal with either one of those issues traveling through Mathers Bridge; he is asking this Board to allow Brevard County to make another run at the Coast Guard to have them alter this Policy because right now this bridge is down and it is very costly for the County to fix; and at the next meeting he intends to bring that information forward and ask for support from the Board.

**L.7. Kristine Zonka, Commissioner District 5, Vice Chair**

Commissioner Zonka stated she has had people calling her office asking about the Elves for Elders Program; for those who are unaware, each year her office collects a significant amount of gifts, a lot of them are actually necessities and toiletries, for the wards of the State every year; people are wanting to know where the lists are; Danielle Stern is working hard getting those together; and she advised people keep their eyes open, their email inboxes open, and be on the lookout for those lists. She went on to say staff and the Fire Department have been amazingly supportive in helping generate usually enough toiletries to last these people for a year; she thanked everyone in advance for all the help everyone will be providing and they look forward to getting those items out to those people who need it the most.

**L.3. Rita Pritchett, Commissioner District 1, Chair**

Chair Pritchett congratulated Billy Prasad; and she thanked Commissioner Tobia about bringing

up the millage; she was just going to let it go under the wire because the new reporter is so nice; the millages are really tough to figure out when someone is new at this; just a note n that, the property values in North Brevard are so much lower that the millages have to be raised a little more to bring enough money in; and she really wishes they would go up a little more right now because property values would probably go up and they would be able to have that tax number be the same, but it has to have higher millages just to get the same amount of tax dollars, if the property values were worth more. She expressed her appreciation to Attorney Bentley for all that she has done for the County and the Board Members; she noted she always loved how Attorney Bentley helped the Board get things done legally; she stated she thinks this Board has great dynamics and she does not always like everything that someone tells her when they think she has done something that she should not have, but she appreciates it so much; if the Board would vote more like she does, she would be even happier; she thinks this is a great group who is doing their very best; and she called the meeting adjourned.

Upon the consensus of the Board, the meeting adjourned at 11:24 a.m.

ATTEST:

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RACHEL M. SADOFF, CLERK

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