

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, October 6, 2020**

**5:00 PM**

**Regular**

**Commission Chambers**

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

Rollcall

**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 Isnardi

**B. MOMENT OF SILENCE**

Chair Lober called for a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Chair Lober led the assembly in the Pledge of Allegiance.

**J.1. Waiver of Subdivision Perimeter Buffer, Re: Armen Groves Subdivision (20WV00014)**

**Developer:** NAJJAD, Inc. **District 2**

Chair Lober asked for a motion to continue this out to a date of the applicant's preference.

Kim Rezanka advised the applicant would like to continue to November 10, 2020.

The Board tabled the waiver to Section 62-2883(d) that would omit the requirement to provide a natural 15 foot buffer tract along a portion of the northern property line of the subdivision, to the November 10, 2020, Board meeting.

**Result:** TABLED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

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

**J.2. Appeal of Administrative Decision, Re: Island Forest Preserve (20WV00017)**

**Developer:** IFP Merritt Island, LLC **District 2**

Chair Lober asked for a motion to table this to November 10, 2020.

The Board tabled the Island Forest Preserve Merritt Island, LLC, seeking an appeal of an administrative decision requiring the installation of a reclaimed water line to service the IFP development pursuant to County Code Section 110-312, to the November 10, 2020, Board meeting.

**Result:** TABLED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

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

**H.2. Petition to Vacate, Re: Public Utility & Drainage Easement - 200 Cadiz Court - "Villa De Palmas Unit No. 4" Plat Book 25, Page 120 - Merritt Island - Jared F. and Susanne H. Maher - District 2**

Chair Lober asked the County Attorney if this Item is being continued does it need to be read into the record.

Eden Bentley, County Attorney, replied it is a public hearing for a vacating, therefore, it does;

and there needs to be a determination if there is anyone in the audience who wishes to speak on it.

Chair Lober called for public hearing on a request by Jared F. and Susanne H. Maher for a petition to vacate a public utility and drainage easement along the rear line of lot 27, Block G, "Villa De Palmas Unit 4" in Section 14, Township 24 South, Range 36 East.

Jared Maher stated he is hoping for a vacating of an easement for a deck that was built on property that he acquired; it was built before he moved into that property and he did not know anything was wrong with the deck until two days before closing; he then found out there was an issue with the deck; he has gone through everything he can do to this property to see if they can keep the deck because they actually like the deck; and noted it was done by the former home owner and when he purchased it he was unaware of any issues with it until just before closing. He added he is just trying to do things the right way to get this taken care of.

Chair Lober stated he had spoken with the homeowner before the meeting; and he asked if Mr. Maher has any opposition to continue this out to November 10, 2020, at which point he will do his best to get this fast tracked on the front end and in all likelihood it will be approved in short order.

Mr. Maher responded that is fine.

There being no further comments or objections, the Board continued the petition to vacate a public utility and drainage easement located at 200 Cadiz Court, "Villa De Palmas Unit No. 4" Plat Book 25, Page 120, in Merritt Island, requested by Jared F. and Susanne H. Maher, to the November 10, 2020, Board meeting.

**Result:** CONTINUED

**Mover:** Rita Pritchett

**Seconder:** Bryan Lober

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

**H.3. Petition to Vacate, Re: Public Maintenance & Utility Easement - 1040 New Hampton Way - "Catalina Isle Estates Unit Six" Plat Book 20, Page 119 - Merritt Island - Manny and Michelle Canha - District 2**

Chair Lober called for public hearing on a request by Manny and Michelle Canha for a petition to vacate public maintenance and utility easement along the rear line of lot 108, Block 16, "Catalina Isle Estates Unit Six" in Section 25, Township 24 South, Range 36 East, located in Merritt Island. He inquired if the petitioners have any opposition in continuing this out to November 10, 2020; he noted staff should have reached out to the applicant; and he asked for someone from the Public Works Department to come to the podium.

Marc Bernath, Public Works Director, stated staff reached out to the party; his understanding is that staff does not know the pool size dimensions yet; the applicants were encouraged to come; and it is staff's intention to understand that in respect to Chair Lober's request and minimize the dimensions that they are looking for.

Chair Lober stated that is perfect; he apologized to the applicants if that information did not reach them prior to the meeting; he mentioned the bottom line with this, as with the prior Item, he does not have any problem with these requests, he just wants to make sure these are as narrowly tailored as possible to suit the needs; and he asked the applicants to work with staff

between now and November 10, to make sure they have all the information needed to understand the exact size of the pool that they plan on installing. He mentioned he will try to fast track this so it will hopefully be a painless experience next time.

There being no comments or objections, the Board continued the petition to vacate public maintenance and utility easement located at 1040 New Hampton Way, "Catalina Isle Estates Unit Six" Plat Book 20, Page 119, in Merritt Island, by Manny and Michelle Canha, to the November 10, 2020, Board meeting.

**Result:** CONTINUED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

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

**E.2. Resolution Breast Cancer Awareness Month, District 4**

Commissioner Smith read aloud, and the Board adopted Resolution No. 20-135, recognizing October as Breast Cancer Awareness Month.

Commissioner Smith stated as the Chairman of Real Men Wear Pink, he is raising funds as he does each year along with the other members of his team, and this year he has set his goal at \$7,500, at which point he has agreed to dye his hair pink; and if he gets \$8,000 he will dye his beard pink as well.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.1. Agency Cost-Share Agreement with the Indian River Lagoon (IRL) Council for Testing Steel Gabions and Concrete Core Modules for Use in Oyster Bars in the IRL**

The Board approved and authorized the Chair to execute a Cost-Share Agreement with the IRL Council to complete a material testing study related to oyster restoration; approved waiving venue in the event of any legal proceedings to Indian River County; authorized the County Manager, or his designee, to execute any future amendments, change orders, or extensions; and authorized associated Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.2. Acceptance, Re: Binding Development Plan with The Daren T. Dempsey Revocable Trust (20Z00005) (District 2)**

The Board executed Binding Development Plan Agreement with The Daren T. Dempsey Revocable Trust, for property located on the south side of Bishop Road, approximately 935 feet west of Broad Acres Street, Merritt Island.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.3. Approval Re: Assignment and Assumption of Right of Way Use Agreement (Stadium Parkway) to the Central Viera Community Association, Inc. - District 4**

The Board approved and authorized the Chair to execute the Assignment and Assumption of Right-of-Way Use Agreement with Stadium Parkway from The Viera Company, Inc. to the Central Viera Community Association, Inc.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.4. Approval, Re: Sanitary Sewer Easements for the Viera Charter School Expansion Project - District 4.**

The Board approved and accepted the two sanitary sewer easements for the Viera Charter School Expansion Project.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.6. Approval, Re: Annual Agreement between Brevard County Board of County Commissioners and Brevard County Health Department and the Associated Health Department Fee Resolution**

The Board adopted Resolution No. 20-136, establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services, as authorized by the State of Florida Administrative Code or Policy; approved and authorized the Chair to execute the annual Agreement with the State of Florida Department of Health for operation of the Brevard County Health Department for Fiscal Year 2020-2021; authorized the County Manager, or his designee, to execute any future amendments, modifications, or agreements contingent upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.7. Approval Re: State Aid to Libraries FY 2020-2021, Grant Application with the Florida Department of State, Division of Library Services.**

The Board approved and authorized the Chair to execute the State Aid to Libraries Grant Agreement Application and Certification of Hours, Free Library Service and Access to Materials; authorized the Chair to execute any follow-up agreements, amendments, or modifications contingent upon approval of Risk Management and the County Attorney; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.8. Approval, Re: Interlocal Agreement with the City of Melbourne for Automatic Aid for Fire Protection.**

The Board approved the Automatic Aid Agreement with the City of Melbourne for Fire Protection; and authorized the County Manager, or designee, to execute any revisions to the agreement, as agreed to by both parties and as outlined in the agreement, upon the review and approval of the County Attorney's Office and Risk Management. There are no substantive changes from the previous agreement, which has been fundamentally the same for the last 14 years.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.9. Approval of Budget Change Requests**

The Board approved the Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.10. Request Approval to Extend Closing Date of Land Sale 2020-2401734**

The Board authorized extending the closing date from October 15, 2020, to November 30, 2020, to allow the buyer additional time to gather necessary documents to obtain title insurance; and authorized the County Manager, or designee, to execute the resulting contract amendment to extend the date, subject to approval of the County Attorney's Office.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.11. Approval of Settlement for Tillman v. Miller, et al.**

The Board approved the proposed settlement; approved additional attorney's fees for a total amount of \$126,143.09; and directed the County Attorney's Office to take all necessary action to seek an Order to Terminate Consent Decree.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.12 Requisition of Fiscal Year 2021 Budget, Brevard County Sheriff's Office**

The Board approved the requisition of one-twelfth of the Fiscal Year 2021 budgeted funds at the first Board of County Commissioners' meeting in October 2020, and one-sixth of the budget in January 2021, and equipment (capital) budget.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.13. Requisition of Fiscal Year 2021 Budget, Supervisor of Elections**

The Board approved requisition of 25 percent of the Supervisor of Elections' Fiscal Year 2021 budgeted funds at the first Board meeting in October 2020, and 6.82 percent of the total budget each month thereafter.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.14. Appointment(s)/Reappointment(s)**

The Board acknowledged appointment of Diana Adams to the West Melbourne Public Library Board with said term to expire December 31, 2021.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**F.5 Approval, Re: Sanitary Sewer Easement for the Home 2 Suites at Viera Town Center Project - District 4**

Peter Carnesale stated he has a question that will probably go to Commissioner Smith because it is in his District; it is his understanding that the sewer line distances developed were part of the ecosystem, in terms of trying to get the sewage under control; and he wants to know why, new projects or whatever they are, do not work around those rules.

Commissioner Smith advised it is standard operating procedure to prefer sewer whenever the Board approves developments; and that is being done more so all the time.

The Board approved and accepted the sanitary sewer easement for the Home 2 Suites at Viera Town Center Project.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Bryan Lober

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

**G. PUBLIC COMMENTS**

Charles Tovey stated his Item is on the Lagoon, usually; he cannot hit homeruns all the time when he does public speaking, but he does appreciate the recognition of public speaking; if staff could look into fixing the uneven drainage vents on Pineda overpass, that is new and constructed over the train tracks that would be nice because it is a hazard sometimes; he mentioned a couple meetings ago that the months the algae blooms would occur is mid-July through August, October, December, mid-December, mid-February, and May; what is happening now is like six weeks after what was started; it starts with the dry weather, then everybody goes to watering after they have fertilized their yards; it is still dry weather, then the rains come, and the water table is built up in the subdivisions; and all along the industries, that gets flushed and it takes three weeks for it to get to the Lagoon and three weeks to manifest itself on land. He added that is about six weeks and he is glad he worked on the Lagoon because it might not be as bad as it could have been or could still be; he would be further along had he not found a nice cooler with some bones in it; they were strange bones and he did not recognize them; he does not have a phone; and he mentioned all of his stuff was looted so he is going to try and work on that this coming week. He went on to say he appreciates Scott Ellis for being an American and all of his work for this County. He further stated the people who are doing these offenses towards him, he does not know if he knows them or not, most likely he does not, it is conniving, animalistic people with a vengeance towards him and he does not even know these people; he is still having issues with other things; and the reason he comes to the podium is because to find any kind of cooperation with anybody it is very difficult so he has to force his way up there to say things. He thanked the Board for its time.

Dina Reider-Hicks, Public Affairs Manager for Waste Management, stated it is now day six of the new Brevard County Solid Waste Franchise Agreement; as far as personnel, some of the veteran drivers from another area of the County are now part of the Brevard County Team; there are some brand new drivers as well that are part of the team; with the new assets now in place in Brevard, yesterday they began their newly added routes as was discussed last November; and with adding these routes at this time, no residential service days are changing, however, residents may see their trucks arriving at different times on their service days than they may have seen in the past seven years. She noted she is an example of this; for quite some time her garbage truck used to come in the afternoon and this morning it arrived at 8:15 a.m.; what she is suggesting is that, in many cases, the trucks will arrive earlier in the day on their service day than what residents may have typically seen or, in some cases, vice-versa; what this means is they are reminding residents to please make sure all refuse is curbside prior to 6:00 a.m. on their service day; and make sure that it remains curbside until 8:00 p.m. on their service day as the trucks may be arriving at different times since they have added more routes. She thanked the Board for its support and the trust it places in Waste Management.

Chair Lober asked the Board if it has any objection to Don Walker, Space Coast Government Television (SCGTV) Director, working with Ms. Reider-Hicks in getting the information out; and he asked Mr. Walker to do what he could to help her get that information disseminated.

David Serdan stated he just left the Indian River this morning; he has a map and the Board would not believe how many times he has spoken; he is a concerned citizen that was a candidate for Lake County Water Authority, but he is from Lake County, Illinois and he ran for office; he is worried about the election, a house divided against itself can not stand; and he noted that is an Abraham Lincoln quote. He went on to say he is all over the State; he may be appointed by the Governor to the St. Johns River Water Management District (SJRWMD) and he wanted to introduce himself; he almost ran against Josh Blake when he came in; he is a representative of Marlene O'Toole's Office; he says his prayers; he got Congressman Mike Waltz signed up and he just ran into Congressman Posey here; and he has Sheriff Ivey's card, he just called him a little while ago while in Commissioner Smith's office. He continued by



saying his uncle Paul was the Chairman in 1954 to 1962 and he fought the mob and the mob got him back; he has a book on Sam Giancana, Mafia; this country is in trouble; he is a Trump supporter and by God he works with Orange County Mayor Jerry Demmings; he goes to the School Board in Sumter County, Lake County, and he is going across the street to Brevard County's School Board meeting right now; his dad was the principle of the same school he went to as a child; North Chicago, Illinois, he was a warlock fan in the black neighborhood in Chicago; and he has a bottle bill in front of the Governor. He mentioned there is a lot of things going on; he was up in Tallahassee sitting with Sheriff Bill Wood on January 28; March 12 the Governor came to talk to him; he is a concerned citizen and he is sure many of the Board has been going to Tallahassee; there is a senior day; he mentioned this country is in trouble and this election is very important; he is a very big Trump supporter; and President Trump does not wear glasses because he has 2020. He further stated he was at Cecil Airport in Jacksonville with Aircraft One, it was beautiful, and there were thousands of people; he reiterated he is just a concerned citizen; he knows wars are fought with weapons; it is the spirit of men and women who follow and people who lead like those on the Board; and he asked if he had more time because he would keep on going.

Chair Lober advised he has about 10 seconds.

Mr. Serdan stated this is the space coast; he came to see the SpaceX rocket take off; and four, three, two, one, and gone.

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

Chair Lober called for public hearing for an extension of a temporary moratorium on new applications of biosolids to lands within Brevard County.

Commissioner Tobia stated Mr. Kempfer is either a genius for allowing the County to use his property for a study just before the Legislature and Florida Department of Environmental Protection (FDEP) preempted the Board from taking action to prevent what is now occurring or he made a giant mistake now that the veil has been dropped; the report from the County supported by the University of Florida, FDEP, St. Johns River Water Management District (SJRWMD), and others is pretty damning; he is sure the Board has read it, but he would like to hit on the highlights; it is clear the Deer Park Site is super saturated with Phosphorus due to the application of biosolids meaning that additional applicants led to phosphorus being dumped into the St. Johns River where thousands of residents get their drinking water; presence of copper in areas where biosolids have been applied were runoff application sites is also telling; PFAS related chemicals were detected in the site where biosolids have been applied or where runoff has come from those sites; and medications such as antibiotics and anti-inflammatory drugs were found in the vegetation on the property. He added while it might have seemed logical that these medications were associated with the cattle raised there, Mr. Kempfer denies that he uses such drugs to fatten the cattle, therefore, they are left with the explanation that the presence of these drugs being sourced from the biosolids. He noted he would like to thank Commissioner Lober for coming forward early in the process asking for this moratorium; had he listened more at the time, the Board may not have been in this situation; as it turns out his office drafted an ordinance for a full moratorium just when FDEP came out with its guidance which could be a basis for a legal challenge; in any case, he sent out a letter to all the Commissioners yesterday, for them to view; this letter request that the Brevard delegation either pass legislation or at a minimum, prevent the FDEP guidance from taking effect; should the Brevard delegation heed this request, it could then put a stop to the application of the Class B biosolids in Brevard County completely; and while he will support this moratorium, he thinks the Board needs to go a step further, and the properties that were grandfathered in, he

believes the Board needs to ask the State's permission to pull that grandfathering out as there is science and something clearly needs to be done about that. He explained that since the Board does not have the authority with State control, the letter is attached and he is hoping to get the boards support to send it to the delegation chair.

Commissioner Pritchett advised she was going to make a motion to approve Commissioner Tobia's letter and to approve this Item.

Commissioner Smith inquired if they can be combined into a single motion.

Chair Lober replied he does not see why it could not be done in a single motion; and that he will take it as one motion. He noted he is going to support this but he wanted to add that he would like to thank Billy Kempfer; it is fairly obvious that neither he, nor the Board, would have known what the results were on the front end; he thinks if there is anything that can be done to recognize that fact in the future and it comes before the Board without harming the environment, he would certainly be happy to do what he can to assist him because he has been very good to work with on this issue; and as far as him supporting this, it is not intended to be a slight towards him. He went on to say from everything he has seen, Mr. Kempfer has been very honorable and he continues to be a very honorable individual.

Commissioner Smith stated he would second that opinion by Chair Lober because he believes Mr. Kempfer truly is honorable; his family, long before him, cared about the environment and they did not know; now unfortunately, this is the situation and it is in a precarious place because most of those properties where this was used is in the proximity of the St. Johns River and that water flows all the way to Jacksonville; therefore, it is polluting the waters up through two-thirds of the State.

The Board adopted Ordinance No. 2020-18, Extension of Temporary County-Wide Moratorium for 180 Days from the Effective Date; Prohibiting the Land Application of Class B Biosolids Except Existing Permitted Activities; Providing for Exhaustion of Administrative Remedies; Providing for Severability, Repeal of Conflicting Provisions, Resolution of Conflicting Provisions; Area Encompassed and an Effective Date; and approved sending a Letter to the Brevard County Delegation.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

**J.3. Approval, Re: Tourist Development Council FY 2020-2021 Capital Facilities Grant recommendations.**

Peter Cranis, Tourist Development Office (TDO) Executive Director, stated this is a recommendation from the Tourist Development Council (TDC) to award \$3.75 million to three capital facilities projects; the first one is Lori Wilson Park; the second one is the Veterans Memorial Park in Merritt Island; and the third is the American Police Hall of Fame.

Chair Lober stated he knows there was a motion made at the TDC that passed unanimously, shy one, with how they allocated this; and if Commissioner Pritchett is okay with it, he is okay with it, he just does not want to have an issue where they are on a different page with respect to this because he thinks they are all worthy projects.

Commissioner Tobia stated he has spent a lot of time with this and he would like to tackle this in aggregate and then individually with the Chair's permission.

Chair Lober responded affirmatively.

Commissioner Tobia advised on the aggregate, Mr. Hermanson a member of the subcommittee that vetted these projects has been quoted in the Florida TODAY saying, "He likes the fact that these geographic areas of the County will benefit from the grant recommendations;" what he did was he looked at how the Districts have benefited from these capital expenditures; as people can see it is extremely disproportionate; that is one reason why he thinks the Board should vote this down; and he is going to have to vote against this because the Board set a guideline that there needs to be a minimum score of 75, from the board that oversees this, and not one of these three projects received a score of 75. He noted one ended up at a 58.11 and another at 67; one was rather close but it still did not receive that minimum score of 75; as an aggregate, he believes that these are not the best uses of the Tourist Development Tax (TDT) funds; the funds could be spent either on critical Indian River Lagoon (IRL) projects which have an impact on tourism, including existing projects in the Save Our Indian River Lagoon (SOIRL) Plan if revenue drops, and it will, or the Board can reallocate these funds to use for core marketing which has already seen significant reductions; and those are certainly some valid reasons why the Board should vote this down. He went on to say he has some questions for the applicants and he asked if the Board would like to hear from the applicants first.

Chair Lober announced there are two cards, one from Don Weaver of the Veterans Memorial Center, and another from Pete Carnesale; and he asked if Commissioner Tobia would like for them to come up.

Commissioner Tobia advised he would.

Mr. Cranis commented someone from the Police Hall of Fame is in attendance to answer any questions.

Don Weaver stated the 40-year partnership between the veterans of Brevard County and the Commission is a historically significant one; they have moved in great strides over the last few years; they represent 70,000 veterans that live in Brevard County and they also represent a community in Merritt Island who are truly interested in helping the community to improve what is going on there; in this partnership, it began with Tourist Development and the Merritt Island Redevelopment Agency (MIRA); they have worked hard over the past couple years to come up with a design that would improve that part immensely and bring in a lot of tourism to the area through concerts and other things; and the particular amphitheater they are planning has already been promised to be the home on the Brevard County Symphony Orchestra among many other people who will be using it. He mentioned it will certainly become the site of a lot of concerts that will bring in a lot of people from all over the State and the area; Key Lime Pie Festivals have been held there averaging about 6,000 people, a State Festival; he hopes the three items that were tourist development approved, and sent forward for Board approval are all disbursed all over the County, north, central, and beach; they support all the other projects; and he hopes there will be favorable consideration by the Board. He noted they promise, in concert with the government, that the people of Merritt Island who are volunteers, will use that facility upgrade to make it the best Veterans Memorial Park in the State by far, and probably in most states in the country; he is looking for favorable consideration; and he would be happy to answer any questions.

Chair Lober offered thanks and stated he appreciates what they do.

Commissioner Tobia stated he went through the application and according to that application it looks like, according to Mr. Weaver's numbers, that there is an average of 16,500 visitors pre-COVID-19; and he inquired if that was correct.

Mr. Weaver responded that was in the museum only, it is only one small part of what they do, and he mentioned he did not include everything.

Commissioner Tobia advised he is only going by the numbers he saw; and he asked for the total.

Mr. Weaver stated they averaged about 60,000 to 70,000 people come to the Veterans Memorial Center Park, pre-COVID-19, on all the different events and activities they have hosted with 10 different organizations; they have outreached to the community with all kinds of rental activities, so it is well over those figures; and he reiterated those were just the museum numbers that he could point to.

Commissioner Tobia advised he is only reading back the data that was provided to him; they are estimating or projecting that there will be 284,000 visitors; if he takes the 16,500 that would be 17-fold; if he takes an average of 60,000 to 70,000 at 65,000 that would be like a 400 percent increase; and he asked what methodology was used to come up with that 400 or 2,000 percent increase that Mr. Weaver claims.

Mr. Weaver stated the projections were based on having the capital facilities capability with the amphitheater; and right now they are working on the \$1.5 million extension to Veterans Memorial Park.

Commissioner Tobia stated he totally understands if they receive this money, but he had to use some methodology to come up with these numbers.

Mr. Weaver stated the methodology through TDC recommendations and how they should do the methodology, that they would work with them to come up with this; this was, of course, over several years and where it would grow, because the facility was there; and he asked if there was anyone from MIRA there to help him out.

Chair Lober advised he thinks that is Larry with the green mask.

Commissioner Tobia pointed out he is just looking for the methodology; and he stated he is sorry but this is a lot of money, \$1.27 million.

Mr. Weaver stated he is a veteran and a career government employee; he did not do the methodology on this beyond working together with MIRA; he is sorry that perhaps those figures were misaligned of how many people get to the museum, however, there are many, many, more people that come to the Park and to the area; and he will have to defer so he does not answer the question improperly.

Commissioner Tobia stated he appreciates Mr. Weaver's service; he noted he is entrusted with taxpayer's tax dollars and \$1.27 million is a lot to the people he serves; and he is clearly not placing Mr. Weaver's sacrifice to his own, but he does take his job seriously.

Mr. Weaver interrupted and asked Commissioner Tobia not to equate it to any sacrifice that he

has gone through, all he is saying is that the veterans will do their best with MIRA to manage this.

Commissioner Tobia commented he is not saying Mr. Weaver will not, he is just asking how he came up with these exorbitant numbers; cost benefit analysis which he is sure Mr. Weaver probably did, spending \$1.3 million of just TDT funds providing an amphitheater that will compete, he would imagine, directly against both public and private venues; these are concerts that would be held elsewhere; and he asked if Mr. Weaver could tell him what that opportunity cost would be to both of the surrounding public and private venues.

Mr. Weaver explained competition is what they try to do.

Commissioner Tobia stated he loves competition but when government is involved it is not competition, to companies, taxpayer dollars is not competition, it is socialism.

Mr. Weaver asked if Commissioner Tobia was talking about competition with Cocoa Riverfront or what is he talking about.

Commissioner Tobia responded any private venue that would otherwise hold these, there are many of them across Florida.

Mr. Weaver stated there are no private venues of any compromise anywhere in Merritt Island; this is one point of being able to do something special to an expansive city that does not have a downtown; and it is part of a spot which will bring more and more tourists and Floridians and more enjoyment for the County into Memorial Veterans Parks with that expansion.

Commissioner Tobia noted he understands but Mr. Weaver claimed nearly 284,000 visitors which is far more than the population of what is in Merritt Island; therefore, he is in competition with other areas of Brevard County.

Mr. Weaver advised that was a projection at a couple years of regular concerts and regular events, Key Lime Pie Festivals, and many more things going on; they average over 1,000 boy scouts camping out every year, that number will go up; and there are all kinds of things that can happen from there.

Commissioner Tobia stated Mr. Weaver mentioned the Brevard County Symphony Orchestra as looking at that; it is his understanding that Brevard County Symphony Orchestra is currently at the King Center; and he asked what the impact would be on the King Center with the loss of a tenant.

Mr. Weaver stated he thinks the Brevard County Symphony Orchestra, as he has talked to them because they were in a partnership and raising this whole issue, in getting as many partners as they could to participate with this program; their focus is they will be able to do more concerts, more symphonies, and more activities with different groups; they will not, not do the King Center, but they will be able to do a lot more things in the County, to his knowledge that was their interest; but that would take a lot longer and he advised someone would have to ask them directly.

Commissioner Tobia stated that can be talked about a little later, he believes that will come up on the cultural grant; he really appreciates Mr. Weaver's dedication but clearly there was no methodology; the numbers were clearly picked randomly out of the air when someone comes up with 284,000...

Mr. Weaver interjected saying he objects to that.

Chair Lober asked Mr. Weaver and Commissioner Tobia to hold the cross talk.

Commissioner Tobia agreed to it.

Chair Lober continued by saying he thinks some of the questions may be best directed to staff, Larry Lallo, Director of MIRA, or Peter Cranis the Tourism Director; and frankly, he does not have a problem, given the nature of the questions, if Mr. Weaver wants to essentially phone a friend but not necessarily poll the audience on it.

Commissioner Tobia apologized and stated he thought Mr. Weaver was the spokesperson for this project.

Chair Lober explained he is not saying he is not, he does not know necessarily to what degree within his organization, deems him that.

Commissioner Tobia apologized again stating he just assumed that if someone came asking for \$1.27 million, they would be prepared to answer these types of questions.

Mr. Weaver noted he has been working on this for two years; they have applied three times; this last time was the time they were given that from the TDC; they worked closely with MIRA over the whole time; he is not the expert on how many people will occupy how many beds, and all the other issues being brought up; and he supports those numbers because MIRA did employ a tourist organization to do all the research.

Commissioner Tobia thanked Mr. Weaver for his service.

Chair Lober stated he understands that this was unanimously recommended less one, and the one who objected simply wanted a different allocation amongst these three projects but still supported the projects; and he asked if that is a fair statement.

Mr. Cranis agreed with Chair Lober's statement.

Chair Lober inquired, to Mr. Cranis' understanding, and he imagines Mr. Cranis was at the meetings that he was not, because he is not on the TDC this year, if there has been discussion within the TDC, either with the subcommittee, the capital facility subcommittee, and/or with the TDC as a whole, with respect to room nights and the reasonableness and methodology used.

Mr. Cranis explained there was some discussion, nothing really detailed; obviously the committee did the work in terms of reviewing the application and they felt it was acceptable; as it went to the TDC there is a number of people whom he looks at as experts, hoteliers and people that work in the industry seem to concur with that; therefore, he would say they had a brief discussion, but he thinks they accepted the numbers as they were presented.

Chair Lober stated he does not care who it is quite frankly, but as he understands it, each Commissioner has at least one appointee on the TDC and their appointee on the TDC, in kind, appoints others on the various subcommittees within the TDC, including capital facilities; and he asked if that is fair.

Mr. Cranis responded that is correct.

Chair Lober stated given there was no one opposed to allocating this, would it be a fair statement that every Commissioner's appointee on the TDC and their respective appointees on the capital facilities committee were all satisfied with the level of detail that was provided.

Mr. Cranis responded affirmatively.

Chair Lober called Mr. Carnesale to the podium.

Commissioner Tobia asked to speak.

Chair Lober allowed Commissioner Tobia to continue.

Commissioner Tobia asked if Mr. Cranis could explain the 75 score set in place.

Mr. Cranis explained the committee, several months before the actual applications opened, reviewed the guidelines and then they reviewed the scoring methodology so they were the ones that actually established the 75, the ones that actually established the guidelines for the application itself; and during the conversation about the different scoring they determined that they wanted to waive the scoring because they felt that there was enough evidence to support that.

Commissioner Tobia stated he is confused; they supported the 75 but when they saw what the returns come back at, and for example this one scored 67.78 so when they saw the results they decided to waive it; and he asked what it waived to or if they just did away with the methodology altogether.

Mr. Cranis advised they basically threw the scoring out, as far as the low score.

Commissioner Tobia noted he understands; and he asked why they do scoring if they are not going to count the scoring. He mentioned he knows that is not Mr. Cranis' job, but Mr. Cranis was there and he was not.

Mr. Cranis stated he thinks the rationale, the discussion that was occurring at that meeting was they felt there was enough evidence and enough detail in the applications to support the grant; they felt the way it was allocated, they used the scores as a percentage in order to determine the actual allocation; and that is what Chair Lober was referring to earlier. He went on to say they decided that the number one score should get a 10 percent bump because of being in that position and being a project that had been previously approved by the board, so that was their rationale for how they allocated those funds.

Commissioner Tobia stated just to be clear, the board, not the Board of County Commissioners (BOCC), came up with a minimum score of 75; they scored it without input of any of the BOCC; it scored below their minimum score, not the BOCC score; then they decided to do away with the scoring altogether or to bump it up altogether to make that 75; and he asked if that was fair to say.

Chair Lober commented he thinks what Commissioner Tobia is asking is if they totally did away with the scores or if they simply erased the floor.

Mr. Cranis responded they erased the floor.

Commissioner Tobia repeated they erased the floor; and he asked if that means the lowest score.

Mr. Cranis replied they basically said they were going to throw out 75 as a low score option and just go with the allocation of what the percentages were; if they scored 67 and that was 25 percent of the total that is what they allocated.

Commissioner Tobia commented it sounds like methodology was the exact same to determine the number of annual visitors they would get, it cannot be no rhyme or reason; and he thanked Mr. Cranis.

Chair Lober stated Mr. Cranis was there on the TDC items for discussion and he asked when the discussion, which he assumes took place with respect to the elimination of the condition precedent of hitting that threshold score, if Mr. Cranis recalls whether there was concern that it would still accomplish the mission that it was set out to accomplish; when he looks at this and when he saw that they erased the floor he figured, and he knew they had an issue last time when they went to evaluate projects they came back with essentially nothing, and if the County has a capital facilities committee his thought is they would want the funding that is available to them within that particular bucket of the overall TDT, they would want that to go towards things that count as capital facilities and they are going to take the best available; however, they do not necessarily have control over the applicants that may or may not come in; and he asked if that was fair to say.

Mr. Cranis agreed with Chair Lober.

Chair Lober stated he apologizes, he is not trying to put words in Mr. Cranis' mouth if that is not how it went down.

Mr. Cranis stated he thinks there was a discussion about the fact that there was \$3.75 million sitting in that account and they did not award anything last year; they had a detailed discussion about that; they felt that financially they were okay and actually had the money there in that fund to be allocated; and they felt that even though they did not hit the scoring floor, they still felt they were viable and worthy projects.

Chair Lober advised if Commissioner Tobia has no more questions he will have Mr. Carnesale come up to the podium.

Peter Carnesale stated he is basically in favor of this; he believes what Mr. Cranis is saying, in terms of the numbers he used, were the ones that went directly into the museum; he belongs to MOA, VFW, DAV, American Legion, and all of those facilities use this venue now, even before the increases; and they use the venue for things other than the museum, such as events and such. He added the numbers would be greatly higher because there are also the Boy Scouts and whatever, which he is not part of, but they also use the venue; when he is indicating he has this higher number and it is being questioned where it came from, he has no doubt about that number at all; he is active with the MOA, VFW, and DAV and he is a member of the American Legion, but not so active; he has attended events that have occurred on Merritt Island even though he does not live on Merritt Island, and if they are talking about just the people who live on Merritt Island going to Merritt Island that is false; and he believes it will attract people from elsewhere.

Chair Lober stated he has been at the Veterans Memorial Center a number of times over the past year and a half or so and he does not live in Merritt Island, but his office is in Merritt Island



and it certainly has attracted him there; he can be counted amongst those folks and sometimes he is going in the museum and sometimes he is going in for a meeting or an event that is in the room off to the left, but he cannot think of the name of the room; he understands that it is anecdotal and he is not saying otherwise, but when he goes there and it has been during odd times, sometimes in the middle of the week for events, that parking lot has a lot of activity, it is not as empty as one would assume except for perhaps evenings after working hours or weekends; he has seen it himself and he acknowledges it is anecdotal; but, the flow of people there has been noticeable to him, so he tends to agree with Mr. Carnesale.

Commissioner Tobia stated he would hope there would be someone here for the eternal flame, they are asking for \$750,000.

Chair Lober advised there is.

Commissioner Tobia mentioned he has some questions.

Chair Lober commented he knows this is a passionate subject for all involved, but he would appreciate if everyone would try to avoid the cross-talk; and he promised to give everyone ample time to ask questions and respond to them.

Tara Engle, a representative of the eternal flame, stated she would like to start by saying they have been at the north end of the County since 2003; they have annually brought in between 400 and 800 room nights just with the memorial service that they do every May; they serve law enforcement across the country, not just locally and not just in Florida; they receive visitors from across the country on a regular basis, whether it is law enforcement, family survivors, disabled law enforcement officers, or just law enforcement whom they support or others who support law enforcement and law and order; in the years since they have been there they have never approached the committee previously; they built their own building, maintained it, tried to be good citizens by serving the needs of law enforcement and the citizens in the community; this is really the first time they have developed anything that they are really passionate about; and they believe this will have national impact and will attract people from across the country.

Commissioner Tobia stated he read Ms. Engle's packet and she said she expected 100,000 visitors in year one; and he asked if that was meant to be a delta over the 40,000 she gets, because that would be 140,000, which would represent a 350 percent increase, or a total of 100,000 which would just be just a 250 percent increase.

Ms. Engle advised they currently have about 50,000.

Commissioner Tobia advised her the packet says 40,000 and that is what was provided to the Board.

Ms. Engle responded the materials she has in front of her is what she gave to the committee, it said 50,000 and that is between the museum, the shooting range, and other activities and facilities like the simulator, along with the regular classes; what they did was they took that 50,000, estimated out of that, they factored their current average of 950 visitors per week and a growth rate of 15 percent for the first three months, 20 percent for the next three, 25 percent in the third quarter, and 30 in the fourth quarter giving them around 110,000 in attendance the first year after completion; and their statement was, that they felt it was reasonable given their marketing plans and the anticipated growth based on those marketing plans, the involvement of television's John Walsh, and the uniqueness of the project coupled with the built-in audience of roughly five million law enforcement and family members across the country. She added they

worked closely with their project builders, Rush Construction, and others to try to come up with those figures as well as drawing information from the American Alliance of Museums with regard to the heads-in-beds figures that they produced estimating that about 25,000 of the 50,000 are actually out-of-town visitors; and they estimate that 10 percent of that number, which is the American Alliance of Museums number, would actually be heads in beds although she knows that Downs and St. Germain also estimate that as many as 37 percent of visitors spend the night when they come to an attraction. She went on to say they also factored in that the attraction is a night-time attraction and they are hoping to draw people who will come there, have dinner, stay for the light show, and spend the night in the community and do something else the next day.

Commissioner Tobia stated he thinks a lot of thought, a lot of math, and a lot of non anecdotal evidence went into coming up with what Ms. Engle said because it was not included in her packet; it also draws to light that it was not done at the amphitheater; that was the type of response, the one that required thought, required putting stuff down on paper to provide confidence in the County spending that type of money; and he thanked Ms. Engle for her detailed response.

Ms. Engle stated this information was provided to the TDC when they presented.

Commissioner Tobia noted it was not provided in the packet that made it to the Board; he is not questioning any of it, he is just thanking her for providing it; and he stated clearly Ms. Engle had a strong handle on it. He advised he is not going to support it but he appreciates her time.

Ms. Engle advised she appreciates Commissioner Tobia's honesty.

Commissioner Isnardi asked if Ms. Engle would talk about how much of that project is funded at this point if they were to be awarded this money.

Ms. Engle stated they have commitments from two of their sister organizations that are currently funding them with \$25,000 per year each, so that is \$50,000 and over a 10-year period; they are estimating their brick sales will come in at about \$1.5 million; they have about \$500,000 in other funds; therefore, they are looking at somewhere around \$2.5 to \$3.5 million that they will be able to produce themselves, in addition to what the Board would be giving them.

Commissioner Isnardi asked how much is the total cost for that project.

Ms. Engle advised it is a three-phase project; the initial phase they are working on right now is going to be, she believes, \$4 million; and that is for the eternal flame.

Commissioner Isnardi asked if this is just for the flame.

Ms. Engle stated it is just for the flame; they have approached the State of Florida because the third phase of the project is actually going to be a museum expansion so that they can focus on their STEM programming; and they are looking at getting a grant from the State for that. She noted there are several other organizations that have indicated that they will support the down-the-road aspects of the project as well.

Chair Lober stated he appreciates Ms. Engle having reached out to him; it has been at least six months since they first talked, maybe even a year at this point, having followed up with him; it was good to be able to meet with her at least a couple times at the location to look at what it

was that was being proposed on the site; to a similar degree with the Veteran's Memorial Center, even though it is not in the city he lives in, he has obviously gone there for different reasons; however, he appreciates that there is a shooting range and it is actually an equal distance between theirs and their competitors.

Commissioner Pritchett stated they keep such a quality location there and she thinks they have done a great job with the Police Hall of Fame and the things being added; she believes it is going to be a big draw for a lot of visitors; it is right off of the Cape as well, and there are all those space visitors; and she wanted to thank Ms. Engle for all that she is doing and for this vision, she believes it will be quite a substantial land mark. She continued to say she thinks it is going to draw a lot more of the police and law enforcement community here because she thinks this is going to be their place to do those things.

Ms. Engle noted with this day and age and everything that is happening nationally, the feedback that she has gotten from law enforcement families and from those nationally who support law enforcement, has been extremely encouraging, extremely positive, and extremely complimentary of Brevard County; and it speaks well of Brevard that it will be the host of something that she thinks will have national significance.

Commissioner Pritchett stated she wanted to mention the veteran's area that they have, she has been there a lot, and it is excellent.

Ms. Engle advised they love the veterans too.

Commissioner Pritchett added that Lori Wilson Park needs a lot of love.

Chair Lober stated he would say on that front that he really tried to play ball understanding where the County is fiscally a couple months ago when it was looked at and the allocation was adjusted; this still does not get it to where it was; he tried to be reasonable, given the environment that everyone is in; with that said, he supports this and that is the reason for his second; and he mentioned there have been a couple cards that have come in since the first speakers and he will call them up.

Commissioner Tobia stated the third one, he has not made it to, was Lori Wilson Park; and since the Board is dealing with another one now, he will just wait.

Chair Lober advised that is fine.

**J.3. Approval, Re: Tourist Development Council FY 2020-2021 Capital Facilities Grant Recommendations**

Larry Lallo stated Donn Weaver was intending to speak mainly about the veteran benefits to the veterans; MIRA was involved in the projection analysis; they did not take it lightly, recognizing any time someone goes about projections, it is based on assumptions; they interviewed two major promoters from the area who looked at the production of the Cocoa Facility; it was modeled after a facility in Mayfield Village, Ohio; they interviewed the manager there and how he got to his attendance of 4,000 average per event from 200; and they sat down with the veterans and created a large spreadsheet of items that they knew they were already planning on doing. He continued by saying they sat down with the promoters and looked at 26 major events per year; they discussed if they had a regional and a national act from time to time, what could they bring in based on benchmarks that they were actually asked to provide to the TDC from six other venues; they came up with 4,000 average attendance at each of those 26 major events, plus about 20 or 30 other events throughout the year; and what

really sparked this in the beginning was the fact that the 70,000 veterans in this County hold their events on a flatbed trailer over there at Veterans Memorial Center. He went on to say he agrees with Commissioner Tobia the sustainability is an important component; they recognize the veterans would not be able to handle this on their own, although they have 70 volunteers; this is going to require some professional management in order to get the numbers to the benchmark that they were researching; that is another aspect that they have addressed in their application; he just wants to clarify it wasn't something they just kind of pulled out of their hats; and he noted if anyone on the Board wants to see the spreadsheet analysis or some of the assumptions, he would be glad to send them out.

Commissioner Tobia stated he wishes Mr. Lallo the best of luck because if they hit their 4,000 at 26 events and then they double that assuming the minor ones turn into major ones, and then they add in the numbers that they are currently having, not to the museum but total, they will still be below the numbers that they presented; and that was just adding the numbers up that he just provided the Board with. He noted it looks like they have the votes and wished him the best of luck; and he mentioned there is no claw back on this.

Chair Lober advised he will be appointing at least one of the individuals who is on MIRA, back to MIRA and then he will be appointing two new ones; and there will be two Jacks in all likelihood, Jack Ratterman and another Jack.

Wendy Ellis stated she wanted to share, the grant application created by the TDC was very detailed and very professional; the meetings were very extensive and a lot of great questions were asked both pre and post scoring by both the capital facilities committee and the TDC; they all took their job very seriously; over 100 hours of MIRA staff time has gone into responding to the proposal that the TDC created; it was very extensive and very detailed; and today she is excited to bring what MIRA considers to be a new major tourist attraction for the Board's funding consideration, the Veteran's Memorial Amphitheater. She commented MIRA is very excited to be part of this collaborative project with the veterans; the amphitheater site is located just off State Road 520 with an average traffic count of over 48,000 vehicles per day; it is the perfect beach connector for hotel rooms; this amphitheater site will legally accommodate 9,680 people; important in the age of COVID-19, the highly desirable two-acre outdoor venue features over 87,000 square feet; nowhere else in Brevard County will you find an open outdoor space that's designed from the beginning for social distancing; period to date, MIRA has invested \$3.825 million in Veterans Park, of which \$2 million created stormwater ponds, an extremely important element for an amphitheater because the ability for frequent outdoor usage is directly tied into a drainage plan; and unlike any other major outdoor venues in Brevard, even with heavy rains during the day, it will be able to hold an event at this venue the very same night. She advised this site was engineered to stay dry during a 24-hour storm; there could not be a more desirable sight for an outdoor amphitheater; in October of this year, they broke ground on the remaining \$1.825 in MIRA improvements including walkways and bridges around the lakes, lighting, electrical, and a substantial tree landscape plan that does not impede the amphitheater plan, and an additional parking lot off of a second entrance; the amphitheater is close to being a shovel-ready site; and bringing the Board this project, they feel as though they have put their money where their mouth is by investing \$4.5 million in Veterans Memorial Park. She went on to say, she thinks they have the opportunity to invest in a win-win for Brevard County tourists, residents, hotels, restaurants, and retailers; and she noted they are thrilled to be part of the winning team and they appreciate the Board's consideration.

Chair Lober stated just as he has faith in the folks that he places on the different committees, including the TDC, and by extension of who they choose to put on the subcommittees, he has confidence in MIRA overall; he thinks they are a great group of folks, even with the changes

that are anticipated, he thinks it will stay as good or perhaps be even better if that is possible; everything that he has heard from the folks that he has reached out to and he trusts for their advice on this, has been universally positive; he fully admits that it is anecdotal when he goes to these places, what he sees does have an impact on how he votes; and he cannot imagine that this will not be a major tourism driver. He continued by saying he does not know if one thing is going to bring 40,000 or 100,000 people, but he does have the ability by being and living in this general area, he sees what the situation is on the ground; he understands, based on having been at these locations a number of times, where there is room for improvements, where there are potential deficiencies, and the County has essentially a diamond that has not been cut yet; and he thinks that is what the Board is dealing with at this point, the diamond that is still encrusted with the rock it just has to get to someone that can chisel that and make it into something prettier than it already is. He mentioned that he appreciates them for coming out.

Ms. Ellis thanked the Board for its support of MIRA.

Chair Lober advised there is a motion and a second.

Commissioner Tobia interjected he has not yet had a chance to speak on Lori Wilson.

Chair Lober apologized and asked for Commissioner Tobia to continue.

Commissioner Tobia stated he knows the Board is going to vote on these in a group and this is the reason why; Lori Wilson is the most difficult one for him, clearly, but it may not be the case for everyone else; this started, whether people know this or not, with Commissioner Barfield; Commissioner Barfield was the one who had the very bright idea, and he believes he was on the wrong side of the vote when it came, to use Tourist Development Tax (TDT) dollars for parks and it could only be used for certain parks; he spent a little time looking at the TDT language as well as the parks that it could be used for; staff provided him with the numbers that he has passed out to the Board and they are the parks that would meet the TDT definition, the same way that they meet the definition for Lori Wilson Park; and these parks now, are funded largely out of the General Fund, so as the County moves forward, here is an opportunity for the Board to save precious General Fund dollars, because he can guarantee that the Board is going to hear from the Sheriff needing more resources, or that Fire Rescue needs more resources when it comes to contract negotiations, and here is an opportunity for them, not a diminutive amount, he is talking more than \$2 million per year. He advised some of that comes from Municipal Service Taxing Unit (MSTU), but a great portion comes out of the General Fund; unfortunately, it requires the Board to make some tough decisions now and these tough decisions now are to say to Veterans Park that it is a worthy cause but maybe an amphitheater is not as important as paying Fire Rescue an adequate amount so that they stay here; before anyone says they come out of two pots of money, they do not; all this Board has to do, by Ordinance, is change the allocation of TDT dollars; the Board can do that with a four-fifths vote and then allocate these dollars to fund these parks to free up General Fund dollars, which can be spent on anything; it can be done in two meetings, however, it requires the Board to say no to things like a 10-story flame, because he is going to say no next year, should he be re-elected, when people come and ask for more salaries, he will sit there, and someone can quote him, he is going to say sorry but the County put up a blue flame and an amphitheater and those decisions were made as a Board; he thinks this is the best reason that the Board probably should say no to these projects and focus in on the core functions of government like public safety and infrastructure, but it requires that to be done now; and he has told the Board a way to do it and he would really appreciate the Board's support on this. He noted he would imagine public safety would really appreciate the Board's support on this; sorry that is a plea but he is talking somewhere in the magnitude of \$3 million right now; therefore, this is kind of

important.

Commissioner Pritchett stated if Florida is based on tourism and the County does not get a good share of tourist here, the impact on the General Fund is going to be harder because the County is going to have to try to pick up the extra things that it is not getting from the tourism dollars; she thinks that anytime the Board can develop things that draw tourist to the area and increases the beauty of this area, people are going to want to come to nice places to visit; and that is why she thinks Cocoa Beach needs a little more love. She mentioned she thinks those are important things to do because this is Florida and that is what Florida does; when a County can develop these things that draw large crowds of people, and she knows North Brevard is always trying to figure out ways, it has the Space Center but it does not have beaches in District 1 so she is always trying to think of creative ways to where they can start helping with tourist taxes to get them more funds and start sharing the love around the County; she thinks this is wonderful, that it is a good return on investment, and that it takes the pressure off of all the rest of the homeowners, so that is where she is at with this; any time the County can get a good Return on Investment (ROI) and it works, if it does not she expects the County to come up with creative ideas to redistribute the funds; she thinks they have a great committee right now and she likes her appointment; right now she thinks she is very happy with what they have come back with; and she hopes there are more tourist tax dollars later because she knows the County took a hit on that as far as the sales tax and the tourist dollars, but she is hoping the economy will come back soon. She added she thinks it is good and she totally supports it.

Chair Lober stated he is not looking to have a back and forth so he will try to temper his comments to the degree that he can; with respect to Public Safety salaries, he does not think the Board's vote on this has anything whatsoever to do with it; just looking at the fire guys that are sitting in the audience in decent numbers at his point, he is not supporting this with the idea that he is going to slight them in anyway; to him, this is totally separate; he can get into why he thinks it is separate and why he does not think this is going to impact it if anyone wants him to; and beyond that he has a couple of other thoughts. He continued by saying, with respect to the proposal, that the TDT would potentially best be used to maintain or improve parks, in part he thinks that is a good argument with some potential logic to it; looking at the actual request that the Board is voting on today, Lori Wilson County Park, Veteran Memorial Park, a County park, two-thirds of them are County parks that the Board is talking about, the Police Hall of Fame, as one of the arguments against one of the former Items that he mentioned, is the County does not want to compete with private industry but the Police Hall of Fame is not a government organization by any means, and these are all good organizations or good venues to drive tourism; he is not going to claim that he necessarily believes or does not believe the specific estimates that are put forth but he believes these are the best options for driving tourism that are available to the County; he thinks they are meaningfully going to impact the number of folks that come to the Board meetings after they are constructed and after they are up and running, but to ask if he really holds dear to 60,000 or 47,000 or anything of that sort, he does not know that, that necessarily makes a tremendous difference in what is driving him to his vote; however, the one thing he will add with respect to suggesting that reallocating a portion of the TDT, he would consider it to a degree depending on what it is precisely that Commissioner Tobia has in mind. He mentioned if Commissioner Tobia would put a memo together and disseminate it, he would be happy to look at it and provide his thoughts on whether he supports it; he is not willing to support it with respect to today's proposal because he thinks it is in an advanced stage with these and he thinks there is a lot that can be accomplished by supporting them now; as far as a future or subsequent years, he would be open to looking at a proposed change; and he is not saying he would or would not support it, but he would certainly have an open mind to considering some degree of re-allocation if it is something that can be articulated in the public's benefit.

Commissioner Smith stated he thinks Commissioner Tobia has made some very good points and he was kind of leaning that way, but Commissioner Pritchett chimed in and won him over, therefore, he will be supporting it.

Commissioner Isnardi stated people can tell it is election season; obviously these suggestions are great for the future because had the Board had this option or had it had this discussion before the Board asked these people to apply for these monies, maybe it would be having a different discussion; some of these monies do come from taxes and these are not even the actual totals that the County could potentially shift to the other parks; there is a ROI especially with Lori Wilson Park; she loves the American Police Hall of Fame, it is where she trained, it is where she received part of her certification for her concealed weapons, and she thinks it is a great facility; does she think the County should investment millions of dollars into a flame, she would much rather see that money used toward scholarships, but that is not what it is for, it is for capital facilities; if someone does not like the structure of it, then the Board could talk about changing it before things get this far; and she noted her appointment was opposed to it only because of the percentage, not to any of the projects. She advised that Commissioner Tobia's appointment, as well as other Commissioner's appointments, were in support of these projects; and she commented tourism dollars should be used for tourism expenses and these are capital facility expenses, therefore, she will be supporting it.

The Board of County Commissioners, in regular session on October 6, 2020, approved funding for the FY 2020-2021 Tourist Development Council's recommendation to approve Capital Facilities Grant applications for Lori Wilson Park and Nature Center, Veteran's Memorial Museum, and American Police Hall of Fame; and granted the Tourist Development Office Director the authority to negotiate and sign all necessary grant agreements and related documents to support the grants, upon County Attorney's Office and Risk Management approval; and authorized the County Manager to execute necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Bryan Lober

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

**Nay:** Tobia

**J.4. Approval, Re: Tourist Development Council Cultural Grants for FY 2020-2021.**

Peter Cranis, Tourist Development Office Director, stated as a shameless plug, he would concur with Commissioner Pritchett that 30 percent of sales tax is paid for by tourists and if the County does not have those, that is a percentage of money that the County will be losing. He went on to say this is the recommendation of the Tourist Development Commission (TDC) to award \$175,000 to 40 groups; this took a lot of work on behalf of the committee; he did not go through as much detail of looking at every one of those 40 applications; he knows some about some of them, but the committee really committed and they were really the ones that did the scoring; and the TDC supported it with both votes being 7:0 at the committee and the TDC levels.

Commissioner Tobia stated Mr. Cranis said 30 percent comes from sales tax.

Mr. Cranis explained 30 percent of sales tax is paid for by those that come from outside of Brevard.

Commissioner Tobia interjected the question is what percent of the County's budget comes from sales tax; it is a revenue source for the State; the County does have a half-cent that goes to the Lagoon; there is a half-penny that he hopes people do not vote for, that has got to go to schools; the County's budget generally is not built on the backs of that, it is actually built on the backs of property taxes; and he mentioned he appreciates Mr. Cranis' interjection but that is probably best saved for the State Legislators. He continued on to say he wishes more time would have been spent on cultural grants for reasons he is about to list; some points he wants to deal with generally and then there are his favorites; there were too many to list so he picked some good ones; now that everyone is faced with the complications of COVID-19, the Board has to decide whether it is looking to attract out-of-County tourists, in the short period; some of these grants for example, in the short period, appear to address street festivals and he does not know if that is something that the County needs to be looking for; and in any case, the time that is highly likely the Board will have to reduce tourism tax revenue over the coming months and years, it seems far more prudent to use this \$175,000 on core marketing for Brevard such as social media and billboards. He commented it is his understanding that the core marketing budget may continue to see reductions as the County moves forward; the market is something that comes from tourism, but that is ancillary to the General Fund; and Commissioner Pritchett, thankfully, brought up a point and if the Board thinks it wants out-of-County visitors, then it is brought back to the same question it faced last time when the Board looked at it in March. He went on to say the Board should be putting verifiable agreements in place that the taxpayers receive what they are paying for; in other words, a Return on Investment (ROI) evaluation before these grants and a follow up to ensure this is actually attracting tourists; Chair Lober mentioned this last March; he watched the tape and Chair Lober stated he would second a motion, but he failed to make it; he appreciates him for doing that and he is ashamed that he did not follow up on that; he has spoken with Mr. Cranis and he stated an ROI would be useful and his office has started to work on it; however, he feels it would be premature to hand this \$175,000 out before the Board gets that ROI. He stated he imagines some of the Board is concerned with many of these organizations, but rest assured regardless, these organizations have already received, and he requested this and it was sent out to the Tourist Development Office (TDO), County grants this year through CARES funding; in fact CARES grants to these organizations that have already been approved in the amount of \$197,250 which is almost \$25,000 more than the total grants that they are now requesting; and this is very important, it does not include direct federal funding that they may have received through the Paycheck Protection Program (PPP) or other sources. He noted most importantly, while he understands that the TDC Cultural Subcommittee is made up of volunteers and he hates to be a little blunt, but the work product vetting these grants has been poor at best; he asked the TDO for the applications and here are some of the examples he found; he is sure the other Board Members have read all of these and are aware of this; and he advised they are Be Unique magazine, who listed that 57 percent of the County visitors would come from outside of the County, however, they do not list an event, so 57 percent of zero will actually be showing up. He continued the second, is the Cultural Brevard Art Association, who lists as their out-of-County visitor rate to be 30 percent, which is a fair number, but when he continued to read the narrative, and their narrative says "not having geographical demographics, it is difficult to say whether residents or tourists are being reached;" in other words, they directly admit to making up that 30 percent; the Melbourne Main Street has a 800 percent increase in administrative fees and it is also of an interesting note, that the mayor of that town might have hired a family member that may account for a large percent of that 800 percent administrative cost but they are seeing a revenue drop of 60 percent; the Brevard Achievement Center has a budget of \$30 million, and he is sure the Board knows this, but the percentage of out-of-County attendees is Florida, they did not even put a number; and the Florida Historical Society, and if anyone should know about Florida's population or Brevard County population, it should probably be this



group, and according to their numbers, there are 14,000,000 attendees. He added, it gets better, 90 percent of these are out-of-County; he mentioned his math is bad but that leaves 10 percent that are in-County and 10 percent of 14,000,000 is 1.4 million and unfortunately Brevard County only has a little over 600,000 residents; unless everyone in Brevard County has interacted with this three or four times, and he has not, these numbers are ridiculous, fictitious, and these are only a few that he had the time to look over; therefore, for all of these reasons and many more, and he knows this is only \$175,000, but he is asking that the Board make a motion to reject the legislative finding of these events and Attachment A meet the requirements of Florida Statute in that one of the main purposes of the event is an attraction of tourists. He advised he ran a search on a couple of these and a couple of them did not even mention the word tourists at all; and he stated either way he will leave the motion on the table.

Commissioner Pritchett stated she knows when these have been done in the past, that she wanted to see receipts when it was done; she thinks a long time ago she was given the explanation that some of these funds that Mr. Cranis' office collects are for community enjoyment as well; and she inquired if that is correct.

Mr. Cranis advised he does not know the answer to that; he knows the four percent out of TDT that is allocated for cultural activities is designated for this kind of purpose; however, he does not know if the intent of that Ordinance, perhaps, was to have some events that were for local benefit as well.

Commissioner Pritchett stated that would be an interesting question and she asked Mr. Cranis to find out if the County still has that theme or if it has changed themes because it would be significant.

Mr. Cranis agreed to do that.

Commissioner Pritchett stated when the TDC gets these it runs through them and gets all the data and information; and she inquired if that is correct.

Mr. Cranis responded affirmatively.

Commissioner Pritchett advised she looked through them and she is okay with them; she stated she does not have as much in her District but she can see that these are all substantial organizations; she is going to support them; however, if that terminology is a little bit different, she would be interested in that as well.

Chair Lober stated he thinks as long as what is being done is lawful, there is no ethical reason that he is aware of, that the County should not also keep in mind that some of these organizations benefit not only in the sense that they drive tourism, but they are also used by residents; to him he does not think it is wrong in any way to prioritize the residents assuming the Board can check the boxes to ensure these are lawful expenditures; and he thinks he is about half way to where Commissioner Tobia is. He noted he is not ready to reject this yet; he is also not ready to accept it today; he would like to see more information on the ROI; he is not going to support rejecting it today if that is the motion; he is also not going to support accepting it today, if that is the motion; he just wants more information at this point; and any motion that is made other than one contingent on the Board getting an ROI evaluation, he is going to reject.

Commissioner Tobia stated he wanted to answer the best he could for Commissioner Pritchett; according to State Statute the Board has to make legislative finding that this deals with tourism according to State Statute; and it reads, "If tax revenue expended for an activity service venue

or event the activity service venue or event shall have as one of its main purposes, the attraction of tourists.” He went on to say the Board has to do this; the fact that some of these, and he went with the most ridiculous ones, but at a basic level, when the applications do not mention the word tourists and yet the Board has to make a legislative finding for tourists, forget the numbers, they are crazy, Commissioner Pritchett probably understands it better than he does, but he does not know if it meets that Statute 125.0104. He noted that is what the Board has to make the determination on now, and in his opinion, if it does not even make mention of what staff is requiring, then he does not think it is in the best interest of the taxpayers to do so; he hopes that answers Commissioner Pritchett’s questions about what Statute has; and he mentioned he would be more than willing to share that with her.

Commissioner Pritchett stated she thinks she is going to have to agree to table this because she is going to have to know about that definition right there because she knows in the past, when this was brought up, the Board had talked about community enjoyment as well; that is going to be interesting with this because she is going to lean more to the side of having to figure that out; otherwise, she would have voted to put this through right now, unless Mr. Cranis can tell her if these have to be solely driven by tourist attractions.

Mr. Cranis stated he thinks the way the State Statute reads, it has to be a tourism purpose but it does not say solely; there has been in the past, probably some leeway, and that is left to the County Commission to make those kind of determinations; and he thinks that was the intent of the State Statute, to push it down to the counties to kind of determine what is the purpose and what qualifies.

Commissioner Pritchett asked Mr. Cranis’ opinion and if he thinks these things qualify for the purpose of the grants.

Mr. Cranis advised he believes almost all of them have some kind of attempt to go after a tourist market; one of the ones that was mentioned on the Florida Historical Society, they do a radio show and that is where their numbers come from; the radio show is around the State and they promote tourism around the State, particularly tourism in Brevard County; and while the numbers they include are not visitation, they are the numbers of people who they reach through the radio show, and he thinks that had some value in terms of driving business. He continued by saying another thing he had been asked about earlier about how he would compare the ROI on these kinds of programs versus marketing, it is a very difficult question to answer; every TDC and visitor bureau in the world always tries to put some numbers to that, and he is working on that, but it is difficult; being asked to develop an ROI model would probably not be something he could come back with next month, it will probably take some time to do that; for those organizations that they were able to look at, they were able to look at cell phone data and they could actually come up with a determination as to what visitation approximately occurred as a result of the event happening; and those are the kinds of things they are looking at. He noted they do not have it for every one of these groups, some are not doing a single event, they are doing things throughout the County, throughout the year, so it is a little harder to pinpoint but they are trying to get to those numbers.

Commissioner Pritchett stated she believes they are good for the economy; her children are getting ready to move back and she is trying to get them to move closer to her; they are more interested in an area that is about the arts and the culture and she gets it; and she noted if Mr. Cranis is comfortable with it, she will vote to put it through.

Chair Lober inquired if there is a motion on the table.

Commissioner Tobia stated Statute requires a legislative finding and while he greatly respects Mr. Cranis, he is not a member of the legislative body so while his opinion is valued, it is ultimately the Board's decision to make that determination, not that of Mr. Cranis, according to Statute.

Chair Lober inquired if Commissioner Tobia's motion is to reject legislative finding on this.

Commissioner Tobia stated he is not going to win that one; in all honesty, he did not expect to win this one; he thought an ROI was a good suggestion; he agrees with Chair Lober that it is best to wait; Commissioner Pritchett had preempts to what his follow-up would be; and he will pull his motion and let Commissioner Pritchett go forward.

Chair Lober stated if there is a motion to table this, he thinks one of the points that Commissioner Tobia brought up and is a really good point, is if the organization has a massive budget, giving them somewhere in the league of \$2,000 or \$6,000, there is an opportunity cost to a smaller organization that might actually make some meaningful impact; he asked if Mr. Cranis could, with whatever spreadsheet they have, to give a breakdown of those that he is aware of, and if he knows there are some that are particularly large, a \$10 million-plus organization, that would in all likelihood factor in whether he thinks there is a value or likely to be an ROI in giving them \$2,000 to \$6,000; and he noted he will see what the motion is. He went on to say Commissioner Pritchett made a motion to approve and it failed for lack of a second. He asked if Commissioner Tobia would make a motion to continue this out and he inquired if November 10 would be satisfactory or if he would want it earlier.

Commissioner Tobia mentioned he thinks Mr. Cranis said to develop some sort of model, he could not get that to the Board at the next meeting which is at the end of the month; he asked Mr. Cranis if November 10 would provide time; and he asked if he could say until such a time that Mr. Cranis could provide the Board with his recommendation or an ROI considering the stipulations that had been put in place.

Chair Lober stated he thinks the way to phrase that would be staff is directed to bring it back to the Board at the earliest reasonable opportunity; and he questioned if Commissioner Tobia thought that would work.

The Board of County Commissioners, in regular session on October 6, 2020 directed the Tourist Development Office Director to develop a model for the recommendation of a Return on Investment (ROI) for TDC Cultural Grants for FY 2020-2021; and directed the Tourist Development Office Director to bring it back to the Board at his earliest, reasonable opportunity.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Bryan Lober

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

#### **J.5. Policy Restricting Board Members from Negotiating with Unions During Formal Negotiations**

Commissioner Tobia stated he would like to thank the County Attorney's Office for working to help him draft this Policy; ultimately it is one of parity; right now International Association of Fire Fighters (IAFF) Union Members are restricted from engaging in labor negotiations with members of the Board under their agreed upon bargaining agreement; all this does is place a

similar restriction on the County; this is particularly important because Brevard County is lucky enough to have expert staff led by a former labor attorney, a Human Resource Director that has a law degree, and a superb County Attorney's Office; this is not radical, Board Members have to put disclaimers on communications to other government agencies and have to submit disclosures to quasi judicial matters; and it is also bound by Sunshine Law. He continued to say all this policy would do is require Commissioners to stop a conversation once a discussion veers into labor negotiations; to be clear, this will in no way infringe on the rights of union members who would like to discuss unrelated issues such as zoning matters with the Commissioners; he believes it is also in the best interest of the County. He went on to say while he is not an attorney, he is sure any attorney would say it is generally a bad idea to have discussions with an opposing party who is represented by council without their attorney present or even getting their consent; Florida Statute has created a system in which the interest of taxpayers are best served by strong representation and formal negotiations; the Board has all these pieces to accomplish this, all the Board has to do is stick to it; and this does not change anything, as the only reason to vote against this is if someone plans to facilitate behavior that would already represent a breach of the Collective Bargaining Agreement. He explained in other words, if a Commissioner plans on entering into negotiations without the rest of the Board, that person is placing not only the negotiating team in a tough position but it places the rest of the Board in a bad position, and ultimately the taxpayers; Commissioner Pritchett came up with a similar conclusion when she asked that communications from Commission Offices be sent out with a disclosure, which his office still does to this day; and this is a similar type of Policy and he hopes everyone joins him in supporting it.

Chair Lober stated he agrees with some of what Commissioner Tobia just said and he would agree that it would be unfortunate were the Board to do something that it was permitted to do, which would cause someone else under the County umbrella to do something they are not permitted to do; that said, he wants, and he has as a goal, to have First Responders, especially those under the County umbrella, he wants them to be able to contact the Board with their concerns, whatever they may pertain to, and he does not like the existing restriction with the union, and he has no desire to expand it; and he would love to see it rolled back to a large degree, if not entirely, so that they would be free to communicate with the Board. He went on to say as far as the analogy of there being an opposing party, technically, they are an opposing party in a sense, but this is not like someone that is out to get the Board; he thinks that their interests align in the sense that he, and he thinks a majority of the Board, hopefully the entire Board, want to see appropriate working conditions, appropriate wages, and reasonable treatment of the fire personnel; he does not think that is an extreme statement by any means; and to the sense that they are, in that way, an opposing party, they are not a traditional opposing party, as one that does not share the goals that the Board has; and he thinks the Board can work with them to accomplish quite a bit that benefits not just them, but also the County, and by extension the constituents that everyone has such as taxpayers, residents, businesses, and so forth. He mentioned he cannot see himself supporting this unless there is something new that is brought to light on it tonight; and he would love to look at rolling back the existing restrictions, assuming that it is something that the Board can do, and that the union would be amenable to doing as well.

Commissioner Tobia stated he thinks he and Chair Lober are on the same page; he sees this as an equity position; the union agreed that they would not enter into the negotiation with the Board, thus circumventing the Board's very highly educated team; he does not think the Board should place them at a disadvantage; and he thinks the Board should also abide by that. He went on to say the solution that Chair Lober had goes directly to the Commission, unfortunately that x's out the Board's negotiating team altogether; Chair Lober has mentioned many times before that he serves as a mediator; he has mentioned entering into negotiations without an

attorney being present and Chair Lober is an attorney, and he greatly appreciates the education and experience, because he does not have that; and he thinks that places those on the Board that do not have that legal background at a disadvantage.

Chair Lober stated that is a subjective assessment; he is not saying it is wrong or right; Commissioner Pritchett has a background that he does not have in being a CPA; Commissioner Isnardi has a background that he does not have; everyone has different skills that they have their particular strengths and weaknesses in; he will freely acknowledge Commissioner Tobia is correct and he would not generally advise someone to negotiate on almost anything without their attorney; however, there are occasionally, truly extenuating circumstances. He went on to say in the context of a criminal case, he would not typically advise a client to make an open plea to the court without knowing what the sentence is going to be; but there are circumstances in which doing just that is appropriate and not only appropriate but it pans out in the end in the client, or in that case, the defendant's favor. He continued by saying it is hard to have hard and fast rules when it comes to legal questions in terms of strategy because each situation is inherently unique; to say that there is a rule that applies to all of them, unless it is something that is patently obvious he does not know that he could make that jump; obviously no one should attack someone with a knife or chair in any setting, that is a hard and fast rule; but as far as a general strategy it is hard to say, there are a lot of rules of thumb, but they are exactly that, rules of thumb.

Commissioner Tobia stated he understands Chair Lober's point and he greatly agrees that education and experience is extremely important; the County has a labor-negotiating attorney, an individual in Human Resources that has acted in this role many times and, ultimately, has to bring their work product back to the Board; anytime the Board enters into that with less experience, it is placing the Board not in a fair position with those on the other end; if the labor union does not have the ability to come to the Board, then he thinks the Board should probably be put in that exact same position; and all he is asking for is absolute parity on this issue.

Chair Lober stated his last thought, with respect to parity, since Commissioner Tobia left with that, just as the Sheriff has the ability to essentially shop proposals amongst each of the Board members to determine whether or not it is worth bringing forward and what the likelihood is and to expound on the merits, or the perceived merits, that he sees and what it is that he happens to be looking at on a particular day; and he thinks it would be useful to have the fire union be able to do the same thing. He advised the Board may hear yes from him on certain things and they may hear no on certain things, it depends on what it is and what the circumstances are; and he thinks adding a further barrier, when frankly, the Board should be removing barriers rather than maintaining them; and he does not know if it helps.

Commissioner Isnardi stated she has a couple questions, one for Commissioner Tobia; and she inquired if there was an incident or concern that brought this forward.

Commissioner Tobia responded yes, fairness.

Commissioner Isnardi inquired if there was a Commissioner that was acting outside of the State Statute or the rules as they are now.

Commissioner Tobia reiterated fairness; he stated he believes it is patently unfair that the Board place a limitation on the union that it does not place on itself; ultimately, that is what the issue is; clearly, and he does not know the history of it, but clearly there must have been issues because the prohibition placed on the union on contacting the Commission is located on page one of the Collective Bargaining Agreement; and he reiterated he does not know the history of

it.

Commissioner Isnardi interjected asking if Commissioner Tobia just wants the Board to have the same rules as the unions have.

Commissioner Tobia explained when it comes to negotiations during that period, that is correct.

Commissioner Pritchett stated to the County Manager there are times when everyone comes together as a group and that they are allowed to talk, in the City they are called Shade meetings and here they are called executive meetings.

Frank Abbate, County Manager, stated there are special rules that apply statutorily; and the Legislature has set up for union negotiations in Florida and they are different than other types of shade meetings that are not in sunshine, that are executive sessions.

Commissioner Pritchett stated she remembers four years ago when she got on the Board, there were a couple of those so they could have a few discussions; she does not think the board has had that in a while; she thinks the Board should be able to talk freely to make group decisions; and maybe a little bit of the communication that maybe the Board has not been getting from County staff; and she inquired who does negotiations for County staff with the unions.

Mr. Abbate advised the chief negotiator is the Human Resources Director, and then there is staff from Fire Rescue, Public Safety, the County Attorney's Office, and the Budget Office.

Commissioner Pritchett stated she does not disagree with Commissioner Tobia on this; she thinks sometimes one of the Board Members can get in a place and it might be more beneficial because that allows the Board to come together as group and hear the negotiation; and she thinks that would help the Board tremendously. She mentioned she would like to throw in caveat that maybe the Board would have those once in a while to hear what is going on, so staff can get the Board's input and it can hear what the negotiations are so it can speak to it freely as a group, so there is one strong voice coming forward; and the County is all on the same page with it's employees.

Commissioner Smith stated he does not have any objection to this proposal but it is, frankly, a solution looking for a problem that does not exist; he sees those come up every now and then; and in the interest of not spending another half-hour on this he would like somebody to come up with a motion so the Board could make a decision and just move on.

Chair Lober advised he has one; he does not know if anyone else is going to like it.

Commissioner Isnardi stated she was going to say something similar because if the rules are in place for the union then they should not be talking to the County anyway; if the County needs rules to behave like adults then she would guess the Board can impose those; she does not have a problem with the request itself; and she has never had negotiation discussions with any union members, that is why she was asking where this came from.

Commissioner Smith stated it would be counterproductive if the board did because it is not the negotiating part of the County.

Commissioner Isnardi advised that is why she was asking where this came from because she has not heard an inkling that there has been a problem with it so she was kind of curious why

the Board needs to self-impose more rules on itself when there are already rules in place; she is fine with it, she is not opposed to it; obviously, if negotiations go south and the County has a hard time, maybe that is something the County can have a Workshop about and talk about it in the open if need be; however, as it stands right now, she does not have a problem with this.

Chair Lober stated he doubts Commissioner Tobia is going to love this but it certainly would ensure the goal of parity on this; he would propose that folks consider offering a motion directing staff to research what needs to be done to remove the limitation on negotiation from the union; and then the County would be in the same boat.

Mr. Abbate advised that is done in negotiations, if the Board wanted to do that, the appropriate time to do that would be in executive session, to give staff direction in how the Board wanted to proceed, similar to what Commissioner Pritchett had mentioned.

Commissioner Tobia stated the County is already under a Collective Bargaining Agreement right now that is currently in effect, so that is a non-starter; Chair Lober's analogy with the Sheriff and that of the union, while on the face is good, unfortunately, according to Statute it is absolutely horrific; there is collective bargaining encapsulated in Statute, therefore, the agreement between this legislative body and that of organized labor is much different than this as a legislative body and that of the sheriff; however, a Statute is completely and utterly opposed on those two issues.

Chair Lober asked the County Attorney, Eden Bentley, if both parties agree to modify it, is there a mechanism where they could modify it.

Attorney Bentley responded not outside of the structure that is already established.

Chair Lober inquired within the structure if there is an opportunity to call the two parties together to address whether or not a modification...

Attorney Bentley advised at the proper time in the negotiations.

Commissioner Pritchett inquired if staff is currently in negotiations right now.

Mr. Abbate responded they are, there is a new contract that would come into place in October and those negotiations have started.

Commissioner Pritchett asked if the Board can have an executive session to discuss what it is that County is negotiating; and she inquired if that would be possible for the Commission to come in.

Mr. Abbate advised they are in a position to do that now that negotiations have started.

Commissioner Pritchett stated that is wonderful.

Chair Lober commented if Commissioner Pritchett wants it, he will call it;

Commissioner Pritchett advised yes, she wants to do that; another thing she would like to mention is she does not mind if the Board passes this or not; she is not in any risk of violating it; she is not going to shoplift either so she will not be violating that and she agrees with Commissioner Tobia on it; and whatever the Board wants to do, she is fine with it.

Commissioner Tobia stated he thinks having an executive session cuts in the opposite direction of open discourse; this goal is to keep everything in the open so an individual Commissioner is not going behind the backs of the bargaining unit; and by calling an executive session, while legal, the union would not have the ability to know what is going on. He noted his suggestion, as he has done, is to meet with the negotiating team and make opinions known to them or to show up at any of the publicly noticed meetings, like the one that took place today; it is all done in the open and he thinks that is probably the best; and he is not going to go against an executive session but he does not think that is fair to the union, so he hopes the Board can address this and stay away from that.

Commissioner Lober asked if he could Call the Question, so the Board can move on.

Chair Lober stated the union president is there and he asked if there is any objection to the Board calling an executive session.

Mike Bramson, President of the Firefighters Union, responded no.

Chair Lober advised for the record Mr. Bramson has indicated they do not have an objection so if Commissioner Pritchett chooses to change her mind and does not want it, that is fine.

Commissioner Pritchett reiterated she would like to have one so the Board can have discussions of what they are asking, it can give input of what it agrees to, and it comes as a unified Commission because the Board might want more or less with it; and she thinks it is a good thing to do. She continued on by saying she knows Commissioner Isnardi served on the City too and that is what they did; they had these meetings to try to figure out how to help the employees; and she thinks it was very beneficial because then everyone is on the same page.

Chair Lober advised he does not know if there has been a second on this.

Commissioner Tobia advised he did not expect a second on this one.

Chair Lober stated he agrees that a goal of parity is a good one but seeing as there is no second it appears to die for lack of a second.

Commissioner Isnardi stated if she could see a purpose, she would.

The Board discussed but took no action on the adoption of the collective bargaining policy restricting Board members from negotiating with Unions during formal negotiations.

\*The Board adjourned at 06:54 and reconvened at 7:04.

#### **J.6. Request to Blue Origin to Refund \$8 Million Cash Incentive**

Commissioner Tobia stated when the Board voted for \$8 million cash hand out, four of the five Board Members were not sitting on this Board; he says this as a disclosure even though he thinks it is very apparent, not only is he against all cash handouts, he is against most incentives as well, he shoots for parity; he learned through the Florida TODAY that Blue Origin would be mitigating 17 acres of impacted wetlands in Volusia County, yet they would be impacting wetlands here in Brevard; and Brevard County residents who are responsible for the \$8 million incentive in the first place, so he has some questions for John Denninghoff, Assistant County Manager. He went on to say the development of these wetlands may lead to additional runoff and he inquired if that is correct.

John Denninghoff, Assistant County Attorney, responded yes, it is.



Commissioner Tobia stated the additional runoff in County maintained drainage ditches could lead to additional flooding in North Merritt Island, and he asked if that is correct.

Mr. Denninghoff answered it is, and the area that will be draining from the Blue Origin site runs to a pump station which pumps out the area where the site is and in heavy or severe storm events, pumps it over a dike or levy into the County system which then goes into the North Merritt Island area.

Commissioner Tobia asked for a rough estimate of the volume of that water that is discharged from that pump.

Mr. Denninghoff stated that particular pump runs between 30,000 and 40,000 gallons a minute.

Commissioner Tobia asked just as a reference point, how many gallons are there in a standard pool.

Mr. Denninghoff stated a residential pool has about 13,000 gallons in it.

Commissioner Tobia clarified that is roughly three pools a minute of discharge, from that one pump potentially.

Mr. Denninghoff responded affirmatively.

Commissioner Tobia stated to boil this down in other words, while Blue Origin may be following the law, this very well could have a negative impact on Brevard County residents, namely those in North Merritt Island and namely with flooding.

Mr. Denninghoff again responded in the affirmative.

Commissioner Tobia thanked Mr. Denninghoff. He stated while this is Federal land, therefore, Blue Origin has no obligation to even give the County their plans, let alone work with the County. He continued on by saying the County has an obligation to the citizens; this letter tries to do what little the Board can to protect their interests; just because something is legal does not make it moral; and this Board has to make moral judgments, regardless of the law, whether that be on issues such as abortion or the environment. He went on to say he passed out a letter and he would ask that there be a motion to request the portion of the \$8 million that has been handed out, which is roughly half, and the forgiveness of the other \$4 million for impact that may be felt for Brevard County residents; he reiterated this is just a letter request.

Commissioner Pritchett made a motion to deny and Chair Lober seconded it.

Commissioner Smith stated Commissioner Tobia was saying that the mitigation lands would be in Volusia County, but talking about flooding in Brevard County, so he is confused.

Commissioner Tobia stated that is a good question; generally, what has to be done when someone impacts wetlands, is the use of mitigation bank; he explained if something impacts 17 acres then they would have to purchase 17 acres; Blue Origin is impacting 17 acres in Brevard County, and yes it is on Federal land but it is in Brevard county, and they are buying 17 banked acres in Volusia County; therefore, Volusia County is the benefit of this because they get 17 acres of paid wetland and Brevard is stuck with 17 acres of paved whatever, thus runoff from that 17 acres that is going to impact, as Mr. Denninghoff said, the folks of North Merritt Island.

He went on to say to be clear, the State of Florida will be held whole, however, the citizens of Brevard County, the very citizens who handed over or are in the process of handing over \$8 million are the ones that are going to have a negative impact while the citizens of Volusia County, the ones that did not pay this \$8 million, are going to have a great benefit.

Commissioner Smith stated he gets that; he does not know how or why they came up with where they were going to do it so he is not going to go there; as for Blue Origin, he was part of the Board, and the deciding vote that allowed Blue Origin to come to Brevard County; he spent a lot of time on the phone with their Chief Executive Officer (CEO) and Chief Operating Officer (COO) of Blue Origin questioning them about the County giving them \$8 million; the truth of that matter is that the \$8 million was to do the site improvements that were needed to build the plant where they are building rockets; and for him to make the decision that he wanted to do that and vote for it, was because they were promising to build a 200,000 square foot building which was supposed to cost about \$200 million so that is \$200 million in capital improvements to the County. He continued by saying Blue Origin said they were going to bring in 300 jobs averaging \$89,000 per year which is \$32 million a year; one employers is going to bring in \$32 million worth of salaries; he thought that was a pretty good deal; as for the \$8 million, as he understands it, they still have not received that and would not qualify to get it until they got a Certificate of Occupancy (CO) on the building; it turns out the building that they built was more like 700,000 square feet and costs over \$700 million so they have invested a lot in this County and this County's future; one of the other things that made him vote for this is the fact this County has launched thousands and thousands of rockets over the last 50 years and not one of those rockets has ever been built here; and now the County is in the rocket building business so he thinks it was and is a real game changer. He noted he has breakfast or lunch with Scott Henderson a couple or three times per year and after two or three years ago, Mr. Henderson informed him that they were going to start looking for property to build their rocket engine assembly plant; he thought Brevard County was perfect for that but Mr. Henderson informed him that Brevard County did not have the money to compete, therefore, he followed up with the Economic Development Commission (EDC) and Space Florida and that proved to be true; he inquired with Mr. Henderson who was going to be the benefactor of that rocket engine assembly plant and he advised it would most likely be South Carolina because they had offered \$17 million in incentives; the next time he ran into Mr. Henderson after that, he asked how it worked out and Mr., Henderson laughed and said they did not get it either, Huntsville Alabama got it; he asked Mr. Henderson what their economic incentive was and Mr. Henderson advised it was \$35 million; and essentially Brevard County is attracting business as long as it is in the business of trying to secure businesses because there is a lot of competition out there. He mentioned that Commissioner Tobia has said when he first took office that the space symposium was nothing but a big party, but it attracts anybody and everybody in the space business in the entire world; he has had lunch with the space people from England, the German Space Command, and he knows the competition out there is extremely fierce; if Brevard County were to ask or restrain the monies going to what the County has promised, that would give the County a humongous black eye in the world, not just the United States; and he knows when he made that decision four or five years ago that he got a lot of push-back from the ultra conservatives in this area and their main thing is that it is corporate welfare and they are picking winners and losers and they would have come to Brevard County anyway; and he thinks maybe they are picking winners and losers and that is what they are in the business of doing; they are trying to attract business in this County and they are doing a very good job of it. He stated as far as being corporate welfare, he just talked about the competition so, if the County wants the business it has to fork-out the money; it is kind of like Superbowls, it is all about the economic incentive that those cities offer and that is how they make the decision on where to have the Superbowl; and the Superbowl brings those cities lots and lots of money, so that is the trade off; the trade for the County was lots and lots of money; he thinks their

employees are up to about 400 now; Blue Origin has done an awful lot for us and it would create a tremendous black eye on Brevard County if it were to deny those funds from going to them; and there is no doubt that they have been a good tenant and a good employer for Brevard County. He noted he just wanted to give the Board some background on that.

Commissioner Pritchett added Blue Origin has already fulfilled their contract; they said they would do a 250,000 square foot and they did 1,000,000 square foot; they said they would make \$160 million capital investment and they have invested \$1 billion into this economy; 145 jobs to 490 full-time jobs; average wage of \$89,000 and they are \$114,000 for the average wage; and it really helped the economy grow greatly. She reiterated the contract has already been fulfilled and it has nothing to do with what they're building now; she mentioned it is already in contract, so even if the Board wanted to do this, it would really be messing up something it agreed to; and when Chair Lober is finished she is ready to Call the Question.

Commissioner Tobia stated to be clear, this is a letter; Mr. Denninghoff has said this could have an impact on North Merritt Island when it comes to flooding, about three pools a minute; and he asked if they disclosed that as a potential impact on the development.

Commissioner Smith advised that was five years ago and he is sure they did not know they would be doing this today.

Commissioner Tobia stated Commissioner Tobia mentioned about the capital improvement and assumes he means the taxable property; and he asked if that is correct.

Commissioner Smith noted there is no tax, the County still owns the property, so it does not get any taxes.

Commissioner Tobia inquired how there is capital improvement.

Commissioner Smith explained the capital improvement is somebody built that building that cost them whatever and it involved employing a lot of companies with a lot of employees.

Commissioner Tobia inquired about what he said about the symposium.

Commissioner Smith advised he said the definition is "party" or "to drink together."

Commissioner Tobia agreed with the "to drink together." He went on to say this is just a letter; the Board hears time-in and time-out that North Merritt Island has flooding issues; this is three pools a minute in North Merritt island; he does not represent North Merritt Island, he just sits at the podium when they complain about the flooding issues; and if that does not bother Chair Lober, then he will vote however Chair Lober does, since this only impacts his District.

Chair Lober stated that is interesting.

Commissioner Isnardi commented first off she thinks the Board members need to care about their own Districts, but need to care about each other's as well; she asked if she could ask Mr. Denninghoff a question; she mentioned as far as the County's Utility Facilities out there, expanding those facilities to manage water capacity, she inquired if that would that be helpful to manage the drainage to make sure that the County is not overflowing and that sort of thing, and if the County is able to do that in North Merritt Island.

Mr. Denninghoff stated they are expanding to the degree that is feasible already.

Commissioner Isnardi commented so there is nothing the County can do to improve the water flow, they would just have to live with the existing water problems.

Mr. Denninghoff stated what could be done, and the County is trying to work with Blue origin to try to facilitate a consideration of design improvements that could be implemented that would actually reduce the impact that they might have in the most severe storms; they have two pumps, one pumps directly into the Lagoon and the other pumps down onto Merritt Island and North Merritt Island; and then the County ends up having to re-pump it.

Commissioner Isnardi inquired if this Board could potentially send a request to them to make sure they...

Mr. Denninghoff mentioned staff is already going to be doing that.

Commissioner Isnardi stated okay, and explained if the County wanted something official because that seems to be the route it is headed, the Board could do that.

Mr. Denninghoff agreed to that.

Commissioner Isnardi commented most of the Board was not there in 2015; she is not saying she that she would have supported \$8 million, because the Board probably knows how she feels about cash incentives, however, the Board can send a letter; it keeps being reminded that it is just a letter but aside from the billion dollars that they have invested, the Board would be the laughing stock of the rest of the space community that is going to grow here and build rockets here and launch people to the moon; she thinks it is silly and meaningless; she thinks the Board needs to work with its partners; she would not have agreed with or supported the \$8 million cash giveaway, she would have begged and pleaded for them to come here and talked about the great workforce, housing, and all the reasons they should come to Brevard County, but she would not have supported that had she been there; she gives Commissioner Smith credit for doing what he thought at the time was right an obviously they are highly successful and have invested more than they had promised; it is exciting to be a part of their successes; however, she thinks if someone does not like what the State Legislature does, then complain to them and ask them to change the way it does wetland mitigation, do not send a letter asking for the money back. She mentioned those are the rules that are in place unfortunately and she does not want Brevard County to be the laughing stock of the rest of the State or the rest of the country for that matter.

Steffani Burd stated she thinks it is wonderful that Blue Origin is here, what they are doing is fantastic, and what they are looking to be doing and continuing to do is wonderful; she has a concern about the location; this is kind of a side issue so if the Board feels she is irrelevant it can shut her down; what she is looking at is the investment in what they are doing compared to where they are doing it; on the one hand it is not necessarily environmentally responsible where they are looking at setting up the 10 acres and then the additional 7.5 acres because there is the Indian River lagoon (IRL) estuary, the Marine Resource Council, Brevard Zoo, the Oyster gardener, the Florida Recreational Area, and all these different programs that the County is trying to invest significant time, energy, and money into restoring the habitat and then boom, it is just being taken out; that incongruity is not necessarily responsible; and also looking at the fiscal aspects of allocating tax dollars for all of this and then just inefficiently using them because it's hitting the Lagoon again. She went on to say it is a little contradictory from the organizational perspective because they did the climate pledge in 2019 saying they were going to be carbon neutral, but she knows that the wetlands actually hold 20 and 30 percent of the

estimated global soil carbon despite occupying just five to eight percent of its land surface; and freshwater inlets are even more so, so while she thinks it is a wonderful idea, she wonders if they could reconsider the location. She mentioned there is a couple of things that could be looked at, one is looking at exploring already impacted areas so they have already been kind of hurt, so those could be reused; another may be looking at existing organizations to help bring the science to it, such as Marine resource Council, IRL group, or something to help figure out how to do that better; and something else that could be done is maybe a public and private partnership looking at some of Kennedy Space Center's (KSC) already used locations and building upon those; and that might make another wonderful way to have even more connection. She went on to say she thinks what they are doing is fantastic, she is just wondering if they could look at a way that is not so impactful to the wetlands.

Chair Lober mentioned Ms. Burd raised some good points to the degree that possible staff, John Denninghoff and perhaps others could encourage them to look at other design considerations; he thinks it is pretty clear that there is a direction from, or lack of objection from the Board, as to the thought of pushing that in their direction; he will reach out to Scott Henderson as well, to encourage him to take a look at that; obviously, people have their land and they have the right to do what they are entitled to do and if they are not entitled to do it, they can seek to get waivers or variances; and those will be considered if and when they come in. He continued by saying he has a few thought since this is a District 2 Item; as Commissioner Isnardi stated, she was not on the Board when this came up, and he was not on the Board when this came up; he is neither condemning nor endorsing the \$8 million incentive because it is irrelevant for him to do that at his juncture; the County is contractually obligated to do what it is contractually obligated to do; there is no getting out of that whether it was a brilliant, moronic, or something in between decision, it is done; the Board is never in a million years going to get back the \$8 million or \$4 million that has already been expended; the fact is the County is obligated to it; and it would be insane to give the money back or to refuse to take any more of it. He added he would hope they would consider some of the suggestions that have been discussed with respect to the environmental side of things, but to get the \$8 million back it is not going to happen; looking at the actual letter that was proposed, he is not comfortable signing his name on that in any capacity; it strikes him as anti-capitalism; he does not begrudge the guy for being abundantly well-off; he does not think that he was given billions and billions of dollars as he worked his way up in this country; and he hopes more people make that fortune a well. He stated to the degree that there are environmental concerns and this does not excuse them by any means, it does not excuse the County, the State, the Federal government, or otherwise, if the County's existing laws, County Code, State Statute, U.S. Code, or Administrative regulations allowed for them to buy these credits elsewhere, that may be something that needs to be looked at, at the level where that can be changed, whether it is State Legislature or otherwise; he would be thrilled on this end if the Board could address that where the mitigation would have to occur within some proximity of where the impact is; and he does not know that there is any proposal on the table or that is contemplated presently with respect to that here. He went on to say he is not going to go down the road too far but, the Board heard from Mr. Denninghoff that this could have negative impact to residents and he is not looking to play semantic games but could is a far stretch from will or shall; he does not know to what degree of certainty there will be or won't be environmental impacts, but this letter is not going to improve that situation; and if he thought that sending a letter could stop or improve the flooding situation in North Merritt Island he would sign it in his own blood, but it is not going to do that; one has no bearing on the other; and he noted he thinks the consideration of the design improvements is something that absolutely, and he hopes that they look at, he will encourage them to look at, and it sounds like staff will encourage them to look at. He continued on by saying if someone wanted to make a motion after the current motion that is on the table is resolved, he would be happy to second that and

support it as well; he wants to mention that he received, as Blue Origin is located in District 2 and, granted, it is very close to District 1, he received an email and had given it to the clerks to add to the minutes for this evening, but he is going to bring up some highlights; he believes Don Walker, SCGTV Director, has access to it; and he wants to read some highlights from Scott Henderson over at Blue Origin. He went on to say in the letter he talks about the facility being home of their New Glenn rocket manufacturing and launch operations and basically what they have done having significantly outperformed all economic impact expectations by adding nearly 500 high paying jobs, investing over \$1 billion in the area via capital improvements, and engaging a significant set of local suppliers and support services, all of which are around here or a large number of which are around here; the letter that is being scrolled through talks about investing over \$1 billion in private capital into this area; in that chart, there is a column on the left that talks about the 2016 North Brevard Economic Development Zone (NBEDZ) Grant Agreement terms and it talks about Blue Origins execution as of September 30, 2020; they agreed to a 250,000 square foot facility, that is what they were obligated to do in exchange for the \$8 million; instead of that 250,000 square foot facility they have over 1,000,000 square feet in that; they were required to invest at least \$160 million in capital investment and they invested over \$1 billion; 145 jobs were required by 2022 and not yet being in 2022, and they have 490 full-time Blue Origin employees; and they were required to have an \$89,000 average wage and their average wage is \$114,000, which is way over-exceeding and out-delivered. He stated they talk about investing more than \$6 million to ensure any wetland impacts are off-set to the degree that they are willing and or able to invest that in Brevard County; he does not know what opportunities exist for them; he talks about how they have added more than 100 additional high-tech, high-wage jobs to date, this year alone, during a period where most industries have seen significant downturn; that to him, is impressive in and of itself; he appreciates the public comment on this Item because he thinks that there are always environmental concerns when dealing with something of this scale; he would certainly encourage and it sounds like Commissioner Isnardi may make the motion after the Board deals with the current motion that is on the floor, to have a letter go out on behalf of the Board to ask them to look at the design improvements promulgated or put forth by staff and strongly consider them; and if there is any additional degree of credibility that it receives from having a stamp of approval by the Board then so be it. He noted he would like to Call the Question as to the motion that is on the floor to reject the Item and then address the subsequent that he assumes she will be introducing.

The Board denied the request to send a letter to Blue Origin requesting to refund the \$8 million cash incentive to Brevard County.

**Result:** DENIED

**Mover:** Rita Pritchett

**Seconded:** Bryan Lober

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

#### Request to Blue Origin to Refund \$8 Million Cash Incentive

Commissioner Isnardi made a motion that the Chair pen a letter to Jeff Bezos requesting smart water mitigation, drainage mitigation; and the Chair can work with Mr. Denninghoff to ensure it has the most minimal amount of impact on not just flooding in the area, but any runoff into the Lagoon.

Chair Lober advised he will happily second that; he stated he intends to work with staff and he inquired if Commissioner Isnardi is okay with just sending the letter out without it having to come back to the Board.

Commissioner Isnardi stated she is okay with that.

Chair Lober inquired if the motion could state with approval of the County Manager and or his designee, so there is an additional safeguard to show he is not going off the rails on this.

The Board approved the Chair to compose a Letter to Blue Origin requesting to look at design improvements to mitigate impact of wetlands upon approval of the County Manager, or his designee.

**Result:** APPROVED

**Mover:** Kristine Isnardi

**Second:** Bryan Lober

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

**J.7. Permission to Advertise Public Hearing to consider application for the 2020 Edward Byrne Memorial Justice Assistance.**

Frank Abbate, County Manager advised this Item is just a request from the Brevard County Sheriff's Office (BCSO); they annually apply for the Edward Byrne Memorial Justice Grant; and the County just wants to advertise the Public Hearing for that.

The Board granted permission to advertise a Public Hearing to consider the 2020 Edward Byrne Memorial Justice Assistance Grant application.

**Result:** APPROVED

**Mover:** Kristine Isnardi

**Second:** Bryan Lober

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

**K. PUBLIC COMMENTS**

**L.6. Curt Smith, Commissioner District 4, Re: Board Report**

Commissioner Smith read aloud, and the Board adopted Resolution No. 20-137, recognizing White Cane Safety Day.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**Curt Smith, Commissioner District 4, Re: Board Report**

Commissioner Smith mentioned he had received a phone call from Colonel Tim Thomas back in January 2018 informing me that Major General John Cleland had passed away and he was quite an influential individual here in the County and throughout the country; he served in three different wars and the Military Officer's Association was looking for some way to recognize him; they had an idea of maybe renaming Pineda Causeway, which he is not too keen on because that is changing something that has been around for a long time; he did know that there was going to be a bridge built as a flyover as they call here, but in New Jersey they are called overpasses, in any case, it goes over the tracks; he reached out to John Denninghoff because of his knowledge, and from that phone call he worked very hard and found out it was not going to be a big deal to get it done through the State; and fast forward two and one-half years, the

County ended up with a bridge called the John Cleland Memorial Bridge. He stated the Major General had quite an impact and he meant a lot to a lot of people; he showed some pictures of the event, and noted there was a terrific turnout; and he commented none of this would have happened without a lot of cooperation from an awful lot of people. He knows he is going to miss some, so he will use some generality here; he thanked the County Manager, Frank Abbate, Assistant County Managers John Denninghoff and Jim Liesenfelt, Don Walker, Space Coast Government Television (SCGTV) Director, the firefighters and the Sheriff's Office were instrumental in the success of the day, and County staff was huge as they were out the week before making sure that the parking lot at Holy Trinity would be sufficient in where to place everything such as the stage and the flag; he thanked his staff, Pat, Christine, and Adrian; and he reiterated the event would not have taken place without an awful lot of people.

L.4. Bryan Lober, Commissioner District 2, Chair, Re: Board Report

Chair Lober stated he received a letter today from the Florida Department of State indicating that the Marion S. Whaley Citrus Packing House on 2275 Rockledge Boulevard is slated to be deregistered from the national register; this was a historic property that was unfortunately leveled in July 2020; it is a shame that it is gone but it's age was showing; every time there was a storm more pieces of the building would come off, so he thinks there may not have been many options; essentially there is a process by which if someone wanted to argue against de-registering it, they could go on November 5, there is a Webinar scheduled for 1:30 p.m. that is put on by the Bureau of Historic Preservation to oppose that; from what he sees in the letter from the State, if the building no longer exists, it no longer meets the criteria for being listed; and he just wanted to bring it up. He continued by saying he believes it was victory groves or Victory Orchard, he does not recall which of the two; it is a shame, it was pretty but unfortunately it was getting to a state where it was starting to become dangerous.

Adjourn

Upon consensus of the Board the meeting adjourned at 7:43 p.m.

ATTEST:

\_\_\_\_\_  
RACHEL SADOFF, CLERK

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
RITA PRITCHETT, CHAIR  
BREVARD COUNTY, FLORIDA