

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, February 23, 2021**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:02 a.m.**

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

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 Zonka

**C. PLEDGE OF ALLEGIANCE: Commissioner John Tobia, District 3**

Commissioner Tobia led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL: November 5, 2020 Zoning; November 10, 2020 Regular**

The Board approved the November 5, 2020, Workshop meeting minutes.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**E.1. Resolution recognizing March 2021 as Hemophilia and Bleeding Disorders Awareness Month.  
District 5**

Commissioner Zonka read aloud, and the Board adopted Resolution No. 21-011, recognizing March 2021 as Hemophilia and Bleeding Disorders Awareness Month.

Samantha Nazario, Ambassador for the Bleeding Disorder Coalition of Florida and Hemophilia Foundation of Greater Florida Volunteer, expressed her thanks to Commissioner Smith for starting the initiative with her three years ago, and to Commissioner Zonka who has continued it for the last two years; she stated she advocates in her role as Voluntary Ambassador in Tallahassee and Washington, D.C., to change policy for research and development; bleeding disorders are among the unseen killer with diagnosis in a life-threatening moment; her son was diagnosed at six years of age; and by the time he was eight, he was \$100,000 away from his lifetime million dollar cap. She added the Affordable Care Act has saved her son; Brevard County has been their home for 17 years and it helps them to raise money; her son creates a t-shirt each year, and this year he designed it with COVID-19 in mind; and she is present to help bring awareness to Brevard County for bleeding disorders. She reported there are currently 289 children diagnosed; the illness is extremely expensive because there are no generic medications; and she invited all to review the website, [www.hemophiliaofgreaterflorida.org](http://www.hemophiliaofgreaterflorida.org).

**Result:** ADOPTED

**Mover:** Kristine Zonka

**Second:** Bryan Lober

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

Items Pulled from Consent

Commissioner Lober stated he would like to pull Items F.1., F.12., and F.24.

Chair Pritchett stated she has a speaker card for Item F.16; and she will allow for the speaker first.

**F.16. Approval, Re: Second Amendment to the Lease with the Brevard Veterans Council, Inc. (District 2)**

Dean Schaaf, President of Brevard Veterans Council, advised he is present for questions only.

The Board adopted Resolution No. 2021-013, authorizing the Second Amendment to the Lease Agreement; and approved and authorized the Chair to execute the Second Amendment to the Lease Agreement with the Brevard Veterans Council, Inc.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.1. Measuring the performance of Alternative Septic Upgrades using In-ground Nitrogen Reducing Biofilters**

Commissioner Lober stated he will be voting nay on this Item; and if folks are interested in why, he will discuss it.

The Board authorized the Chair to execute Task Order 20-4795-002-SC Save Our Indian River Lagoon (SOIRL) to measure the performance of alternate septic system upgrades installed by the SOIRL Project Plan; authorized the County Manager to execute change orders, if needed; and authorized the Chair to execute the pending grant contract, pending legal and risk review, and accepting legal venue of challenges in Leon County.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**Nay:** Lober

**F.12 Approval of lease agreement with Konica Minolta for a large format multi-function printer.**

Commissioner Lober stated he hates printer leases for organizations that can afford to buy them; for something like this he looks to see what the purchase price is of the equipment, if the same was purchased or something substantially similar; add-in a service contract over the duration of what the lease otherwise would be, and then subtract whatever the residual value would be at the end of the lease; typically, these folks who are doing the leasing are not doing the leasing out of the goodness of their hearts; he does not begrudge them for making money; but he thinks with one-half of a billion dollar annual budget, the County does not need to subsidize its use and maintenance of equipment of this sort. He advised he does not support it based on the math just not making sense to him.

Commissioner Smith inquired if he has a reasonable alternative, or if Commissioner Lober is just throwing that out there because he thinks it is too much money.

Commissioner Lober replied he has not priced out the same, but he can tell the Board that when he looked at it and discussed it with staff, he did not hear that there was a quote obtained for the purchase price with a service contract that would provide the same level of maintenance, or a guesstimate as to what the residual value is; he would be happy to do that; he can tell the Board, that for his law firm, he has purchased a Konica Minolta; they were very reasonable with what the pricing is; he can go to the same folks that he used for his law firm and get a quote from them, unless there is some issue with a County Policy, or he can provide that information to staff; they are welcome to reach out; but if staff wants to get a quote from someone else, he has no objection, but he knows that generally, they do not go for Manufacturer Suggested Retail Price (MSRP); and that there are service contracts available. He added it was not a large format plotter when he last purchased, but it was less expensive to own it than it was to rent it, even if the residual value was zero.

Commissioner Smith remarked it is interesting.

Ed Fontanin, Utility Services Director, informed the Board that he did go online to see what the purchase price is for the plotter; he advised he knows it is referred to as a multi-purpose printer, but it really is a plotter scanner; this quote is not affiliated with any contract through a piggyback or whatnot; the regular price is \$32,000 for purchase and the advertised sale price is \$20,117, which is comparable with the lease agreement of the \$21,200 over five years; historically, the reason why his Department was looking at a lease is because staff has never used this type of plotter before, and staff needs to get to a comfort level with it to determine that it is a steady plotter; and in the next cycle of getting a new plotter, they would look at just doing a purchase price. He added by doing the maintenance plan, it protects the Department because good money has been put into bad plotters before; and it is his way of trying to correct that.

Commissioner Lober stated he has no issue with that; he thinks if the same equipment can be obtained for a comparable price and owned, with a service contract; given the size of the organization and what the County is able to do, that is the way that he would be more comfortable; the Board may vote however it likes; but he is not going to support it at this point.

Chair Pritchett remarked this is approximately spending \$10,000 over 60-months for maintenance or a warranty on it.

Mr. Fontanin agreed; he stated the purchase price and lease price are comparable; and it is the question of the maintenance cost.

Chair Pritchett inquired if they typically break down often.

Mr. Fontanin replied it depends on the plotter, but this is a new one; he mentioned from experience, a plotter is like a car; when venturing into buying a new make and model the best is hoped for; sometimes there are bad experiences, and a person does not go back to the seller; he was looking through a piggyback format; he found this one with the price being comparable; getting the value for having a maintenance plan is hard to say; but for the last one, he was on a first name basis with the repairman.

Chair Pritchett inquired if there was a maintenance plan with the last machine.

Mr. Fontanin responded no.

Chair Pritchett inquired how much was the cost for maintenance.

Mr. Fontanin replied he does not have a total cost; he stated the repairman was coming in two to three times a month; and it was ranging anywhere from \$150 to \$250 a visit.

Commissioner Lober remarked he thought it was a totally different brand.

Mr. Fontanin stated it was.

Commissioner Lober stated he does not know if Mr. Fontanin needs this instantaneously, but he is happy to spend one or two hours to get a quote for a purchase price with a service contract from someone who is authorized to sell that in Brevard County; if he knew if the service was better, worse, or comparable he may have them adjust it accordingly; and if there is an idea of what the residual value is, he will see if he may get an idea of that. He added even if the residual value is zero at the end of it, he just never has had a good feeling of big organizations spending this kind of money on equipment that could be owned outright, at the end for either a wash or just a little bit more.

Chair Pritchett inquired if there is a title transfer at the end of it or a reduced option to purchase at the end of this.

Mr. Fontanin replied he does not believe so.

Chair Pritchett stated she did the math of \$150 times 12 and then multiplied that by five years, and it is about \$9,000 for what has been paid for maintenance; she thinks it is \$1,000 delta; and she asked the Board what it would like to do.

Commissioner Smith stated if this does not need to be done in the next week or so, he would like to take Commissioner Lober up on his offer to research through his people, and then let the Board know.

Commissioner Lober remarked he is happy to do it.

Chair Pritchett inquired if that is good, because she knows it is a unique machine.

Mr. Fontanin responded affirmatively; and he stated due diligence can be done even further.

The Board tabled approval of a lease agreement with Konica Minolta for a large format multi-function printer to the March 9, 2021, Board meeting.

**Result:** APPROVED

**Mover:** Bryan Lober

**Second:** Curt Smith

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

#### **F.24. Confirmation of Wendi Jo Bost as Library Services Director**

Commissioner Lober expressed his thanks to Wendi Jo Bost for taking the time to speak with him; he did have some concerns on the front end; he will tell the Board that those concerns vanished after spending some time with Ms. Bost; he encouraged everyone to support her; and he welcomed her aboard.

Commissioner Smith advised he met her this morning; he is a big library guy, and he has a lot of confidence in staff choosing somebody really good; and he welcomed Ms. Bost aboard.

Chair Pritchett remarked everybody was saying that she is really nice.

The Board confirmed the appointment of Wendi Jo Bost as Library Services Director effective March 15, 2021.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.2. Sovereignty Submerged Lands Lease with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, Re: Griffis Landing**

The Board approved and authorized the Chair to execute the Sovereignty Submerged Lands Lease Renewal with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to continue State authorized use of the waterfront amenities at Griffis Landing.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.3. Grant Funding Request to the Florida Inland Navigation District to Further Brevard's Derelict Vessel Removal Program**

The Board granted staff permission to apply to Florida Inland Navigation District (FIND) for Derelict Vessel Removal Grant Funding; authorized the County Manager to execute the subsequent Grant Contract, if awarded and approved by the County Attorney and Risk Management; authorized the use of Brevard Boating Improvement Program (BBIP) Vessel Registration Matching Funds in the amount of \$10,000; and approved any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.4. Final Plat and Contract Approval, Re: Savannah Landing (20FM00002) (District 2) Developer: CW-Savannah, LLC and Surrey Homes, LLC**

The Board granted final plat approval in accordance with Section 62-284(i) and Section 62-2844; and authorized the Chair to execute the Final Plat and Contract for Savannah Landing by CW-Savannah, LLC and Surrey Homes, LLC, subject to minor engineering changes, and the developer is responsible for all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.5. Board Policy Review, Re: BCC-40, Waiver of Board of Adjustment Application**

**Fees**

The Board granted continuing Board Policy BCC-40, Waiver of Board of Adjustment Application Fees until February 23, 2024.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.6. Waiver Request, Re: Waiver of Wall Requirement for Brevard Tower Communications, Inc. (21WV00005)(District 5)**

The Board granted a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments are adjacent to residential zoning classifications, to allow a 50-foot vegetative buffer in lieu of the required wall.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.7. Approval RE: Transportation Impact Fee Technical Advisory Committee for the Central Mainland Benefit District Project Funding Recommendations (Districts 1, 2, and 4).**

The Board approved project funding recommendations in the amount of \$215,000 as prepared by the Technical Advisory Committee for the Central Mainland Benefit District on February 4, 2021, as follows: return \$41,885 in unexpended impact fees from the Murrell Road Right Turn Lane Project, return \$49,678 in unexpended impact fees from the Holiday Springs Right Turn Lane Project, return \$10,893 in unexpended impact fees from the Murrell Road Turn Lane Project, return \$97,535 in unexpended impact fees from the Wickham Road Intelligent Transportation System Project, appropriate \$200,000 for the Wickham Road at Deer Lakes Drive Intersection Improvements Project which may include closure of the median on Wickham Road, Construction of a turn lane on Wickham Road, or contribution towards a City of Melbourne or Developer Administered Project, appropriate an additional \$15,000 for design of pedestrian improvements including associated stormwater improvements along Aurora Street from State Road 520 to Jackson Street to be administered by the City of Cocoa, reserve \$1,257,578.47 for future projects in the City of Cocoa, reserve \$13,236.90 for future projects in the Town of Palm Shores, and reserve \$1,214,826.56 for future projects in the City of Rockledge; authorized the Chair to execute the Transportation Impact Fee Disbursement Agreement with the City of Cocoa; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing these appropriations.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.8. Approval Re: Request #19 for Disbursement of Educational Facilities Impact Fees (Districts 1 - 5).**

The Board authorized the disbursement of educational facilities impact fees in the amount of

\$5,344,568.04 to the Brevard County School Board in accordance with the terms of the Interlocal Agreement; and authorized the County Manager and the Budget Office to execute any budget changes required to implement disbursement.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.9. Approval, Re: Contract for Sale and Purchase from TRSTEL, LLC as Trustee of Sherwood Land Trust for the N-07 Lift Station Project - District 1...**

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

N-07 Lift Station Project from TRSTEL, LLC as Trustee of Sherwood Land Trust; and waived the Phase 1 Environmental Site Assessment requirement.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.10 Approval, Re: Resolution and Maintenance Map for a Portion of Fell Road Between Max K. Rodes Park and Minton Road - District 5.**

The Board adopted Resolution No. 2021-012, for a portion of the Fell Road Maintenance Map; and instructed staff to record the same.

**Result:** ADOPTED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.11. Approval, Re: Donation of Non-Exclusive Easement for Use and Access from St. Johns River Water Management District and the Board of Trustees of the Internal Improvement Fund of the State of Florida for Basin 2258 (Eagan Ranch) - Districts 3 & 5.**

The Board accepted and executed the Non-Exclusive Easement for Use and Access for Basin 2258 (Eagan Ranch) from St. Johns Water Management District and the Board of Trustees of the Internal Improvement Fund of the State of Florida.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.13. Approval, Re: Umbrella Subgrant Agreement between the Department of Economic Opportunity (DEO) and Brevard County**

The Board authorized the Chair to execute the Umbrella Subgrant Agreement between Department of Economic Opportunity and Brevard County for the Community Services Block Grant, Low-Income Home Energy Assistance Program, and Weatherization Assistance



Program; authorized the Housing and Human Services Department to submit all related documents; authorized the Housing and Human Services Director to act as the representative responsible for the administration of the Agreement; authorized the County Manager, or his designee, to execute all future agreements and/or modifications, upon approval of the County Attorney and Risk Management; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.14. Approval, Re: Advertise Request for Proposals for an Integrated Library System (ILS)**

The Board authorized the advertisement of an Request for Proposals for an Integrated Library System; authorized the Library Services Director, Tina Hare, Information Technology Engineer II, and Christine Sullivan, Library Director III, to be the Selection and Negotiation Committee; authorized the Chair to execute all resulting contracts and contract-related documents upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.15. Approval, Re: Contract with the School Board of Brevard County for the Summer Food Service Program**

The Board approved and authorized the Chair to execute the Contract with the Brevard County School Board to provide a Summer Food Service Program at 12 summer camp sites in accordance with the Sponsor Contract between the Board of County Commissioners and the Florida Department of Agriculture and Consumer Services Division of Food, Nutrition, and Wellness.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.17 Approval, Re: Federal Transit Administration Fiscal Year 2021 Certifications and Assurances**

The Board approved and authorized the Chair to execute the Fiscal Year 2021 Certifications and Assurances for Federal Transit Administration Grants; and authorized Scott, Nelson, Transit Services Director, or designee, to execute the Certifications and Assurances electronically.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.18. Approval, Re: Revision to FY2021 Space Coast Area Transit Section 5310 Formula Grant with Florida Department of Transportation Grant Application of February 11, 2020**

The Board approved revising the Fiscal Year 2021 Section 5310 Formula Grant for enhanced mobility of seniors and individuals with disabilities with Florida Department of Transportation (FDOT) in the new amount of \$771,059; authorized the revision of the grant application to reflect increase in grant award; authorized the use of additional FDOT toll revenue credits; authorized the use of additional local grant match from sale of surplus vehicles; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.19. Approval, Re: Mutual Aid Agreement between National Aeronautics and Space Administration, John F. Kennedy Space Center (NASA-KSC) and Brevard County**

The Board approved the Mutual Aid Agreement between NASA-KSC and Brevard County Fire Rescue for mutual aid to provide a mutual service exchange to allow fire and rescue protection in each jurisdiction in times of emergency or disaster too great to be dealt with unassisted; and granted permission for the Chair to execute the Agreement.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.20. Approval of Budget Change Requests**

The Board approved the Budget Change Requests as submitted.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.21. Sale of Surplus Property Located at 1415 Walter Street, Cocoa via Bidding Process (District 2)**

The Board authorized Asset Management to advertise for sale one parcel of real property located at 1415 Walter Street, Cocoa via bidding process pursuant to §125.35(1)(a); and authorized the Chair to execute all resulting contracts and contract-related documents upon review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.22. Conveyance of property acquired by tax escheatment deed to municipalities.**

The Board adopted Resolution Nos. 2021-014 and 2021-015, conveying property acquired by tax escheatment deed to the jurisdictional municipalities as required by §197-592(3); and authorizing the Chair to execute the required County Deeds.

**Result:** ADOPTED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.23. Authorization to Change Method of Selling from Bidding Process to Private Sale for Parcel 20G344116000700001600 (District 1)**

The Board authorized changing the method of sale from bidding process to private sale for Parcel ID 20G344116000700001600.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.25. Appointment(s) / Reappointment(s)**

The Board acknowledged Josiah Gattle's appointment to the Redistricting Committee, with term expiring December 31, 2021.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconders:** Kristine Zonka

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

**F.26. Resolution honoring Florida Today Reporter Dave Berman.**

Chair Pritchett mentioned Commissioner Tobia having a resolution on the Agenda for Florida TODAY Reporter, Dave Berman; she strongly supports that; Mr. Berman is a wonderful person; he has been with her the whole time she has been doing this stuff; he moved over to do business and health; and she did not always like everything he printed, but he was pretty even across-the-board when writing his stories. She stated she has always appreciated him; since moving to business, one of his first stories was a new study found Brevard has the second strongest economic growth in the whole country; she appreciates having the community understand that; and she is very proud of the job of the economic development team has been doing. She added the Commission before this one did a lot to plant those seeds and she always told Commissioner Fisher, it was her job not to mess up what he started; she thanked all those people who set all this up; she is very proud of the community; and she really appreciates this Commission, and she thinks they are all really smart.

Commissioner Smith asked if Commissioner Tobia is doing a resolution.

Chair Pritchett responded he did.

Commissioner Tobia mentioned Mr. Berman is probably one of those individuals who appreciates flying underneath the radar, which is why he put it on the Consent Agenda; he certainly does deserve the recognition; but in deference to the demeanor that he always has, is why he put it in Consent.

Commissioner Smith remarked that is why he is mentioning it because he just wanted him to get some public notice since one of his cohorts at the last Board meeting had openly made comments about one of his contemporaries; and he wanted to make sure the world knows the Board is not anti-press, just anti that one particular person. He added the Board probably went a little overboard on that particular issue; Mr. Berman has been very honest and that is key to him, for someone who has been a reporter; honesty is what is looked at for the reporters and the news people, because without honesty a person does not know who or what to believe, and then it becomes more of a dictatorship on their part because they tell what should be believed, which is total anathema to freedom of the press in his opinion; any time he wanted to be off the record, Mr. Berman never violated that; and his honesty is very important and refreshing in this day and age.

Commissioner Tobia mentioned during hurricane season last year, Mr. Berman was there 100 percent of the time; he has a family, but he prioritized his job; he greatly appreciates him being a hard worker; and he wishes him all the best as he transitions into his new position.

Commissioner Smith remarked that was during Hurricane Irma when he was the Chair; just like staff, Mr. Berman can always be depended on; and he did his job diligently.

Commissioner Lober commented on the difference between Mr. Berman's resolution and the previously done Resolution; he can tell why he was more willing to roast that reporter as opposed to Mr. Berman; the fact is Mr. Berman was by and large very fair with respect to who he criticized, and how he criticized them; he has never had an issue with criticizing government on the part of media; he thinks it is appropriate, healthy, and a good thing; but when seeing someone holding themselves out as a member of the media, retaining a certain level of impartiality is where the issues come across. He went on to say the most profound issue personally experienced was when the prior Resolution individual was lambasting the Board and him, in particular, with changing a few words in article after article, but essentially saying the same thing just to repackage yet another hit piece that was one-sided; he thinks his commentary was never asked for, unlike Mr. Berman, who would ask him for his perspective; the difference with the other individual when it was being done, is there was no effort made whatsoever to get the other side of the story; that individual's employer said that if he paid for advertising that will perhaps change the narrative to get his side of the story across; that to him is disgusting; that is not media, and that does not make that individual brave or a hero; he never had that from Mr. Berman; he was always fair with his coverage; when he did things that were dumb he called him out for it, and when he did things that were smart he gave him praise for it; that is how it ought to be; he does not want to denigrate Mr. Berman by using the journalist, in reference to the other individual, because it just was not there; he congratulated Mr. Berman for doing an excellent job nine out of 10 times; and quite frankly, if he disagrees with him one out of ten times, then he is probably doing the right thing.

The Board adopted Resolution No. 21-016, honoring Florida TODAY reporter, Dave Berman.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

## **G. PUBLIC COMMENTS**

Reverend Johnnie B. Dennis stated before he talks about systemic racism and dereliction of duty, he would like to provide the County Manager with a photo; he is not going to talk about after 10 years there being no arrest for the drug dealings at Catalina Drive and South Burnett Road; he is not going to talk about Scottsmeer having no bus service; they still have dirt roads and no fire hydrants; he is not going to talk about the trash being thrown on Pluckebaum Road, Parrish Road, and South Burnett Road, and nobody is cleaning it up; he is going to talk about his community being robbed of its tax dollars and getting nothing in return; he is not going to talk about the years and years his community did not complain about the gun range, about closing it in or moving it to the property on Camp Road; and he is going to talk about one issue his community has, which is a ditch. He stated he called it in four months ago in November about cleaning the ditch out; he called the County Manager's office five or six times and he heard excuse, after excuse, after excuse; he also talked to the streets and highway supervisor, who told him in so many words f-you and the County Manager; there is a contract, and they are going to spray the ditch in five weeks; that was in December and he has not seen anybody yet; and he is fed up with this Republican County government, that is taking tax dollars and giving his community nothing. He went on to say he has taken the County to Federal court once before, it wiggled out of that; the next step being taken is at the next election, by intending to register 200,000 democrats to throw every clock-rider out of office; and he asked why the ditch has not been cleaned out in four months.

Jerry Sansom, Chairman of Titusville Cocoa Airport Authority (TICO), stated the Board has expresses an interest in what TICO is doing, he appreciates that, and Chair Pritchett took time to attend its last meeting; he wants to provide the Board with an update, but he wants to back up in time some; almost one month ago a letter was received that indicated some issues of concern even though this was somewhat of a rehash of an issue that was addressed two years ago; he immediately forwarded that letter to the attorney and asked a full independent investigation be conducted, and to get back with him as soon as possible; he thinks the Board was provided a copy of that; and they did not find any new issues, although a few issues were deferred to the Board which will be taken up at the next meeting. He mentioned seeing an article that he thinks was a fair and accurate article; the Chief Executive Officer has decided to resign and move on; a search committee has been appointed; John Craig, Vice Chairman, will be Chairman very soon; Mr. Craig is Chairman of the search committee; the rest of the board will be involved as needed; he thinks TICO is moving on; Chair Pritchett indicated she would like to see some changes; and he thinks they are being worked on. He added TICO has done a lot of good things, and it has a lot of good things coming; he wanted to personally appear before the Board and give it a chance to ask him any questions; and he noted that TICO is, in good faith, moving forward with Chair Pritchett's suggestions, and if he can be of any help, to let him know.

Commissioner Zonka stated there is a long history, and there are questions of nepotism; there is an issue with theft of equipment with previous employees and the recent loss of \$170,000; she is wondering, because there has been many years that this has been going on; she understands some of the people on the board have changed, but there seems to be a problem; and she asked why it took this to finally get this guy out is really what she is wondering. She added the Board was fired up about it; it is sad that it took the Deputy Fire Marshall to send the Board correspondence regarding a clear case of racism that occurred at TICO, that was sort of swept under the rug; the employee was told not to talk like that anymore; that, to her, is appalling; it is not right to say that this may have happened, or said do not talk like that

anymore; that behavior should never have been accepted, never should have been swept under the rug, and never should have been just pooh-poohed like he was rude in a conversation with a constituent; and what occurred is pretty awful.

Mr. Sansom stated it would be, if that was, in fact, what happened.

Commissioner Zonka inquired if Mr. Sansom was there and is certain that, that did not occur.

Mr. Sansom replied he is saying that it did not; he stated the representation that he believes was made to the Board was not complete; it was not pooh-poohed and was not swept under the rug; and within the Airport Authorities policy manual, the Board knows how it is with employees by having to be very careful in what to do.

Commissioner Zonka stated by the sounds of it the policy manual was not followed very closely, if chaos has been going on for as long as it has.

Mr. Sansom remarked it was; he stated no; he reiterated he thinks the Board got a filtered version of what has been going on; that issue was thoroughly looked into, and it was addressed within the policy manual; both of the individuals are gone; and the Finance Director was asked to resign, as a result of the mistake that she made by not doing the final submission of three Federal Aviation Administration (FAA) grants.

Commissioner Zonka stated she understood that she asked them to go ahead and revisit the grant after the grant was closed, because she realized that she did not request reimbursement; and she asked if that is what happened.

Mr. Sansom responded that sounded like what he understood had happened.

Commissioner Zonka inquired if she was asking them to commit fraud.

Mr. Sansom replied no; he stated Michael Powell, Chief Executive Officer, asked if it is closed, or if there is any other opportunity to recover it; it is a simple request that he thinks any of the Board would make, when a person in charge had not done their job; and it is the Board's responsibility to see that it gets done.

Commissioner Zonka stated what she does not understand is if everything is so awesome at the airport and they are doing such great things, why is everybody leaving.

Mr. Sansom replied using the word everybody, is a big term.

Commissioner Zonka inquired what the denominator is out of how many employees, the Finance Director and the Airport Manager; and those are pretty big positions.

Mr. Sansom responded those two; he mentioned being hesitant because he wants to give the right answer, he does not want Commissioner Zonka to think he is not telling her the truth; the Finance Director was asked to resign and take the time that is allowed in the policy manual to help transition in somebody else; as a result of questions, Mr. Powell then basically said it is like being in the Navy, run the ship or drown, no matter who was at the helm, and the captain takes the responsibility; and that is what Mr. Powell did.

Commissioner Zonka remarked she understands that the US Department of Transportation has not seen the Airport Manager in five years.

Mr. Sansom stated he does not think that is correct, he works very closely with them; he does not know who Commissioner Zonka is getting these details from; he hopes if the Board has any questions about things that are going on out there or it hears of things, to send a letter or call; and it will be looked into. He added there has been some disagreement with a former board member that seemed to want to do everything different; things were brought up and the board worked on them; he is not going to say that everything has been fine all along, but a lot of great things have been done at the airport; it has over \$50 million worth of improvements made at the airport over the recent years; the Board probably remembers when the Space Force was down, selecting for its United States headquarters; this facility was the one selected in the State of Florida to be that for the Space Force headquarters; and they looked at everything and he is so proud that this airport was the site.

Commissioner Zonka advised she is not going to throw State employees under the bus, but she would be happy to have them call the Commissioners, if that is the case; they can tell them about his lack of presence, but he is gone; and that is probably a good thing moving forward.

Mr. Sansom commented he thinks so.

Commissioner Zonka went on to say if all of this occurred under his watch, but that is not a misrepresentation of what has happened; Mr. Sansom needs only to talk to other State airport managers; and she is not talking about the County's airport manager, she is just talking other airport managers and other local leaders, that were excited to see the County's airport manager go, because he has not been cooperative and not able to be reached.

Mr. Sansom stated he thinks a lot of people in the community would disagree with that; Commissioner Zonka is entitled to her opinion and entitled to talk to the people who she wants to talk to; a lot of people have written in support of Mr. Powell to the airport over the years; when he requested to resign, he asked the board to accept his letter of resignation; and it did, unanimously. He mentioned moving forward, and he thinks Mr. Craig is going to do an excellent job with the search committee; however long it takes they will get a good Director; he, himself has had enough fun being on the Airport Authority, and a lot has been done; he is ready to move on, and he told Commissioner Smith that he is not going to request reappointment; and he suspects other appointees are in the same position. He went on to say the term ends at the end of July; he is more than happy to work with the Board to get things moving forward, to improve, and to get past this; he does not know what else to tell the Board about Commissioner Pritchett indicating that the Board is upset and it wanted some changes; they are working on doing those changes; and he does not know what else the Board wants to ask of them.

Commissioner Zonka advised she would just encourage Mr. Sansom that if a Commissioner requests to come to a meeting, that the meeting not get canceled, because of the claim that there was not enough space.

Mr. Sansom remarked no; he interrupted by saying the meeting was not canceled because the Commissioner asked to attend; the meeting was canceled, because at the time it was canceled, there was only one, small item on the agenda to his knowledge, and it did not seem worth having by getting everybody to the meeting; and Commissioner Pritchett was not told that there was not room there.

Chair Pritchett clarified by saying she was.

Mr. Sansom revealed he was not aware of that, and he can tell her that; he was not aware of

her request to be there when he asked Mr. Powell to cancel the meeting, because it did not seem worth coming and having that meeting just to approve one invoice.

Chair Pritchett advised she does not know if this should be going on; there is such a big story on that; she does not know if he truly does not know the information, but it was definitely a canceled meeting because she was showing up and she had been trying a few times; she then had board members call her after that furious that, that meeting got canceled, and they did not know about it because they had a heavy agenda; they made the statement very clear that they were going to discuss specific things at that meeting; if the Chair called it without asking the rest of the board, there is another place that she thinks is a problem; and she thinks the Chair of the board is making too many decisions without the board's consensus.

Mr. Sansom affirmed that is him.

Chair Pritchett added she would not stand up here on the dais and make decisions for this Board without knowing what the Board wanted to do; she opined she thinks the Chair has really overstepped his bounds in this situation, and that is a problem; she does not want to hurt the man who just resigned as a person, but she thinks there has been a lot of problems; she thinks nobody has taken responsibility; a good manager would have said yes, there is a problem that needs to be worked on, instead of saying it is another person's fault that used to be on the board before; and that does not cut it for her.

Mr. Sansom stated that is understandable.

Chair Pritchett went on to say if the person is a manager, the person needs to manage and put on their big boy pants, and do it; she thinks when Mr. Sansom has a situation, like when she sat in that one meeting, she was shocked that the other board members do not really get to talk without being reprimanded, and that really bothered her a lot; she thinks there needs to be a lot of changes; that board is smart, and they need to be allowed to make these choices and decisions, and move in directions; she thinks they need to have input on when they want special meetings; she thinks they need to have input when they want things put on an agenda; she does not think they should be shutout; and those are going to be the changes she is going to be watching for to make sure that Sunshine Law is happening, and that everybody has the opportunity to speak and make some changes. She thinks Mr. Craig is going to do a great job and that he will make chair of that board later in time; she thinks that there has to be all those changes; and she does not believe Mr. Powell was really competent to do it; he is a nice guy but she does not think he had the ability; as far as the support letters, when she first was elected in the city, she was called and asked to please write a letter, she did not know who it was for, and she just did it; she can tell Mr. Sansom that if \$170,000 is lost from just not putting a piece of paper in, she does not know why the person doing the finances was doing it; but that is the CEO's problem, and nobody was paying attention which is a big deal. She pointed out Steve Borowski, Valkaria Airport Manager, has \$30 million in grants over the last 10 years, TICO is not even getting that and it has three airports; there has to be so many changes done; the communication has to be done; people need to take responsibility when they have messed up; they just need to say they have messed this up, and they need to fix it; and if a person cannot say that, they do not deserve their position.

Mr. Sansom agreed with that; he stated he told the rest of the board that he has apologized for cancelling that meeting; he was only aware of the one issue of the invoice when he asked Mr. Powell to cancel the meeting, and it is as simple as that; and he was not aware because the board members do not talk to each other between meetings, so he was not aware that there was any concern about anything else on that agenda.



Chair Pritchett stated she does not know if regular meetings should get canceled; it is an important board; and it has not gotten canceled in the past.

Mr. Sansom remarked yes, they have.

Chair Pritchett advised not for a long period of time.

Mr. Sansom stated it has not been that long.

Chair Pritchett stated no; she looked at all these things; she has been interviewing so many people; and she is just telling him that this is not a battle he wants to get into.

Mr. Sansom advised he is not interested in battling the Board, because the Board is the owner of the airport; they are trying to manage that for the Board in a good way; all he can tell Chair Pritchett is that he told the board do not worry about it; there were two days before the meeting when it appeared to him there was going to be a meeting, and it would just take up everybody's time for next to nothing; and he suggested and asked Mr. Powell to cancel it.

Chair Pritchett inquired if Mr. Powell told him that a Commissioner was coming.

Mr. Sansom replied no.

Chair Pritchett remarked she was told the room was not big enough and that it was going to be held at the library, which she helped to get them in at the library; then she received a call that it was decided the room was not big enough; and that is not cool.

Mr. Sansom advised he was not aware of a request for Chair Pritchett to be there and for the meeting to be changed; he asked Mr. Powell if he had a written request, email request, or a formal request and he responded no; he stated he was not aware that Chair Pritchett wanted to attend that meeting, otherwise, he would certainly not have canceled it; and usually when they are looking at something like that they will poll the members, but this was two days before the meeting.

Chair Pritchett indicated he should have polled the members.

Mr. Sansom went on to say typically the response received when polling the members is very low.

Chair Pritchett reiterated he should have taken the time to poll the members.

Mr. Sansom noted he appreciates that.

Chair Pritchett stated it is very suspicious now.

Mr. Sansom understood all accusations coming after that of some kind of conspiracy to not hear things, and that was the reason that it was canceled; it was canceled for, very simply, it did not look like it was worth holding the meeting and taking everybody's time; he stressed he was not aware there was a request from Chair Pritchett or any other Commissioner to attend that meeting; it was very simple, and there was no conspiracy, or no underhanded move.

Chair Pritchett stated after that happened another member tried to call a special meeting

because they wanted to cover those things and was told the board was polled, and they did not want to have a special meeting.

Mr. Sansom stated no ma'am.

Chair Pritchett asked if he heard about a special meeting.

Mr. Sansom responded he heard from Mr. Powell, that a member is asking should there be a special meeting, and the attorney said they did not need a special meeting to handle that issue. He stated Chair Pritchett knows, as being Chair, that one has to make decisions and not everybody likes all of them.

Chair Pritchett stated she would never make a decision for this Board without its consensus, because she is just the Chair who runs the meeting and is not over any Commissioner on the dais, as they are all even.

Mr. Sansom stated he felt very comfortable that he could ask the attorney to begin an investigation on those allegations without polling the rest of the board; he figured that if the board objected to the attorney conducting the investigation, they would deal with that later, but he felt that it needed to be started; without polling the board, he directed the attorney to begin looking into this, report back as soon as possible, and to go as deep as needed; and to involve Mr. Powell as much as the attorney felt appropriate, and get back to him.

Chair Pritchett advised this is getting off of her topic a little bit.

Commissioner Lober stated he does not want to pile-on, but he thinks the most important thing from his perspective is to make sure that this does not have anything that would increase or facilitate the likelihood of something like this happening again; the change that has been made there, thus far, is a step in the right direction; with respect to that, he does not want to rehash history too much; his personal concern is it is not necessarily the board, as much as it is management at the Airport Authority when the original issue was forwarded to counsel in 2019, and from what he has seen from counsel's response in the recent past were different options than what was presented to the Airport Authority, in terms of how they were entitled to handle it based upon their attorney's recommendations; one of them was pretty innocuous and amounted to a slap on the wrist, a three-day suspension; and the other was termination. He continued to say to him if there was sufficient support for the contention that what was said to have occurred, occurred, that is terminable; he has to tell Mr. Sansom, he was not involved in the research that took place with respect to whether that did or did not occur, but what did trouble him is out of the two options laid out by the attorney, the most light-handed option was chosen; to him either what was said to have occurred, occurred, or it did not occur; if it did not occur there should not be any punishment; and if it did occur that person no longer needs to be working there. He added the troubling thing for him was that there was a discipline meted out, but it was slight discipline; he was kind of confused in terms of figuring out if they were going to do it that way and trying to disincentives that type of behavior, would they not want to make an example of this person, as he would in his own office; he has no intention of firing anyone in his office; he loves them all, and he would give them all his blood, presuming they could use his blood type; but if they did something like this it is a red flag indicator that they do not have the ability to make decisions properly, as one of the other Commissioners pointed out. He continued saying to basically say that, that cannot be said again, but that was not the end of the story; as far as what was alleged, there was some talk with laughter about bringing whips back and whipping the folks that were referenced with the racial pejorative; when he read it he was shaking his head and thinking could someone be that dense and dumb to think that is

acceptable; the stuff the Board gets called racist for on the dais is the person has to be at twilight zone levels of conspiracy to think that there is any racism at all that is so tenuous, it is ridiculous; but when having someone using the n-word and them being told they cannot do that, only to turn around and joke about whipping people will cause his mind to blow up if he hears of that again. He stated he is not looking to pile-on Mr. Powell, and he is not saying that it is entirely the fault of the board; he thinks the administration there has work to be done addressing what policies existed; he is going to take Mr. Sansom's word of him saying that policies were followed; he does not know that they were not; Mr. Sansom is telling the Board that they were not; he does not have reason to doubt that; assuming for the sake of the conversation, that is correct and the policies and procedures were followed; but they were clearly inadequate, given the outcome and how this took place. He stated he is not going to say it was swept under the rug, but he understands why other folks have that impression; when seeing someone that is suspended for three days for allegedly doing what has been done, that does reasonably lead certain folks to come to the understandable conclusion that things are then swept under the rug; and aside from whatever personnel changes may or may not be taking place there, he thinks there needs to be a hard look at the actual policies and procedures that were entailed in the investigation to determine if they are sufficient, and if there are loopholes needing to be patched up so that someone does not get the idea that if this happens again, they will just be suspended for three days. He apologized if it seems like he is coming at Mr. Sansom; that is not what he is trying to do; he is not mad at Mr. Sansom, as much as he is mad at the situation that apparently occurred; no one in the room was present or within earshot of the conversation complained of; he does not know if the individual used the n-word; does he know it was followed up by laughing and talking about whipping folks; the allegation being sent forward, by someone that has a position of substantial authority at the airport bothered the hell out of him; he does not really see much in the realm of politics or even in law for that matter, that gets his blood boiling; but it is not just that, there is an allegation of blatant racism; it came from someone with tremendous position of authority, and it is only logical to figure he must have done something right in his life and work environment to have achieved that level, and adding a level of credibility. He added not to say that he would not take it seriously if it came from someone else, but to say all the more so it is all the more concerning over and above how concerning it otherwise would be, given who it is coming from; he encouraged Mr. Sansom, as a member of this particular board, to go into the actual policies with the rest of the board and the attorney when there is an opportunity to do so; and if the Board had a policy like that for this Board where it resulted in a County employee allegedly having done what was allegedly done with a three-day suspension, he would be looking to change that policy very quickly. He understands that this was addressed two years ago, and he respects that this was sent to the attorney then; he thinks Mr. Sansom did not do anything wrong by having done that, but he thinks the thing that leads people to believe that it was not concluded, which he gets and feels that way himself, is because it just looks like it is insufficient when having a three-day suspension as a result of what was alleged; he is not going to continue piling-up on Mr. Sansom, because he is sure the podium being stood at is not the most fun; and in defense of the others on the dais, Mr. Sansom has to understand how it looks to the Board, and it is far from pretty as things can get.

Commissioner Zonka inquired how long Mr. Sansom has been a board member.

Mr. Sansom replied he has been a board member since 2006, and he was appointed by Commissioner Sue Carlson.

Commissioner Zonka stated she appreciates his service; she pointed out the Board does not have the power or authority to set up guidelines to remove him; there are set term limits for the other boards; her biggest issue is that \$170,000, is the one thing that was found, and there are

probably more, because people were coming forward with some of the problems; the issues she has with the board members are that they feel like they cannot talk when they go to meetings and feel like they are being ran over by the Chairman; Mr. Sansom came to this meeting to address this head-on; she hates to give it back to him; but she is saying these are his board members, not anybody that has been on the board in the past, current board members that are there now; they feel like they cannot talk and they feel like Mr. Sansom runs the airport; she is not going to say their names, because it would not be appropriate; she would be very interested; and she hopes that he would do this, assuming that it has been said that this has been such a great airport that has been managed so well, up until the light was shined on it. She went on to say she would love to see the board vote to do an audit because of the \$170,000 being missed; and there are probably monies and other issues in the past.

Mr. Sansom advised they are in the middle of an audit.

Commissioner Zonka recommended an external audit; she stated this Board does not have the power, nor authority to remove Mr. Sansom from the board, and if it were up to her she would take half of his board and wipe it out, especially because these problems have been going on for the last several years; it may have been an auditor that found this; it has always been sort of laughed about, about the management and how things are operating; but, again, the Board does not have the power or the authority to do anything with this board. She stated Mr. Sansom came to this meeting, and she has to question his leadership to the board; if he has been a Chairman for this long and he does not know to poll his members to find out whether or not he should cancel a meeting with all of this going down; and then the meeting conveniently gets canceled. She stressed Chair Pritchett was told that she could not come in the room, because there was not enough room and she would have to wait outside.

Mr. Sansom remarked they did not have that problem the other day; and he asked did they.

Commissioner Zonka stated that was right before the meeting was canceled and Mr. Sansom probably had almost the majority of the board coming to that meeting; and he may laugh at the Board because it does not have authority, but it certainly can pass a resolution asking the Governor to remove board members.

Mr. Sansom reiterated if he had known that there was interest of the Board, he would not have considered canceling it; as far as he knew there was only one invoice to approve and those are pretty much pro-forma, for anybody to ask questions about them; usually there are no questions about them; but if he had been aware that there was any interest of that, he can tell the Board the meeting would not have been canceled.

Commissioner Zonka pointed out over the years, there have been board members that have expressed concern about the management, and they were shut down; there are current board members that have expressed their concerns and are shut down; she does not want to see that; she guesses it is up to him, if he thinks that he is the great leader of this board then so be it; but she does not see it, if this was all allowed to occur under his watch.

Mr. Sansom stated he agrees, but he was not aware Commissioner Zonka had those concerns; he thinks most people would say that he goes overboard to try and make sure that everybody on the board has the opportunity to speak; and he makes a point of that. He stated he wants the Board to understand that there were allegations made, and he mentioned Commissioner Lober talked about the differences between how one reporter and another reporter handles issues and house facts; as soon as he heard of that allegation two years ago, he directed Mr. Powell to get the attorney involved and do whatever was possible to handle that issue to the

maximum extent possible, including firing; that was his directive to do that; what the attorney came back with that ended up being simply a he said, he said kind of deal, and it never got beyond allegations, because the person that was alleged to have said that, said he did not say it; other people were saying they did not hear it; what was done in that case with that employee, was the maximum allowed under the policy guidelines, which are not much different than the Board's based on the facts that the attorney could ascertain in that issue; that is just where they were; and that is what they did as a board by doing the maximum amount that the attorney recommended under the circumstance. He went on to say the board was not interested in trying anybody in the press; they were not interested in trying anybody based on what somebody thought they heard; he directed the attorney to look into it and to tell what can they do; that is what was done, and that is all he can tell the Board; they did the maximum, but it is important to remember it was allegations; and they are not going to jump and fire somebody based on someone's allegations.

Commissioner Zonka advised she thinks Commissioner Lober's point was why was there punishment administered if the allegations were not true; she asked why someone would accept the punishment at all if what occurred did not occur, because she knows if she did not say something or do something, she sure as hell is not going to take that punishment, and she stated she would resign first.

Mr. Sansom opined there might have been some other comments and other things, other than that that it was based on; this was about two years ago, and he does not remember all of the details; but he does know that they did not sweep anything under the rug; and the maximum was done that they was felt was allowed to be done.

Commissioner Zonka remarked if Mr. Sansom can see that the Board is talking about this.

Mr. Sansom stated he understands.

Commissioner Zonka stated this Commission obviously sees it as a big deal; it is spending all this time on it; and in her opinion, this to her, is a failure of management at all levels.

Mr. Sansom stated he can appreciate that, but he wished, if the Board had those concerns for a while, it would have contacted him to talk about those things.

Commissioner Zonka reiterated the Board does not have authority over this board.

Mr. Sansom remarked there does not have to be authority to call him and talk to him about the Board being concerned, because he is a very open person.

#### Public comment

Chair Pritchett commented these things might not have been illegal, but they definitely should have stimulated a change of policy then, and they did not; she does not want to keep beating a dead horse, but there has been no management, an extreme lack of management of what used to be; there was a lady who retired a while ago that knew what she was doing; she thinks nobody is paying attention; she is bothered with the financial stuff; those other personality things are terrible things to happen; and good management should have just swooped right in and made it safer for everybody. She added she thinks people do not feel all that safe there, which bothers her; she told Mr. Sansom that she thinks they are just a day late and a dollar short on fixing some of these things; last year she wanted the minutes and the agenda sent to her, but she never got them; COVID hit when she was going to start coming to all of the meetings, because she had frustrated board members and people, who have hangers there,

calling her because they were so frustrated; and she does not know how Mr. Sansom did not know this. She continued to say if he did not know this, but she knew this, then there is something really wrong with the communication or people feeling like they cannot speak freely; she thinks Mr. Sansom is one of the nicest people in the world, and she really likes and enjoys him; but she does not enjoy him as a Chairman. She advised she went in bothered knowing some of these things, but by the time she got there and started experiencing the meeting, she became flat-out irritated; she was shocked that every time someone tried to talk, they were told no; it greatly bothered her that they did not feel like they had freedom to talk; she did not make that up, and she did not come in with that agenda; but she certainly left with that opinion. She went on to say she is just letting him know, if there is a problem that is not seen, she is concerned that there will be a change.

Commissioner Lober stated he is not saying Mr. Sansom saw the letter he is looking at in furtherance to which he had mentioned sending out to the attorney for an opinion on what took place back in 2019; it is a May 29, 2019, letter from the prior firm GrayRobinson, P.A. that was sent to airport management; he disclosed it was not sent to Mr. Sansom necessarily, but in terms of what was relayed to him, it may not have been complete in terms of what the airport management had relayed; he read aloud the attorney's letter to the airport management, "To the extent you find after the pre-disciplinary hearing that Mr. Brooks did make the statement or statements he's alleged to have made. You may choose to treat such conduct as a "major offense" or in your discretion a "dismissal offense." You should take into account Mr. so-and-so's work history, the nature of the offense in any extenuating circumstances, if you elect to treat the incident as a "major offense" the policy manual calls for a written reprimand, and up to three-day suspension for first incident. If you elect to treat it as "dismissal offense" then Mr. so-and-so should be terminated. In either event, you should notify Mr. so-and-so as soon as possible (preferably at the end of the pre-disciplinary hearing) of the decision and he should, as soon thereafter as practicable be provided a written statement of the discipline imposed in his right to institute the "grievance process." He added his concern is, respectfully based upon what the attorney had sent to the airport management, that it does not appear that the most severe discipline that could be meted out was meted out, both treating it either as a "major offense" or as a "dismissal offense" based on this, would require there being a finding by the airport, and that statement alleged to have been made was made; and the three-day suspension would contemplate based upon what he is reading in the letter, that there was a finding that that statement was made which is where he starts to have issues. He mentioned not having issues with having sent it to the attorney, he thinks that was great and was the best option; it was great allowing the attorney to investigate it independently; he sees nothing to suggest that he did not do that; the problem is the follow-through from the attorney to the Airport Authority and to the board which did not result in the maximum discipline being meted out for that, in fact, it is a shame that there was even a suggestion that could be considered a "major offense" as opposed to a "dismissal offense"; it is what it is; and he does not fault the attorney for that, if that is his opinion in terms of what the policy requires, but given there was a degree of subjectivity of which way to treat it, he is a bit dismayed that the choice was made at any level to treat it as the lesser of the two.

Mr. Sansom stated the key word there is if there is a finding; unfortunately there was not a finding that was in fact made; he wished there had been; it would have made it much easier to have made whatever the correct decision would have been, if there had been a finding; it never got beyond the he said, he said portion; he would hope that there had never been a history of that before of that person making those comments; there was not a firm finding that he, in fact, did make those comments; that just simply because of the nature of the issue, they would go to termination simply because if he did, in fact, said that, and they do not tolerate that period; but there was no determination, and they could not get more than one person to say that he said

that.

Commissioner Lober stated that is what he is having a hard time reconciling; he respects what Mr. Sansom is saying and he understands that it is logical, but the concern is both what was done, the three-day suspension which is in accordance with what the attorney wrote, and what should be done after there is a finding; he read aloud, "To the extent you find after the pre-disciplinary hearing that so and so did make the statements, you may choose treat it as either a "major offense" which would result in the three-day suspension or his "dismissal offense" so that contemplates if there was any discipline meted out or any sort of an adverse employment decision."; and that there was some sort of a finding that it took place, and if that did not take place he is having a hard time understanding why anything was done to him then.

Mr. Sansom asked if Commissioner Lober has ever been involved in a court case where there was a settlement, and the person accused did not do what they were accused of doing and wanted to move on; he advised his understanding is that is where it was with that employee, he wanted to get on with his life; he said he did not say it, but was willing to take the three-day suspension to just move on; and he thinks that is where it was.

Commissioner Lober responded maybe it is a difference in personality, but he is kind of with Commissioner Zonka on this; if he did not say that he would either quit or be fired; some folks are wired differently, and he cannot disprove that; and he can appreciate that, because it makes some degree of sense as a plausible explanation.

Mr. Sansom stated he does not disagree, he is that way, too; he knows what he does and does not do, and what he says and does not say personally; he does not settle just because it is easier to move on with that; he recognizes that everybody is different; and his first reaction, when he heard of it from Mr. Powell, was this guy has to go because that is not tolerated, and to get with the attorney and find out what they can do legally under the policy manual, and the State employment guidelines to resolve this. He added those were his directions, and they acted on what came back with the investigation; he advised they are operating in good faith and that Chair Pritchett has asked for some changes; they are working on those changes, and that is one of the reasons he had asked Commissioner Smith to not appoint him for another term; this time he was going to ask to not be reelected as Chair, he was hoping Mr. Craig would step-in and do that; but several of the members asked him to run again, and he said okay.

Chair Pritchett advised there might be a change in consensus at a board meeting, not here though.

Mr. Sansom stated he has no doubt about that, they are aware; he is with the majority and that is why he appointed Mr. Craig as the chairman of the selection committee for the new CEO; he believes that Mr. Craig will be recognized to be the next chairman of the board; they have not talked about it; but he believes that is the consensus, and he is all in favor of that.

Commissioner Zonka suggested for Commissioner Lober to cut to the chase; she stated the Human Resources Manager of the Airport Authority and the live-in boyfriend were the subjects of the investigation; the CEO was protecting the Human Resources Manager, and Mr. Sansom had been protecting the Airport Manager; that is what had occurred; it could be sugarcoated to say there was an investigation; they could talk about semantics, and as far as the discipline goes, a person does not take discipline if they are not guilty; that was not the recommended discipline; and it was said, that obviously there was something there or there would not have been a suspension. She added it is up to Mr. Sansom, as far as what he wants to do; if there is

this much of the Board that is not pleased with Mr. Sansom's leadership for 15 years; it is up to him whether or not, he wants to resign; she may bring something forward next meeting requesting that the Governor remove Mr. Sansom, if he does not resign, because at this point there needs to be a clean slate; and the fact the Mr. Sansom is arguing and almost arrogant with the Board about this, by interrupting the Chair when she is trying to talk, tells her how he has sort of been running his board. She went on to say Chair Pritchett said it when she went to the meeting, and she watched him not allow other board members to talk; that is disturbing to her; other board members are feeling like they are being bullied by trying to express concerns about the former manager, and being shot-down in the past; and that is up to him on what he wants to do, but he brought himself there today.

Mr. Sansom remarked yes, he did, because he wanted to give the Board the opportunity to communicate with him; and he does not know what else to tell the Board other than, he thinks it has been misinformed.

Commissioner Zonka remarked misinformed by several board members, by leaders in this community, and Mr. Sansom would be shocked; and she would never put them out there, but somebody who runs a very large organization in this County, that is highly respected, picked up the phone and said they cannot believe that this is true. She went on to say she is going to have them call each board member, because she would never put them out there like this; and when there is this type of organization reaching out and saying that they have been complaining for years, not just of poor management but of the absences.

Mr. Sansom inquired who has been absent.

Commissioner Zonka replied the Airport Manager; she stated if he is such a rotten manager, and there is money missing and nepotism going on, why give him 60 days to resign; the finance manager, who lost \$170,000, gets time to resign; she should have been fired; he should have been fired; but that is just her opinion, with no authority.

Chair Pritchett advised she had to leave the meeting after being there for a few hours; he was going to resign, and he said he had sent Mr. Sansom a resignation letter the night before which was good; but after she left someone called her saying that Mr. Sansom made a motion to extend his time past 60 days; and that really bothered her.

Mr. Sansom stated that was at the request of the other board members.

Chair Pritchett disagreed; she stated that is not what she heard; she does not think Mr. Sansom is a bad person, she just thinks he should not be chairing the board; it is probably good to have somebody else step in to do this; that might make it a little easier if he would do that, and let them do it; she does appreciate him showing up and taking a beating today; she thinks the Board needed to be vocal with this, because it would tell him this over and over, and then he comes back and says, well, there is really not a problem; and she noted he does not know what they are really talking about, which really bothers her, too.

Mr. Sansom stated he would not.

Chair Pritchett went on to say that he did, and she is just telling him what she is thinking; once someone accepts responsibility and says they have got a real problem there, and fixes it by communicating better, then those changes will start to be seen; she is going to cut him loose; and she thanked him for coming and letting the Board speak about all these things.



Mr. Sansom concluded by saying if the Board would like for him to turn the Chair over to the vice chair, he would be happy to offer that at the next meeting.

Chair Pritchett advised for him to talk to his board about that; but she thinks that would be good.

Mr. Sansom inquired if Chair Pritchett would like for him to call a special meeting.

Chair Pritchett responded no; and she stated she thinks the next meeting would be appropriate, unless he has some things pilling up.

Mr. Sansom advised he was prepared to step down at the last election, but several board members asked him if he would accept the nomination again; and he said yes.

Chair Pritchett stated she knows of all that, but so much has happened since then; the board members are starting to get more information now; they were not getting a lot of this communication; some of them had said they had not received an email from the Airport Authority about anything in months; Mr. Sansom heard that at the meeting; all that is being fixed; she thinks it would be a good move for him to step down; and she is very impressed for him doing that.

Mr. Sansom stated no problem.

Sandra Sullivan stated she is grateful for the Commission, and she is grateful for all of the difficult decisions it has to make; she is present today to talk about Hightower Beach Park again; she thanked the Board for caring about the conservation of the site; she pointed out the issue at hand right now is the State is saying the Park is not in their purview, at the time the original Preserve application was made the County was a partner and not a co-applicant, like Pelican Beach Park, because the use of the park was not really being considered as part of the Preserve; in the application they were looking at buying a commercial piece next to the Ramada; it was not really a consideration until they were able to acquire that piece of property; but when looking at the revised Management Plan and the revised documents, the parcel of the actual Park is referred to as being part of the Project Plan. She added the Management Plan has details about putting in the outlook and the additional parking; the details at that point were because there is an overlap, and the Management Agreement is for both parks; and it was not clarified for the first Preserve Agreement, but in actuality being the co-applicant overflowed onto the Hightower Project when they were not able to get that commercial piece. She went on to say what is at play right now, and what is important, is the sky bridge that they want to put in from an intensity hotel across the street; commercial use is not public use; the second one is the differential in parking for the Brevard residents; tourists would pay, but the city residents do not; the high-frequency radar using the County Park would be using the bathrooms for their power and equipment, that is not public use; intensity used by a hotel is not public use; there is an issue with that, that the Patrick Air Force needs to be tied to the responsibility with this as well; and they were required as a Federal property across the street to do what is called a Section 7 Consultation with the U.S. Wildlife Service to protect it, which was not done. She advised there are some Federal regulations involved here; she appreciates all that is being done; and she looks forward to protecting the Preserve.

#### **H.1. Approval Re: Second Amendment to Developer's Agreement with Benchmark Melbourne 35 Associates, Limited Partnership and the City of West Melbourne**

Chair Pritchett called for the public hearing to approve the second amendment to the Traffic Concurrence and Traffic Impact Fee Credit Development Agreement with Benchmark

Melbourne 35 Associates, Limited Partnership and the City of West Melbourne.

Amanda Elmore, Planning and Development Assistant Director, stated this is the second hearing for the second amendment to a Developer's Agreement between Benchmark Melbourne 35, Associates Limited Partnership and the City of West Melbourne; they are just using their traffic equivalency matrix to swap out some shopping center land used for a daycare and a medical office; and there is no net change to the matrix.

There being no comments heard, the Board executed and approved the Second Amendment to the Developer's Agreement with Benchmark Melbourne 35, Associates, Limited Partnership and the City of West Melbourne; and authorized the Budget Office to execute any budget changes necessary to implement the Agreement as amended.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

## **H.2. Adoption of an Ordinance establishing the Fats, Oils and Grease (FOG) Management program by amending Chapter 110. Utilities**

Chair Pritchett called for the public hearing for adoption of an ordinance establishing the Fats, Oils and Grease (FOG) Management Program by amending Chapter 110, Utilities.

Motion by Commissioner Lober, to approve providing there is no implementation of any program costs within the next 12 months.

Commissioner Lober stated he thinks with COVID that some of the industries are going to be impacted by this heavily, or are already impacted heavily, and he does not want to do anything in the next 12 months to them financially, in terms of their annual Program participation fee; and he does not know if it is going to happen even if this moves with all due speed anyway in 12 months; but he would just like to buy them some time.

Edward Fontanin, Utility Services Director, stated this Item is for the adoption of an ordinance establishing FOG Management Program, as part of Chapter 110, Utilities; and for amending the Charter.

Commissioner Tobia provided the Board with a handout; he stated during these austere times it is very difficult to assess a fee, specifically on businesses that are going about this in the correct way; this is dealing with FOG, and according to the Toho Water Authority, between 80 and 95 percent of businesses are doing this correctly; they are hiring a service to dispose of FOG; unfortunately, that leaves anywhere between five and 20 percent that are violating this, which obviously causes problems with all of the County's utilities; it is outlined that it costs somewhere in the neighborhood of \$175,000; and that is two Full-Time Equivalents (FTEs), plus trucks. He went on to say the department plan that he provided has a total revenue of \$75,500; that is a registration fee of \$100 for 500 locations and generating \$50,000; if assuming the violations, as given out by Toho, would garnish another \$25,500 in revenue; he thinks assessing a \$100 fee on businesses that are struggling right now, which the bulk of them are participating correctly by hiring an outside firm to collect the FOG and dispose of them correctly, would be incorrect; and he believes it is very important to find these violators and punish them. He stated he has a fee structure that has no registration fee but has a stiffer penalty on those who are violating, and it raises about 80 percent of the fees generated with

the registration fee; it is \$500 for the first violation, \$1,000 for the second violation, and \$2,000 for the third violation; he is not married to these numbers; but this would get the revenue to a closer place to support those two FTEs. He stated it is difficult to ask the department to swallow \$175,000, but this puts them close to where they were prior, and it does not create a new fee, specifically on businesses that are doing it; he found out through staff, and he thanked them, that the \$500 is \$250 per, because they have to find the violation and checkup on the violation; the \$1,000 is \$500 for violation and \$500 for checkup, and that is how he got these numbers; and this is just a suggestion that does not penalize, because he cannot vote for something that would create a new fee in these times.

Commissioner Smith inquired at what point are fees anticipated to be in place, if one year from now.

Commissioner Tobia responded his hope is that there would never be a registration fee; ideally as the number of violations decrease, the FTEs could decrease to one; he stated there would be a reoccurring cost of \$60,000, and only one vehicle would need to be bought; the unit costs would drop from \$175,000 to \$60,000; and there may be a loss, but he thinks staff can speak specifically of the aggregate savings to not having FOGs in the utility systems that causes all sorts of problems.

Commissioner Smith advised he is very familiar with the fact of what FOGs do to systems; that is why he is looking at this favorably, but interesting points have been raised; and he asked Mr. Fontanin what his thoughts are on these proposals.

Mr. Fontanin replied, as a Department, it is excited about this because the primary purpose of this is a preventative maintenance program; he stated he thinks the technical language, in terms of the fee structure, that Commissioner Tobia is correct; the annual cost is about \$170,000; the intention of this was not to be a revenue generator, but more of an emphasis of covering administration fees and to offset some of the costs; and in terms of the structure, and if it is the Commission's wish to make it more fine oriented, rather than to offset the administration fees, the Department has no issue with that.

Commissioner Smith advised he is torn; he agrees with Commissioner Tobia; he does not like the idea of fees on businesses that are already hurting; but looking forward, he likes the idea that the people that are potentially causing the problem would support it through the fee structure, keeping the systems clean and functioning; he is with Commissioner Tobia initially; but he thinks one year from now, the fees would be appropriate, which is his personal opinion.

Commissioner Lober advised he got a bit swayed by what Commissioner Tobia mentioned; and he withdrew his motion. He stated he wants to get a feel to see where the Board is with this; he understands they do not want people polluting now, but they are talking about an industry that frankly has not had these requirements in place; and he would like to buy them 12 months. He continued to say frankly, he does not know that it could be put in place immediately anyway; what he would like to see and he is happy to make it a motion, if the Board supports it at present; and it could be revisited in one year. He went on to make a motion to take the District 3 Department Plan provided, by setting the registration fee at zero, to increase the violations to discourage people and disincentivize them from putting FOGs into the drain; instead of \$500 for a first violation, make it \$1,000; instead of \$1,000 for a second violation, make it \$2,500; and instead of \$2,000 for a third violation, make it \$5,000. He opined that is really going to get the message across; the goal being to have people not put the stuff in the drain and not to make money on registration; as Commissioner Tobia pointed out, there is a variable that is not quantified in this; that is less strain on the system, over and above the environmental

considerations cost-wise; there is not as much issues with lift stations, if this stuff is kept out; he thinks there will be a savings over and above that; he reiterated not to implement any fees or fines no sooner than 12 months from today, by using Commissioner Tobia's provided department plan and leaving the registration fee at zero, raising the first violation to \$1,000, raising the second violation to \$2,500, and raising the third violation to \$5,000.

Mr. Fontanin pointed out, in the structure of the ordinance, the fines also includes a component with Code Enforcement; in addition to that, as businesses or facilities that were out of compliance, staff would be initiating the Code Enforcement Policy, which is a lengthy process before getting to the point of actually implementing a daily fee associated with that; and he just wanted to note that the Board is aware of that.

Commissioner Lober expressed appreciation for that; he stated if Mr. Fontanin wants to go through that process, with respect to a violation prior to 12 months, is fine, as long as there is not that financial component, as far as his motion contemplates; but once hitting that 12 months mark, at that point he does not have an issue with putting in place these fines. He added his hesitation has really been with respect to the fees, but yes, it is a great idea to raise the fines and get rid of the fees altogether, and just punish the folks who are hurting the system, which is much brighter than what he thought to do; and he gives credit where credit is due.

Commissioner Smith inquired if Mr. Fontanin is saying that he needs time to implement this.

Mr. Fontanin replied this is a minimum of one year; he stated right now what his Department would have to do, and he does not want to get ahead of himself, but if this ordinance were to pass, there is a vacancy position with the description of specialized training needed, that would have to be advertised and filled; and then start creating a database in order to collect for this, so with that and taking into account the one year, if the Board wishes to make it where there is a period of 12 months that it is being discussed, he has no issue with no fees.

Commissioner Smith advised the Board could initiate this today, but without anything going forward for 12 months; and that way in 12 months Mr. Fontanin has the position in place and ready to go.

Mr. Fontanin stated if it is the comfort of the Board to give 12 months, he has no issue with that.

Commissioner Smith stated he would go along with that; as far as the violation fees, \$500 is a good deterrent; but he thinks \$1,000 is overboard for the first violation.

Commissioner Lober remarked he will leave the first violation as \$500, zero for the registration, but he would like for the second and third violations to be raised up to \$2,500 and \$5,000.

Commissioner Smith stated he does not have a problem with that.

Chair Pritchett stated she likes this idea; she has a recommendation for zero registration fee, keep first violation at \$300, move the second violation up to \$1,500, and the third violation up to \$3,000 or maybe a little less for the second violation, like Commissioner Smith was saying; she thinks it would really send a message if they do not fix their stuff it is going to cost them; she likes the structure that Commissioner Tobia provided; it is a good idea, and she supports it; and keep the registration and the first violation at the minimum, and then start chipping-up the other violations to reach the delta of money trying to be recovered.

Commissioner Lober inquired if Chair Pritchett would consider for the third violation keeping it substantially higher, because at that point he thinks someone is just not getting the message; and he is okay keeping the first at something more nominal.

Chair Pritchett inquired keeping the second violation at \$1,500.

Commissioner Smith stated he is good with that.

Commissioner Lober stated if Chair Pritchett is good with keeping the third at \$5,000, he really would like to see that, because that is someone who is just repeatedly offending.

Commissioner Smith pointed out he likes \$300 and \$1,500; and he inquired what the third violation suggestion is.

Commissioner Lober responded he was hoping to do \$5,000 for the third violation; and he stated if Chair Pritchett is more comfortable with \$4,000, he could do \$4,000.

Chair Pritchett remarked she thinks that is a little tough; and she inquired other Commissioners thoughts.

Commissioner Smith replied \$3,000 would be good.

Commissioner Tobia advised he does not care, and the numbers he provided were estimates that he received from Mr. Fontanin; these amounts change it to a total revenue collection through fines to \$63,000; the numbers he provided were \$60,000; he reiterated he was not married to any of these numbers; his goal was just to cover as much of the administrative costs either way; he is A-Okay with any change, in fact, he purposefully tried to hold the first violation down, and it went a step further than that; he thinks folks inadvertently do this and he does not know if it is an inadvertent issue; but he is more comfortable with it being at \$300 instead of \$500, and would still collect more.

Commissioner Smith suggested considering renewing this over a period of time.

Commissioner Lober inquired if in a 36-month period.

Commissioner Smith replied to renew after five years.

Commissioner Lober stated rather than washing the slate clean at five years, if they are four years and eighth months out, with two violations they have a third violation less than one year later, he would like it to continue to amount; he inquired about in the preceding five years, so X number of violation in the preceding five years, and that way it kind of always has it keeping current; for the first year there really is no preceding five, and it starts fresh; and he would be comfortable with that and zero for the fee, \$300 for the first violation, \$2,500 for the second violation, \$3,000 for the third violation, and count violations from the preceding five years up to whatever the current date is when they were in violation.

Commissioner Smith stated he is good with everything except he likes \$1,500 for the second violation.

Commissioner Lober apologized if he misspoke; he reiterated \$300 for the first violation, \$1,500 for the second violation, \$3,000 for the third violation, and zero for the registration.

Chair Pritchett advised she likes that idea; and she asked Mr. Fontanin for his opinion on the five years.

Mr. Fontanin responded the way the Program would work is if a deep fried chicken place is inspected, that would be the first violation; on a subsequent date they go back, that is the second violation; and then they go back for a third visit and it is all addressed, then the clock starts back at zero.

Chair Pritchett inquired if that is what he has been doing.

Mr. Fontanin replied they do not have a FOG in place, and this is how the ordinance is structured; he stated the idea of it is not trying to penalize, it is trying to get people in compliance; and once compliance is shown for what needed to be done, the clock starts over again.

Chair Pritchett felt this would do it by going back consistently to make sure they fix the problem.

Mr. Fontanin apologized for not following the five-year window, but he just wants to make sure the number of violations within a five-year period, the clock starts back to having a clean slate once shown.

Commissioner Smith remarked after five years.

Mr. Fontanin responded no.

Chair Pritchett advised after they have taken care of the problem.

Mr. Fontanin stated hypothetically if staff went to a facility and found it in violation, the first violation kicks in; the subsequent visit would be in 30 to 45 days to give that business owner time to get things fixed, and they would be charged for the second violation fee; if it still not fixed, it would go to the third violation; after the second visit, he hopes the case would be in compliance; the way the ordinance is written right now is \$150, and the intent of the \$150 was more for the effort of the inspector to make the visit; and if at the second visit everything was fixed, they would just charge the \$150, and the clock would go back to zero with a clean slate.

Commissioner Lober advised that is not the motion though; the motion is when going for the first violation visit there is a fine; when going back, whether it is 30 or 45 days, there is a second fine; if they correct it at that point, there is no second fine; but one year later staff goes back and they have Mr. Fontanin contemplating that would have been a first fine, that is now a second fine, and it tracks over the preceding five years.

M. Fontanin stated okay.

Commissioner Zonka inquired if these are annual inspections.

Mr. Fontanin responded by saying the way the ordinance is written is staff can do up to two preventative inspections in a year.

Commissioner Zonka stated they can do up to two; she would just say, instead of making this a five-year limit and muddying that up, if he found someone out of compliance or in violation to put them on the next six-month visit, and that way it would eliminate that and them doing the

bad things, especially if staff is going there six months later to make sure they are in compliance; she thinks if he runs into a small business, there may be people who are not going to pay; and there is nothing in place right now allowing it to be put in place, and as it sits right now, it can come back to the Board if it is a problem.

Commissioner Smith pointed out Commissioner Zonka made some good points; he advised he is concerned about punishing a person at infinitum, which is why he wanted to put a limit on it.

Commissioner Zonka remarked she likes the limit, as far as the fines go and all that other stuff, and the zero fine to begin with; what she is concerned about is if they are in violation again in two years; it may not be on purpose or maybe it switched ownership; and staff is not going back and charging them for third and fourth violations, because they have been fined the previous two years ago.

Commissioner Smith stated that would do the same thing; he does not want to see them penalized, because three years have gone by and there is a new crew not even aware of it.

Commissioner Zonka stated these places will have things in place that catch the grease and that sort of thing; she likes the way it is written and the modification that Commissioner Tobia suggested; she is okay with increasing the third and fourth violations; but she likes the number zero for the registration, because that does not put a burden on them today, especially right now.

Commissioner Lober asked about the preceding 18 months; and he commented that seems to be kind of a way to resolve not punishing someone.

Chair Pritchett agrees with Commissioner Zonka; she stated she thinks Commissioner Smith is there as well, that there is going to be an occurrence, it will be taken care of because it could lead to another situation later that will be tried to be taken care of; and she thinks what Mr. Fontanin is saying is, if they make a visit and if they have to go back, there is a problem that they have to fix. She is in agreement on the change of the rate structure so that the earlier offenders are not getting hit so hard, but if they are blatant and not fixing it they are probably the ones that need to pay for this service. She inquired if she summed that up.

Commissioners Smith and Zonka both responded affirmatively.

Commissioner Lober advised he could get onboard, depending what is done with the third violation; he thinks part of the third violation was being batted down some because the Board does not want to punish someone one and one-half year later for something that happened previously; he would support it that way if the third violation was raised up some; if they are coming back every 45 days and they do it a third time, obviously they are not getting the message or having no willingness to get it fixed; he asked the Board to do something higher than \$3,000; he would support it; but that third violation to him is just one that has to have a message sent at that point, because it has not been received up until then.

Chair Pritchett advised she hears Commissioner Lober, but she does not know where the other Commissioners are; she is comfortable at \$3,000, because by then they will have had to pay almost \$5,000; and she thinks by then they are either going to get it fixed, or it will be a little bit painful.

Mr. Fontanin inquired if it would help with language when talking about the first, the second, and the third violations in consecutive order; when they come out once, that is the first violation;

then they come out to follow up on the first one; if they are still not doing what they are supposed to be doing; then it may get to the third; but once getting to a point where it is done and in agreement with it, the clock starts back.

Commissioner Smith stated he likes that.

Chair Pritchett asked if Commissioner Lober is okay with that starting out.

Commissioner Lober responded he is okay with that; and he asked the Board to consider anything higher than \$3,000.

Chair Pritchett responded \$3,001.

Commissioner Lober remarked give him something to feel like he got something to save.

Chair Pritchett stated \$3,002.

Commissioner Lober stated if it is \$3,003, they would have a deal.

Chair Pritchett stated \$3,003.

Commissioner Lober stated that is fine; and he advised he is withdrawing his prior motion.

Chair Pritchett asked Commissioner Tobia if he is good.

Commissioner Tobia stated this is his fault; and as long as there is no new fee assessed, and there is punishment for the people doing the bad instead of those who are doing it correctly, he is okay with absolutely anything.

Chair Pritchett pointed out it was really smart of him to do so.

There being no further comments, the Board conducted the public hearing and adopted Ordinance No. 2021-04, establishing the FOG Management Program by amending Chapter 110, Utilities, at Article II, Waters and Sewer Systems, at Division 1, generally, in order to provide for definition; further amending Article II, at Division 2, Sewage Disposal, generally, in order to provide for amendment to the regulation of discharge to public sewers; further amending Division 2, Sewage Disposal, in order to establish a FOG Management Program, including Program criteria, Program Discharge Certificate, and establishing the FOG Management Program rates and fees and enforcement and for other purposes; providing for conflicting provisions; providing for severability; providing for area encompassed; providing for an effective date; approved no registration fees for the Program; authorized the first violation to have a fee of \$300, the second violation to have a fee of \$1,500, and the third violation to have a fee of \$3,003; and authorized that if the violations are concurrent and in consecutive order, and if not, the fee assessment is reset.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**H.3. Petition to Vacate, Re: Part of an 18.0 ft. wide strip of land running parallel with the east Right-of-Way of Highway A1A being a portion of Official Records Book**



**1301, Page 38 - Section 21 Township 28 S., Range 38 E. - Melbourne Beach - Oceanfront D & M, LLC - District 3**

Chair Pritchett called for the public hearing for adoption of a resolution for a petition to vacate part of an 18.0 foot wide strip of land running parallel with the east right-of-way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, as petitioned by Oceanfront D & M, LLC.

Mark Bernath, Public Works Director, stated this is a petition to vacate part of an 18.0 foot wide strip of land running parallel with the East right-of-way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, as petitioned by Oceanfront D & M, LLC; and in addition to the speaker card, it is known that at least seven people have contacted his office with concerns over this.

Barbara Tucciarone, President of Seabreeze Homeowners Association, stated her concern on this is the Seabreeze property is directly across the street from this property; it was her understanding, many years ago that the plot in which they are talking about, where this easement runs was sold to Florida Department of Transportation (FDOT), but she does not know if she has all of her information correct; she tried to contact the powers-to-be, but did not receive an answer; and that is why she is present. She mentioned Seabreeze's legal counsel instructed her to make an appearance; she was advised and is waiting for a complete explanation of why this right-of-way is being vacated; if that Section of A1A ever required a turning lane, Seabreeze would lose its front entrance; and she reiterated that the property was already assessed for that Section, and she wants an exact explanation as to why this is being vacated. She added there was no phone number on the information received by the Homeowners Association; it states the area of right-of-way has not been used for any transportation purposes, and it will be used for the development of the property; she wants clarification as to what transportation purposes meant; it has been explained by Mel Scott, Atkins Senior Business Development Director, that they have no way to access the property, which is what she wants to hear today. She asked if there is absolutely no way to have and ingress/egress to the property, then it is understood; but she just wants to make sure.

Commissioner Tobia stated in the Board's packet of 30 pages, there is one that is pretty telling; the piece being discussed runs the full length of the property; if this does not go forward, technically, the future residents and the current developer would either have to come by sea or come by air; this is an oversight that would not diminish any one's access to the beach, because he received a few emails that this is parallel to A1A; people would still have access to transverse it while walking past; but it would fairly give access to either the current developer or the future residents. He added he has no problem with this and he will be voting to support it.

There being no further comments, the Board adopted Resolution No. 21-017, vacating an 18.0 foot wide strip of land running parallel with the East right-of-way of Highway A1A being a portion of Official Records Book 1301, Page 38, Section 21, Township 28 South, Range 38 East, Melbourne Beach, as petitioned by Oceanfront D & M, LLC.

**Result:** ADOPTED

**Mover:** John Tobia

**Second:** Bryan Lober

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

The Board recessed at 10:49 a.m. and reconvened at 10:57 a.m.

**J.1. Approval, Re: Awarding Tourism Development Tax Cultural Event Funds for the 2021 Cocoa Beach Air Show**

Peter Cranis, Tourism Development Office Director, stated this Item is a recommendation from the Tourist Development Council (TDC) to award Tourism Development Tax (TDT) Cultural Event Funds for the 2021 Cocoa Beach Air Show; a quick analysis that he did showed there is an expectation of about 40,000 spectators, with the possibility of half of those being from outside of the County; it is a major generator of tourism; and he is supportive of that.

Chair Pritchett inquired the amount of the grant; and if this grant has typically been done in the past.

Mr. Cranis responded the grant they are asking for is \$94,169 and this would be considered a special grant; it is not part of the Cultural Grant Program that was approved by the Board five or six months ago; he stated this is a special request, and one thing being looked at, at the Committee level, is perhaps establishing a grant program for larger events like this that have a bigger impact across the destination; but for right now, this was a request directly to the TDC, and outside of the normal grant cycle.

Chair Pritchett inquired if there has ever been grants given to the air show before.

Mr. Cranis replied historically, but not in recent years; he stated they have gotten their normal cultural grants; and the last grant received was in the \$50,000 range, but that was eight to nine years ago.

Commissioner Lober stated the bottom line from his perspective is this is something that will benefit the community; with TDC projects, they are legally required to consider whether one of the primary motivating purposes, or one of the primary goals, is driving tourism; with that said, there is no question based on the metrics; he is sure Bryan Lilley of Fort Lauderdale Air Show at Fort Lauderdale Beach, has a great slide show if anyone has not seen it; over and above it is bringing tourists into the area; it also is a treat for everyone here, given the fact that people have been cooped up now for the better part of one year, as a result of COVID; there has not been, for the first time in his lifetime and longer having any kind of an air show in the County this past year; it is nice to have something come back; the last time this was done was 2012 in Cocoa Beach; that was nine years ago; and obviously the TDT has grown substantially in that amount of time. He went on to say the lineup announced to date for this air show is absolutely incredible; some of the stuff that he heard from the grapevine that is sort of being lined up to happen, but has not been formalized or announced yet, is making this one of the greatest air shows in the State; what he can tell from his perspective is he thinks 40,000 may well be even a conservative number, if looking at the fact that there was an unrepresented huge gap for a number of decades of it not coming back; he can tell he worked with Mr. Lilley for the better part of a couple years on this; and once he heard that Melbourne was losing the air show, that is when he reached out to Mr. Lilley to see what was needed to bring it back. He mentioned reaching out to Space Florida asking to use the Shuttle Landing Facility (SLF) and for one or several reasons that did not work out; the bottom line is now there is a solution to bring back a proven and successful show, to do it in a show setting that is safe, and to do it dead-center in the County; he thinks this is stellar; and he can tell the Board that the Brevard County Sheriff Office has offered to provide auxiliary and reserve deputies for the program to bring it back as well. He continued to say there are a lot of partners that took part in the meetings on the frontend with Patrick Air Force Base allowing their field to be used for military aircraft; they talked to Titusville Cocoa Airport Authority (TICO) who said their fields can be used for civilian aircraft; a lot of folks like the mayor and the city manager at Cocoa Beach, to the folks out at Patrick, to the folks at Public Safety in the County all chimed in, in terms of their concerns, and

all the concerns were addressed; this is a substantially higher grant than they were last given; the circumstances are substantially different; this is again, the first time in over a year's gap without an air show in longer than he has been alive; and the other things is the TDT has grown substantially since receiving its last grant, especially if putting COVID aside. He stated he can tell the Board, the other item that is hard to quantify, but that absolutely factors into his support is the Valiant Air Command, that is also playing a part in this as well; with respect to the Valiant Air Command, the game plan is every other year Valiant Air Command will do a show at TICO, and not having competition from this show; every other year the plan is to bring it back to Cocoa Beach, so this is something where in the past the last time there were shows; he thinks within a couple weeks there was the Valiant Air Command show and this show; yes, it is a different type of show, but there are only so many people that are interested in air shows; and there was a little parasitism, just based on the proximity of timing to have the two shows. He concluded by saying to have a bang-up, stellar show that has not been had for some time since 2012 for Cocoa Beach and since 2019 for anywhere in the County is a great opportunity; he thinks it is going to be great for the folks the live here; and he thinks it is going to fill the hotels and put heads in beds. He mentioned going to the Fort Lauderdale show that Mr. Lilley put on during COVID, and if people want to stay six apart, they absolutely were able to do that without a problem; there are opportunities to be careless, but if a person wants to stay six or 10 feet away from someone, they can easily do so and still have a great view; as far as the local folks, he really does like to see the locals benefit from something like this over and above the tourism driver; when looking at air shows, he did something that probably no one else in the crowd was doing in Fort Lauderdale, instead of looking to the east and up into the box over the ocean, he looked west and slightly up to see how many of the balconies were full; they were slammed and all of the folks who had condos and in hotels were all out on their balconies; it was a rarity to see some empty; he thinks this will be a well-deserved treat for the locals; it will drive in a lot of tourism; it sets the stage very well for the coming years between Valiant Air Command and the Cocoa Beach airshow, and it is a winner; if there is a concern with respect to doing a grant of this nature, all he can see is really the amount; and given how much the TDT has grown in the past years, and given what the impact is with respect to not having had a show in some time, he thinks it totally justifies the amount difference.

Commissioner Tobia stated he wants to thank staff and the TDC for putting this together, unfortunately he has to vote no for a couple of reasons; one, he is on the other end of this, and although it is a good project, he thinks incentive versus reward needs to be looked at; it was heard that this is scheduled with dates; in fact, there now are certain aerial teams that have decided to come, and instead of incentivizing, the opposite is being done by rewarding folks for making that decision; two, is the process of the TDC subcommittee not reviewing the vast majority of the grants, which they usually do but did not for this; there is no scoring comparing it to other cultural grants; but for those two reasons, he has to vote no.

Commissioner Zonka stated she knows the minutes are not available yet, but she did not see the breakdown of what the justification is for the \$100,000; she saw the slide presentation and the possible results of what it could mean; it is actually \$94,169, but it is because a grant was already rewarded; the previous grant rewarded was the typical amount of roughly \$5,000, that most events get; but it is specifically showing the need, and she is curious to find out the breakdown of why the \$100,000.

Commissioner Lober stated Mr. Cranis or he can answer.

Commissioner Zonka informed the Board that she is asking Mr. Cranis.

Mr. Cranis responded staff did the analysis; they went by looking at the grant program and

what those other recipients generated with visitors and the economic impact of visitor spending; he stated this really exceeded by tenfold, with the potential of 20,000 tourists versus the other grants generating 1,000 or 2,000 tourists, and with an economic impact of about \$4.5 million; the scale is at a totally different level; and the Committee has met since then and it now knows about this, and it is interested in looking at the possibility of establishing a major event grant program that would award grants in advance to programs like this, because these have the biggest impact on tourism than anything else seen.

Commissioner Zonka remarked she is not opposed to the air show; she thinks it is a great idea, and it is great what it brings to the area; she does not know if the Board should be subsidizing a private organization in order to put these events on; she stated it makes her a little nervous, considering this is not something that has been in place in the past, and it is not something that has been done for Melbourne before Melbourne lost its show; although she thinks it has potential and is a great idea, she just does not like how it was put together; she also thinks \$100,000 is a lot of money, considering that tourism dollars are down; and she cannot support this.

Commissioner Smith agreed with Commissioners Tobia and Zonka about spending \$100,000, but the other side of the coin is he thinks there is a substantial Return on Investment (ROI) for the County, particularly from the standpoint of what it brings to the area, and that it brings in an awful lot of regional interest; he stated even in the days ahead of the event, for anyone who takes the time to look skyward and follow their ears is going to see the planes practicing; that is fun for him to see their barrel rolls and going straight up and down, because he lives on the Indian River and a lot of the practice is done over the River; he is sure he is not alone; and it is not just a one afternoon event, it is at least a two-day or three-day event when factoring in the practice. He added he thinks it is a good idea for the region.

Chair Pritchett stated she thinks the air show is amazing; she inquired where these funds are being taken from, because they are not the typical funds used; and she inquired what the unforeseen consequence is. She mentioned knowing the beach receives 9:1 on a grant; and she inquired if it is taking money from there.

Mr. Cranis responded no; he explained all of these funds for these cultural grants come out of the five percent allocated by Ordinance; and it is part of that bucket of money that can only be spent on these types of functions that generate tourism, so it is very specific.

Chair Pritchett inquired who is paying for the \$100,000 here, because there is something not getting something.

Mr. Cranis replied how it breaks down is out of that cultural fund, there are a number of events that are not going to occur, as a result of COVID; those have been canceled or virtual events are being done instead; out of the original \$175,000 pot of money approved by the Board, it is thought that the range of somewhere between \$10,000 to \$15,000 is not going to happen, and that goes back into the pot to be used; there is also the balance forward funds that were just received the other day; there is \$121,000 in balance forward that can be used for something like this; and the remainder of those funds can then be put into the pot for next year.

Commissioner Lober stated as far as Commissioner Zonka's question of where the money is going to, he thinks is noteworthy; he is not pretending to know each and every cost associated with putting on a show, but there are two things he thinks bears mentioning which are the cost of live streaming it online that provides a tourism benefit to the area; the metrics were discussed at the TDC meeting and watching that gives the County a great ROI; in addition,

\$25,000 is going to Valiant Air Command so they can fly a slew of their own aircraft in the show; and in that chunk is the vast majority of the \$100,000 between those two expenses. He pointed out providing money to private organizations is done routinely with the variety of this grant; he does not know of any public organizations that has been funded; he is not saying there are not any but the vast majority of this money goes toward private organizations when looking at cultural funds, or anything of that sort; just like Health First is a non-profit, private organization, the foundation that is putting this on is a non-profit, private organization; when looking back at the ultimate question of what the ROI is, the ROI is the clear winner on this by bringing an incredible number of tourists, getting an incredible number of locals over and above as a bonus, and the show would not be doable but for having some form of grant process with it because it is at a beach, and that cannot be monetized easily. He stated with respect to rewarding versus incentivizing, as Commissioner Tobia mentioned, he approached Bryan Lilley of the Fort Lauderdale Air Show at Fort Lauderdale Beach, to discuss this with him; as soon as the news came out that his show was no longer going to be at Melbourne, he told him pointblank if the numbers can be worked out, and they are reasonable, he would go to bat for him with the TDC and the Commission; he could not guarantee him anything but his one vote; but if it is feasible and reasonable to put something on, he would go to bat for him; and his reliance upon his willingness to go to bat for him, he cannot fault him. He opined he does not think this is rewarding him, but is him following through with a promise to do what he could to try to go to bat, which was relied on in putting this together. He added if someone has a specific question about the live streaming costs, he does not know the breakdown as well as Mr. Lilley does, and he can give the very specific numbers and specific answers if curious.

Commissioner Zonka responded her issue is that it is \$100,000 and a special grant that other organizations were not entitled to nor asked to apply for; that is a lot of money and luckily for this air show, Commissioner Lober went to bat for it and brought it to the TDC and Mr. Lilley to get this down; she does not know if that was a fair and equitable process; and she reiterated it is a lot of money, not a \$10,000 grant, it is \$100,000. She mentioned it was not scored, it was not compared, it was not offered to other organizations, and that is her issue; it is not anybody's fault, it just is what it is; and the TDC voted to push it through, but she cannot vote for it today.

Chair Pritchett inquired what the ROI is on it.

Commissioner Lober noted he will have to defer in terms of Mr. Cranis' analysis on this; what he can say is the most comparable event that they found, in terms of general variety and locale, is Thunder on the Beach; and he believes the numbers when that last occurred there were about 45,000 who had attended.

Mr. Cranis responded affirmatively.

Commissioner Lober went on to say that is a reoccurring event, and this is something that is going to coming back for the first time so there is a ton of publicity; he thinks the number of individuals is a solid double digit percentage that will come from outside of the County; and he advised Mr. Lilley has slides and specific numbers on that information.

Chair Pritchett inquired if it is a two to one ROI dollars.

Mr. Cranis responded easily, it is probably in the 40 to 45 to one range.

Chair Pritchett commented two to one is not very good.

Mr. Cranis explained for an event they would want to get up to the 20s and this is significantly

beyond that; to Commissioner Lober's point, they looked at not on Thunder on the Beach, but they also looked at the air show that Mr. Lilley conducted in Fort Lauderdale; and about half of the people who were there were from outside of the area; and this is a really good opportunity to generate tourism through this.

Chair Pritchett stated she knows when they have them up in the north end of Brevard County, everybody lines the streets and parking lots; it is like a fourth of the launch traffic, and pretty significant; she inquired what the total cost of this air show is; and what percentage of the total cost they are asking for from the Board.

Mr. Cranis responded that he thinks their total budget is just under \$400,000, therefore this would be about a fourth of that.

Chair Pritchett noted that is about 25 percent. She went on to ask if the Board does this, how much money would be left in the account to do other things for other businesses.

Mr. Cranis explained the grants have already been awarded for this Fiscal Year and they are now going into the next round of grants for the next Fiscal Year; he has not done a full budget yet and does not know what the numbers will be for next year; and from the balance forward they will have about \$40,000 or so left over from the balance forward that will get added to whatever the budget is next year.

Chair Pritchett noted her hesitation is that the Board just kind of doubled what it has done in the past; on the pro side of it, the hotels were hit so hard in that area for COVID, it is almost nice to get the events and fill the hotels up a little, because that is where all these funds come from; she is hesitant; and she asked when the air show is to occur.

Mr. Cranis advised it is two weeks after Easter, the third weekend in April.

Chair Pritchett noted she is leaning towards supporting this, because she thinks the traffic on Cocoa Beach is important.

Commissioner Lober opined another thing to keep in mind is when he is talking about big expenses that does not mean there are not a slew of little expenses as well; for instance, they received a multi-thousand dollar bill just to rent out Lori Wilson which is going to come right back to the County; there is a lot that will offset this; and rounding the numbers, it is about \$5,000 going back to the County just for use of Lori Wilson Park. He continued to say there are other items that go into this that are certainly quantifiable, but individually they do not necessarily amount to a lot, but when aggregating them there is a huge return; when he looked at this and talked to Mr. Lilley a couple years ago about putting something like this on, one of the items that was important to him was exactly what Chair Pritchett mentioned, what was the total TDT before; when looking at where the TDT was before and where the TDT has grown, knowing that COVID is an anomaly and God willing will never repeat itself, it is not that much of an increase from back in 2012 when they last received a grant; and he commented they are not asking the Board to provide 50 or 80 percent more of the overall pot.

Commissioner Zonka commented if there was not money to be made in these air shows, the organizations would not put them on; she asked the Board to keep that in mind as it writes the \$100,000 check; she asked that the TDC, if the Melbourne air show comes and ask for money, that they offer them the same opportunity if the Board is going to approve this today.

Chair Pritchett noted she agrees; and once the Board establishes this, it needs to be

established for the other air shows.

Commissioner Smith stated he thinks the point about the hotels, and he had not taken that into consideration, but these hotels have been clobbered; it is an opportunity for them; April is a good month to fill them up; and that would be like a God send for them.

Chair Pritchett reiterated she is going to vote in favor of this; however, she would request that all these air shows receive this kind of love to bring the tourism through the entire County.

Mr. Cranis responded he thinks there is a good way to do an analysis where they can look at each show and see what it is going to deliver in terms of ROI, and then make an award that is commensurate with that; the Melbourne show is a gated show, therefore, it is a little different; it is not open to the public; and it is a little lower number.

Chair Pritchett advised people come over to her other parking lot so they do not have to pay for it.

Mr. Cranis mentioned the volume of people that it generates is much lower than a beach show; and the beach shows are more significant.

Chair Pritchett commented jokingly, maybe as the County redistricts, it can give her part of that beach.

The Board approved the Tourist Development Council's recommendation to approve funding a grant for the 2021 Cocoa Beach Air Show, as well as made the necessary legislative finding that this is a special event, whose main purpose is the attraction of tourists, and being promoted to tourists; authorized you to negotiate and sign the necessary grant agreement, and related documents; and authorized the County Manager to execute necessary Budget Change Requests, to support the grants upon County Attorney and Risk Management approval.

**Result:** APPROVED

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**Nay:** Tobia, and Zonka

J.2. Assignment of Lease Agreement RE: Complex Cafés at Brevard County Government Center-Viera and Harry T. & Harriette V. Moore Justice Center

Frank Abbate, County Manager, stated this is a request to accept the assignment of lease for the Complex Café at the Government Center and at the Harry T. and Harriette V. Moore Justice Center; it is being requested by the current leasee; he is also asking, as part of this, forbearance until June 1 of the current rent; as the Board may know, the facility at the courthouse, due to the very low volume of people going through there, has been closed for several months and will continue to be closed for a period of time; and if the Board approves this assignment, effective June 1, the full lease amount of \$1,200 per month for the rent, maintenance, and utilities will commence again.

The Board authorized the Chair to execute an Assignment of Lease Agreement with Viera Complex Food Services, Inc. to Powers 1022, Inc. for the operation of snack bars at the Government Center, Viera and the Harry T. and Harriette V. Moore Justice Center.

**Result:** APPROVED

**Mover:** Bryan Lober

**Seconded:** Curt Smith

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

### **J.3. Speak Up Brevard**

Chair Pritchett advised she believes that staff has made some good recommendations, and she does not have any cards; therefore, she thinks it might be appropriate to approve staff's recommendations.

The Board reviewed each citizen recommendation submitted through Speak Up Brevard – CEER; and approved to accept, to accept with modification, or to reject recommendation as required under the Brevard County Charter as follows:

- CEER #2021001, mandatory for all public lands in Brevard County to install rain sensors on irrigation systems – accepted with modification not to include mandatory rain sensors but rather implementation of metering reclaimed water of properties on County-owned sewer systems subject to funding which is being sought, but is without a time frame for available funding at this time.
- CEER #2021002, bike lanes at Pinehurst Avenue – accepted with modification for transportation funds be allocated to investigate the feasibility and cost for improvement, as this route is heavily used by the cycling community.
- CEER #2021003, repairing Hammock Road, Mims – accepted with modification due to funding constraints, Hammock Road was placed on a seven-year rehabilitation schedule with approximately one-half mile to one mile of roadway being rehabilitated each year; the schedule started in 2020, and the completion date may vary based on available funding or unforeseen circumstances.
- CEER #2021004, Sebastian Beach Coastal Watch Station – accepted with modification to continue supporting private businesses that create great experiences for visitors, should a private business want to create a museum or something similar, it would be promoted through the website and social media platforms, include publicity efforts and possibly advertising if it made sense, be eligible for a capital facilities grant but would have to go through the application process and get the Tourism Development Council Capital Facilities Committee to vote in support before being brought to the Board of County Commissioners for its consideration, and the Tourism Development Office would only provide a percentage of the total project cost, as grants are contingent on matching funds.
- CEER #2021005, lack of affordable housing in Brevard County for low-income residents related to minimum wage – accepted with modification for the creation of additional affordable housing and directed Housing and Human Resources staff to work with State and Federal lobbyists to advocate for more funding; and rejected the setting of the minimum wage which is beyond the purview of the Board of County Commissioners, however, during the last election an amendment to raise Florida's minimum wage was approved by residents, and the amendment resulted in the Statewide minimum wage being raised to \$15 per hour by 2026.
- CEER #2021006, centers for programs and transportation in the area for seniors – rejected, as there is already an avenue to address the recommendation.



- CEER #2021007, social life – accepted with modification for Parks and Recreation Department to continue enhancing the quality of life by providing many types and levels of service, including recreational opportunities to the community at its parks and community, and nature and education centers.
- CEER #2021008, less trash collection – rejected.
- CEER #2021009, broker associate – accepted with modification to promote that Brevard County is “Orlando’s Closest Beach”, among other things, and advertising runs mostly in Orlando and Tampa, as well as other Florida markets, spending approximately \$4.5 million on advertising this Fiscal Year, and will continue to expand as additional dedicated funding becomes available.

**Result:** APPROVED

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**J.4. Board Discussion: Naming pavilion at Ponce de Leon Landing Park in honor of Sam Lopez**

Commissioner Tobia advised this had been discussed previously; however, there is a little bit of a change; it stated in the Agenda Report, the family of Sam Lopez has made it known that he would prefer having a pavilion at Ponce de Leon Landing named after him rather than the entire park; he thinks it is acceptable and in reference it would be about \$200 for a wooden plaque; it is amazing to think that this man had such sway that he was able to fund a \$60,000 statue be built to man who never stepped foot in a park; as well as get a flag to a U.S. territory despite the express wishes of the sitting District Commissioner; and on a side note, District 1 is getting American Samoa, District 2 is getting a flag in Guam from Guam, District 4 Northern Mariana, and District 5 the U.S. Virgin Islands. He went on to say in all seriousness Mr. Lopez was a dedicated public servant and a strong advocate; he will be missed; and a dedication to him at this location would be very fitting.

The Board approved naming a pavilion at Ponce de Leon Landing Park in honor of Sam Lopez.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

**J.5. Board Consideration of Policy Requiring Certain First Responders to Be Vaccinated Against COVID-19**

Commissioner Tobia stated this is a simple Policy looking out for the citizens of Brevard County that would make a vaccination a necessity for First Responders that have direct contact with the public; and there are certain accommodations made for things as stipulated by law.

Chair Pritchett noted she did not support a mandatory mask, and she is not going to support a mandatory vaccine; she gets Commissioner Tobia’s point; something that concerns her is if one person gets COVID, everyone is out for two weeks; then there is over-time involved in that and extra funds for that; she thinks there is a funding issue; and she would request that if any of the First Responders have the opportunity to get the vaccine that they would really consider

it because it saves the people in close proximity to them and the people in the homes they have to go into. She added she thinks it is a reasonable ask, but she is not going to support a mandatory vaccine.

Commissioner Lober advised he will not be supporting this; he noted he has heard some good and some bad things from people both in support of and in opposition to this; there is a huge difference between the amount of data that is out there in terms of the effectiveness of the vaccine on preventing someone from developing severe COVID-related illness and keeping them, by extension, from dying or from going on a ventilator and showing that they have an inability to carry it and transmit it to others; for him, he is not even going to consider supporting something like this until there is solid evidence showing that someone being vaccinated prevents them from being a carrier or substantially lessens the likelihood of someone being a carrier and transmitting to others; and his general life view, whether people think it is political, religious, or moral-based, if someone wants to do something that is stupid and take a danger onto themselves, if it does not hurt anyone else, do it. He commented that the Board does not tell the fire fighters they cannot skydive, or visit a nuclear reactor site, it is lawful for them to do it and the Board is not telling them to do it or not to do it; they are entitled to make their own risk decisions, especially when it only impacts them; if they get sick as a result of a decision they made, then that is fine; and the bottom line is he will not force a needle into someone's arm without there being an incredible set of extenuating circumstances, and that is not being approached here. He continued by saying he cannot think what it would take to do that, but for him to support anything along these lines, he could see requiring it for new hires, assuming there is solid evidence showing specifically that it prevents people from carrying it and transmitting it to others; he has not seen that, and as a result he is not going to support it; there have been arguments in favor of his viewpoint that he does not agree with; the argument that there is something unconstitutional about this is absolutely dead wrong; and he believes it is unquestionably constitutional. He stated anyone who wants to inquire of the County Attorney is welcome to do that; just as he feels unqualified to make medical decisions that require a certain level of expertise, there are certain fields that are licensed, regulated professions for a reason; the folks that are running around saying this is unconstitutional are by and large not attorneys; to look at what has been challenged and what has been evaluated by the courts, they are not successful; it is not because these people are evil, liberal, or biased judges, they are people who are life-long republicans that look at it and apply the law as it is written, and they are just wrong; there is nothing showing to his satisfaction, at least, that there is any sort of mucosal immunity, nothing that suggest there is solid evidence indicating that those vaccinated cease to have the ability to carry it and transmit it to others; therefore, he is not going to support it. He mentioned he respects wherever anyone else may be.

Commissioner Smith stated as conservatives, people believe less government is better government; as such, the Board should not be telling employees that they should have to get the vaccine if they do not want to; he would encourage them to do it, and he thinks it is prudent, but it is their choice not the Board's; with that comes whatever ramifications that comes with it; and he does not think it is a requirement that the Board should impose as part of their employment.

Commissioner Zonka noted she is clearly not going to support this either; she thinks the fact that she would not support a mask mandate kind of gives it away; she is a nurse practitioner and her own employer is not requiring their employees get it; they are absolutely safe by wearing their N95 mask; she herself has been vaccinated, but it was her choice; she is happy and proud to be vaccinated; and she thinks she is doing her own responsible thing, not just as a provider, but as a member of the community. She encouraged people to get vaccinated; she noted she thinks they should because it is the right thing to do; however, she does not feel that

making them do it is a good decision; and it is a personal choice and a medical decision that should be left to each person to decide on their own.

Commissioner Lober stated he would ask the First responders that are eligible for that incentive-based program, to please get vaccinated; as soon as he is entitled to do so, he intends to get vaccinated; he does not want anyone to take his unwillingness to mandate this, as thinking he does not believe this is a good thing, he believes it is beneficial; he would encourage his wife, his parents, and if he had kids he would encourage them to get vaccinated; he knows there was a poll where not quite one-third of people in Fire Rescue who responded were planning on getting vaccinated knowing that it was free; and his hope is having made those funds available, it will get people over that hump where they are just not sure. He mentioned again if people have the ability to get vaccinated to do it, if there is no reason medically not to do it; he is not just talking about the possibility of it may impact people's ability to carry it, but for their own sake and their family's sake, because if someone is down and out and unable to respond to calls, it is an issue that is largely preventable.

Chair Pritchett noted what Commissioner Lober said is if someone can get a vaccine he or she should.

Denisse Gable expressed her appreciation to the Board for taking their thoughts into consideration; she stated she knows the Commissioners received a lot of emails about this, and she appreciates them listening and supporting the residents; she thinks overwhelmingly people are not in support of this; and she noted she is proud to be a Brevard County resident and she appreciates the Board for all it does.

Commissioner Tobia advised he has some questions for Michael Bramson.

Chair Pritchett asked Mr. Bramson to come to the podium.

Commissioner Tobia thanked Mr. Bramson for wearing a mask and asked him why he is wearing it.

Michael Bramson, President of Brevard County Firefighter Union, stated it is part of the personal protection equipment (PPE) within the requirements of certain suggestions when he is on the job; and he did not know who would be standing up there in front of him.

Commissioner Tobia asked if Mr. Bramson would agree that it is acceptable to require EMS employees to wear masks while interacting with the public, as a condition of employment.

Mr. Bramson responded, as the President of the Union, if this is going to be an operational policy, then Commissioner Tobia needs to address this with operations.

Commissioner Tobia asked if Mr. Bramson is not going to answer.

Mr. Bramson inquired if he asked him a question about a policy.

Commissioner Tobia asked again if Mr. Bramson thought it was acceptable to require EMS employees to wear masks while interacting with the public as a condition of employment.

Mr. Bramson responded he answered that question; and it is a policy for the administrators.

Commissioner Tobia asked if Mr. Bramson is aware of how many residents have died due to

COVID-19.

Mr. Bramson responded he does not have those numbers in front of him.

Commissioner Tobia stated he will help; from the New York Times, yesterday 722; he mentioned that it was a milestone today; and he asked if Mr. Bramson is aware of how many Americans have died.

Mr. Bramson responded he does not have those numbers in front of him.

Commissioner Tobia stated 500,000 or half a million; and he asked if Mr. Bramson is aware of how many have died due to taking the vaccine.

Mr. Bramson responded again that he does not have those numbers in front of him.

Commissioner Tobia responded zero; and he asked if Mr. Bramson is aware, according to the New York Times, how many have died in the United States.

Mr. Bramson replied he did not prepare those numbers.

Commissioner Tobia noted it is zero. He went on to say he would like to reference a letter from Mr. Bramson's organization, The International Association of Firefighters (IAFF), which he is sure Mr. Bramson has a copy of; he read, "Aside from the risk of an unvaccinated First Responder, that they directly pose to the public, according to the President of the International Association of Firefighters, Harold Schlattenberger, 19 Firefighters have died, nearly 150 have been hospitalized, and 30,000 have been exposed to the virus." He read, "All this despite PPE use and rigorous procedures makes vaccinating the Firefighters and emergency medical personnel all that much more important. The virus not only places the lives and health of our First Responders at risk, it also poses a risk to the larger community, as well as the Firefighters responding to the emergency. " He asked Mr. Bramson how he would respond to the President of his own Union stating that his members being unvaccinated poses a threat to the public, as well as his own employees.

Mr. Bramson answered that he cannot speak on the General President's comments or documentation that he submitted; and he does not have a copy of the document that Commissioner Tobia provided to the Commissioners.

Commissioner Lober advised there is nothing that suggests that the Union, that he can see in looking at this for the first time, or that those ought to be something mandated so if he sees it in there he would be interested in hearing it too; but he does not see that the Union is taking position on requiring mandating.

Chair Pritchett advised the audience that she does not want any talking out there at all, she knows it is uncomfortable.

Commissioner Tobia stated another reference to a letter according to the President of IAFF, and Mr. Bramson's Union, he read, "Absent adequate vaccination, responders will continue to be subject to lengthy quarantines while they are exposed to COVID-19 positive individuals, imposing significant costs on local governments as they backfill positions, operate understaffed increasing response times, and negatively impacting public safety."; he commented Mr. Bramson often complains about overtime ; he asked how many of his employees miss work due to isolation causing another to have to make up that shift; and he asked if he knows the

cost or the number of hours that are due to that fact.

Mr. Bramson responded he does not have that information in front of him.

Commissioner Tobia inquired if Mr. Bramson would be surprised to hear that it is 13,547 hours at a cost to taxpayers of \$348,532.

Mr. Bramson inquired if there was a question.

Commissioner Tobia noted the question was if he would be surprised.

Mr. Bramson responded he is absolutely not surprised by those figures.

Commissioner Tobia stated he is going to continue with Maria Stahl, Director of Public Health; this policy deals with direct health posed to the public by certain First Responders, as defined by law; Maria Stahl, the Director of Brevard County Health Department and the top State official in charge of managing the pandemic, has made it clear that such a threat is posed by EMTs; in an email she stated, "I concur that EMTs not being vaccinated could definitely result in the transmission of a virus which could result in the death of a resident."; and he asked Mr. Bramson how he would respond to the fact that he not being vaccinated could result in the death of one of the very people, it is his duty to protect.

Mr. Bramson inquired if the question at hand is how does he feel about the lack of vaccination causing the death of another.

Commissioner Tobia went on to say he will read it again, according to Ms. Stahl, "EMTs not being vaccinated could definitely result in the transmission of the virus which could result in the death of a resident"; and he noted that is a quote from Maria Stahl who is the Director of Brevard County Health Department.

Mr. Bramson replied he has no answer to that question and no opinion on that question.

Commissioner Tobia asked if Mr. Bramson is saying he has no opinion to the safety of the very people that he is entrusted to protect.

Mr. Bramson replied he has no opinion on the lack of vaccine on a First Responder causing the death of another.

Commissioner Tobia continued by saying that Ms. Stahl said, "In Brevard 88 percent of deaths are due to those over age 65 and 57 percent are those for long-term care facilities. Brevard EMS respond very frequently to that age group and to those facilities; and he asked why the perceived risk, or Mr. Bramson's squeamishness with needles, be more important than someone's grandparent who is in a long-term care facility.

Mr. Bramson replied he does not even understand that question.

Commissioner Tobia advised he pulled up the IAFF Manual of Common Procedure and looked at the Code of Ethics; the Code of Ethics says, "All members will never allow personal feelings nor danger to self, deter them from their responsibilities"; he mentioned it goes on to say, "the responsibilities are to safeguard and preserve life"; Ms. Stahl has stated that not getting a vaccination will result in the death of a resident that he is in charge of protecting; and he asked if that is a concern to Mr. Bramson, yes or no.

Mr. Bramson responded affirmatively.

Commissioner Tobia asked if it concerns Mr. Bramson that he has the ability through vaccination to prevent that from happening.

Mr. Bramson advised he does not have legal counsel with him, therefore he will refrain from answering these lines of questions; if there is something more direct to clarify the motion on the table during discussion, which he believes has not been seconded, he would be more than happy for clarification reasons only; otherwise, he would like to be excused.

Chair Pritchett responded yes sir.

Commissioner Tobia noted it is the Chair's discretion. He asked if he could continue.

Chair Pritchett replied he has the floor.

Commissioner Tobia stated this is no laughing matter; the Board talked about masked mandates; those were on private citizens in private businesses; this is serious, in the time of need, people call on someone to help save their life; and there is Maria Stahl, a public health expert and the Director of Department of Health of Brevard County saying that this will result in the deaths of Brevard County residents; this is not a mandate; Firefighters were not drafted to be Firefighters, they have options to go elsewhere; and if they put their own concerns over the concerns of that of the people that they are sworn to protect, then encourage them to go elsewhere; and he noted for the Board Members to ask themselves if their grandmother, mother, or sister is in a long-term care facility, and a First Responder shows up, would they rather have the person who is vaccinated or not vaccinated. He commented if the Board does not care then vote against this, but the reality of the situation comparing a mask mandate on a private business, which he does not support, and one on a government in which there is no conscription, it is a fallacy that is not even worth mentioning; this is extremely serious, and it is unfortunate that they even have to do this; healthcare providers are not wanting to get a vaccine that not only could help save them, but help save the residents; this is not a conservative or liberal issue; it is an issue based on fact and science; and the Board does not have to believe him, it can believe the President of the IAFF or the Director of Public Health. He noted he certainly hopes that one of their family members is not in a health care facility in which an unvaccinated First Responder shows up and potentially leads to the outcomes he has listed.

Chair Pritchett stated she knows that everyone has strong opinions; she is going to ask that the Board not repeat the same ones over and over; and she mentioned she wants to get through this.

Deborah Jaffe stated she is a Firefighter wife and a veteran herself; she has put her life on the line for this Country and so has her husband, who is a Firefighter; for someone like Commissioner Tobia to claim that these Firefighters do not serve the citizens throughout this pandemic is completely bullying and discriminatory; she knows of a Firefighter who took the second vaccine because he chose to do so, and he is sick and still on shift; and for him to say that no one wants to take it is false. She continued by saying when the survey was done only 60 to 80 Firefighters completed that survey out of 400; the data is not even there; that was before the vaccine was even available; the survey was sent out in December, and the vaccine was available a day later; little to no data was given to these Firefighters when they were asked if they would take the vaccine; as of right now, a lot of Firefighters are taking the vaccine by their own choice; and she does not think it is fair for Commissioner Tobia to bully the Union

representative and the Firefighters who are still out there doing their jobs. She mentioned he says it is a personal preference and that they choose their personal preference above the safety of the citizens they serve; a statement like that indicates that the Firefighters are not citizens themselves, but government property; she asked if the County truly believes the Firefighters are government property and not also citizens that need to be protected and have rights; in reference to how the policy should be enforced, Commissioner Tobia suggested that if a Firefighter denies a vaccine they could simply leave the County, as working for them is a privilege not a right; there are so many Firefighters that have been with the County for years and they are so close to retirement; he is basically telling them to leave because they choose to not vaccinate, because they choose to wait for more research and actual FDA approval; and this vaccine is still in trial. She mentioned Commissioner Tobia says this is not a laughing matter; it is not; it affects her life, her children, and her spouse; and as she could tell during his interview he was the one laughing when he stated that they were threats to the citizens; the Employee Equal Opportunity Commission (EEOC) clearly states that employers must probably consider exemptions and reasonable accommodations before attempting any terminations or disciplinary actions; therefore, termination would be an absolute last resort, unlike what Commissioner Tobia has suggested multiple time in this meeting and in other interviews; and mandating the vaccine would also create additional budget issues to the Fire Department which already struggles to retain employees; if employees experience adverse reactions, the County would be expected to compensate them for their recovery time; and in the event the employee experiences a severe reaction that required permanent disability, this would pose a huge risk to Brevard County as an employer.

Katie Dyer stated the article quoted Commissioner Tobia as saying they were threats and they were being selfish for not getting the vaccine; if the vaccine works so well that it does not allow them to get it or keeps them from death, then those citizens have a right to choose for themselves; if it works as well as some people say it does then there is no reason that a Firefighter needs to, because the person has already protected themselves from COVID; they do wear masks, and the mask mandate is for every company; and she would be fine with them doing that, and they do because it is part of their PPE. She continued by saying the mask is something that can simply be put on and taken off; a vaccine is something that is put in a person's body that can have side effects; she has seen people get Bell's palsy from it, and there are other unknowns; it is brand new, and at this point in time to even dare say how selfish they are, it boils her bones; she is appalled at the way Commissioner Tobia acted, and by the way he treats Firefighters, not only on this issue but on other issues as well; he clearly has zero respect for them; and as a Firefighter's wife it makes her very upset. She commented vaccination mandates at this point in time is unacceptable; she appreciates the Board Members who see that; and she thanked them for not passing this.

Commissioner Lober stated he thinks it is a false equivalency to talk about mask mandates versus mandatory vaccinations for people; there is a huge difference in terms of the bodily integrity of someone; it is piercing someone's body; it is not talking about wearing something that at worst, is a little uncomfortable; people do not get anaphylaxis from wearing a mask or Guillain-Barre syndrome; and there was an actual Firefighter who got Guillain-Barre as a result of the shot. He explained that is, from his understanding, when the immune system starts attacking the body's nerves; he noted there are real potential risks, and it is not to say they are common or that they outweigh the benefit, but no one dies from wearing a mask; and there is no equivalence between saying that someone that supports people being responsible and wearing a mask, either on or off the job, that they ought to support people being vaccinated, where there really are genuine risks, even if there are good benefits. He went on to say he thought he heard something or something was misstated a couple times; he heard that Maria Stahl suggested that Firefighters or First Responders not getting vaccinated might result in the

deaths of one or more citizens; then he heard that conflated to will result in the deaths and will cause the deaths; he does not have the data; he has not heard from Commissioner Tobia any percent of the immunity that people get, as far as being carriers or able to transmit to others; he is not a scientist, but he has had conversations with enough of them to talk about this mucosal immunity; and he explained people are not getting the vaccine in the nose, and from what he understands, the immune system is mounting more of a systemic response. He continued by saying it is not necessarily doing the same job at preventing the virus from attaching to those very areas, making people wear masks and people choosing to wear masks to avoid transmitting it from; it is not jumping out of a person's blood from a science fiction mechanism, it is generally coming from a person's nose or mouth and infecting people; and it is not that he is disregarding the data or that he does not believe the data, he just has not seen an substantial data from any decent sized study that shows there is any particular percentage reducing the transmissibility for getting this. He stated he had a conversation with his brother who lives in Dallas and has two small children; they have had a lot of COVID problems there; he usually travels there at least twice a year to see his two nieces; in the conversations he asked his brother would he mind he and his wife came for a visit, after receiving their second shots and a couple weeks to build up the immunity; his brother's response was asking if he had knowledge if someone could still carry the virus after being vaccinated; he mentioned that it makes sense that the vaccine could keep those who vaccinated safe, but does it prevent them from carrying it to others; and he does not know the answer to that. He stated therefore, he has not seen his nieces; when his time is up to be vaccinated, he will be vaccinated; if there is no data to show that he cannot turn around and transmit it to them, then it will be awhile longer before he sees his family; and he does not like it, but it is what it is. He pointed out saying that vaccines are effective is great when talking about preventing someone from being put on a ventilator or dying as a result of COVID, but he has not heard from anyone based on any science, that vaccines are effective at preventing people from transmitting it to others; to him he has moral and ethical problems mandating it even with that factored in, assuming that is approved at some point in the future; and it is not even worth considering before getting to that. He commented as far as the line of questioning that went to Lieutenant Bramson, he is not going to ask people to live in a bubble; if he did not want the Firefighters to have any chance of transmitting anything to anyone ever he would tell them to walk around in a hazmat suit, but that is not reasonable; people have to be allowed to make certain decisions for themselves; and for him he does not have a problem telling Firefighters they have to wear a mask, but he is not going to tell them to stick something in their arm that they did not know they were going to be made to do when they were hired. He added he personally has less of a concern that it has not received full Federal Drug Administration (FDA) authorization that a normal vaccine would; he is not going to allow that to dissuade himself from being vaccinated; but he cannot force his risk tolerance on other people like that; he does not think that is appropriate; and even though the severe side effects are uncommon, he has heard that 30 plus percent of people who receive the second dose of Moderna, have some form of a side effect, whether it be a sore arm or a degree higher in body temperature; he would be fine with that if it happened to him, because it was his choice; and he reiterated he cannot make other people do that especially when there is no evidence to suggest any particular improvement in reducing the transmissibility. He mentioned he does not want the Firefighters to get sick, but he cannot make them do something to put virus-tolerance on them when there is absolutely no proven benefit in terms of the transmissibility.

Commissioner Zonka stated that was long; Commissioner Lober sort of said a couple of the points that she had written down; the line of questioning to Mr. Bramson was unfortunate, because she thinks there were a lot of leading questions that kind of put him in a box; he cannot speak as an individual versus being a Union representative, so that was not really fair; the email from Maria Stahl was prefaced with a very leading email, "could" this result in the



death of a resident, and her response was it “could”; she mentioned she could get into a car accident by just getting into her car; she is not diminishing it at all, COVID is serious business, and that is why she was vaccinated; she took the risk, but that was a risk she chose to take, not a risk that an employer made her take; and that is her big crux of all of this. She noted this is not talk about Polio, it is entirely different; it is a different type of vaccine; it is a messenger Ribonucleic Acid (mRNA) vaccine, and that is whole other set of very long-winded discussions that people probably do not want to hear; there is no guarantee on transmission, and she thinks that is a big deal; a lot of the Firefighters have been out due to exposure, due to being sick with COVID themselves; there is nothing they could have done to prevent that; what is the policy going to be on that if someone is vaccinated; she still wears her mask to every public place she attends, by choice, and sometimes by requirement depending on what building she is in; she asked that everyone be responsible; it is a personal decision to get the vaccine; and people can make an educated decision whether or not it is best for them or their family. She commented it was unfortunate the way the discussion went; and the Firefighter’s Association President’s letter, that Mr. Bramson did not have a chance to look at before he was hammered with questions, is asking that the Governor’s Association prioritize the EMT and Firefighters; and it is not asking for governments to place mandates.

Chair Pritchett mentioned the openness and freedom of speech here is a really good thing; it might not always be a comfortable conversation, but it is something that people should fight to maintain in this Country; a lot of times it comes under attack, but she thinks it is important for people to be allowed to say what they want to say; and people may not always agree with it, but it is important. She stated the mask and the vaccine are two different things, but she really disagrees with that; people say masks do not lower the oxygen rate; stick a towel over the mouth and see how long someone stays conscience; masks definitely have an effect on people; she has asthma, and it is very uncomfortable, but she still wears it because she does not want to panic other people; and she just does not feel good about mandating anything to anyone. She commented it is hard to mandate personal responsibility; people are going to have to pay attention to what they think they should do; she thinks everybody should get vaccinated, but she is old enough and spent enough time being really sick through her life, that she decided she is not doing it any longer; it is hard to get people to get the flu shot; and this stuff works. She advised she is going to give a motherly talk; she stated out of all the medical advancements she thinks vaccines are amazing; they actually help people to build up their own immunity; people are afraid of things and they cannot be made to do things; she totally understands that, but she would encourage people to not be afraid and to take the risk; and she will do it as well. She commented there are about 33 percent of Firefighters that are good to go; that leaves another 66 percent; she would ask the Firefighters if they are truly afraid of the shot, that they come up with something to reduce the exposure cost, because if one person gets exposed it just makes everybody quarantine; the County has got to get this economy up and going and she thinks the vaccine is a good shot of doing that; 70 percent of every office she is working in has had COVID, and 70 percent of her family, that she is around all the time, has had COVID; she is one of the 30 percent that has not; and watching people go through this, it is very painful. She noted everybody has been healthy enough that no one has had severe longtime effects with it, but they were all really sick for a couple of weeks; she has one daughter that is a really big baby, and it was tough for her to take care of her daughter; if she gets a little scratch it is terrible, so imagine how bad COVID was for her; and she asked that people reconsider that and think about maybe ways to up the game as far as being able to stop the spread of this; and she knows that Commissioner Smith has had his vaccines, but the rest of the Board is not qualified for it yet.

Commissioner Smith joked with Commissioner Pritchett by saying, “I beg your pardon”; and he asked if she was suggesting that he is old.

Chair Pritchett noted Commissioner Smith is awful dapper; and she just wants to encourage everyone to maybe reconsider, because it is a good tool; but it is their choice.

Commissioner Tobia stated he certainly does not want to put the Board in the same position that the First Responders will be putting residents in, that is just not fair; and he is not going to make that motion.

## **K. PUBLIC COMMENTS**

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

Commissioner Lober stated he wants to thank Commissioner Tobia for bringing that Item up; he completely disagrees with the direction he was going with it, but he respects the fact that he was willing to do something that he must have known was going to be wildly unpopular, because he believed it was the right thing to do; he does not want Commissioner Tobia or anyone else to be discouraged to bring items like that; there is a chance that what may seem crazy to someone on one occasion may not strike someone else that way; and if there is something that comes up in the future, he would encourage the Board Member to put it on the Agenda. He added he thinks it is good to strive to make big change when there are new and novel issues that come up.

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

Commissioner Tobia advised he is going to put something up for discussion at the next meeting, so he want to give the Board a heads up on the process of redistricting; he knows many of the Board Members have started to make their nominations and thankfully they have all gone through; maybe staff can provide the Board with a timeline; he knows it is not staff's fault that they are so far behind at the Federal level getting that new data for them to even begin any of this stuff; however he has received some calls from his nominees and others. He asked the Board if it could have a five or 10 minute discussion on that; he just wanted to put it out there; he wants to obviously have the discussion in public; and he noted it will be on the Agenda next time, but he will not be asking for anything, just a discussion.

Chair Pritchett mentioned there is a lot of confusion out here.

Commissioner Tobia responded affirmatively; he stated if the Board is all on the same page, he knows it is very hard to keep saying they are waiting on the Federal Government; they are on top of it, and that there is nothing that the Board can do; and he noted the Board is just waiting on the key component right now.

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

Commissioner Smith stated as the representative on the Central Florida Expressway (CFX) Authority, he just wanted to provide an update; he has talked to the Board before about the visitor toll pass; neither is a self-serve visitor toll pass; there are vending machines at the airport or a visitor pass can be reserved with an Iphone or an Android phone; they have made the return very easy; there is a toll pass drop box at the Orlando International Airport; or people have the option to mail it back in. He noted they are the first in the world to do this type of thing; it has a benefit to the visitors, because they get a 20 percent discount on their toll pass versus going through a rental agency where they get administrative fees tacked on and pay full price; and he asked if his Powerpoint is available. He read through the slides pointing out it gives a review of the funds that are generated through the tolls of the CFX; the year to date budget was almost \$181 million, with actual to date being \$237 million, and that is a variance of 31 percent over what was anticipated; they were at the same disadvantage everyone else is with COVID; they did not know what affect it would have on the amount of people driving on the

roads; for example the first month after COVID struck, tolls were down 59 percent in one month; and that is huge. He continued by saying driving in the Orlando area in April was like driving in Orlando 30 years ago; there was not anybody on the road; they hired an outside company to come up with the projections; and as can be seen, they have exceeded their projections all the way through. He noted the numbers are fairly impressive; net revenues after debt service is \$92 million which is a 185 increase over what the projection was; the work plan expenses were \$250 million and that was \$58,000 under their projection; and they were above projections by 22 percent on that. He stated in short, they have 864 days of cash on hand; a reserve balance of \$164,472,000 in the bank; they have construction fund cash on hand of \$368 million; and the short version is they have lots of money. He asked for prayers for his Chief Aide, Pat Woodard and his family, as Pat is having emergency surgery this afternoon.

ADJOURN

Upon consensus of the Board, the meeting adjourned at 12:12 p.m.

ATTEST:

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RACHEL M. SADOFF, CLERK

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