

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, April 20, 2021

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 am

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 Bryan Lober, District 2

Commissioner Lober led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: December 3, 2020 Zoning

The Board approved the December 3, 2020, zoning meeting minutes.

E.1. Resolution Proclaiming May 2021 as Older Americans Month (D5)

Commissioner Zonka expressed she was excited about this resolution; she thanked Charlie Buchanan for his attendance; she went on to say the Board is recognizing Mr. Buchanan for Older Americans Month; she received the nomination that was submitted by Judy Healey; and she commented that she will try to get through reading it without any tears, because it is awesome. She read aloud Judy Healey's nomination, "Let me tell you about Charlie. He is 94-years old and lives alone in Melbourne Village. He can be seen walking the trails there and talking to neighbors. Residents of Melbourne Village all serve on Community committees, and so they get to know their neighbors over the years. Charlie's attitude has always been positive. As the youngest child of a farm family in Mississippi during the Depression, he learned early to be a good sport and to laugh off assaults by turning them into a joke. His attitude served him well when he joined the Navy during World War II as a 17-year old college Freshman. He served two years in the Pacific until the war ended, so he was able to return to Mississippi, obtain a college degree, marry, and move to Florida. In 1957, he moved his young family from West Palm Beach to Eau Gallie and started an air conditioning business, Tropic Air. For 40 years, Charlie enjoyed business success, but mostly enjoyed going into homes and getting to know the customers before solving their problems. When the company merged, in 1988, with Able Air, Charlie decided to continue working as a salesman until his wife's needs dictated his retirement at age 79. His wife, Bess, slowly declined in health due to a long struggle with Alzheimer's Disease, which landed her in bed for the last 1.5 years of her life. Charlie had her bed in the living room and kept her clean, fed, and loved with the help of Hospice Friends until her death in 2011. Charlie was often asked why he did not just put her in a nursing home, and at the end he would just reply, "Bess took care of me for fifty years, and I thought it was time to step up and do the same." Charlie continues to attend the church he was a charter member of in 1960, Central Baptist Church of Melbourne, where he and Bess taught Sunday School for 50 years. He also anchored the bass section of the choir for at least that long. He enjoys the weekly Men in Motion lunch and the fellowship of men of all ages who come from around the area. When Pro-Health of Melbourne closed its exercise class, Charlie found another gym for his Silver Sneakers friends and put the word out. Many have joined him. He is now the top recruiter at the gym. Those who know Charlie know they can count on him to bring homemade ice cream to any party, which is second to none. He claims, as the youngest child, he only got to lick the spoon when he had some cream, so he is making up for that now. Resilience and strength would describe Charlie. He has bounced back most recently from a broken femur, and injured hand, and most recently a broken shoulder. His return to the gym each time was cause for celebration for his classmates. He is a reader, although not as fast as before since sitting causes sleep. He is a self-admitted mangoholic and has a very beautiful tree that yields more fruit every year. He is a Jesus-lover and has no fear of dying, but he sure enjoys living. His interest in everyone he meets is evident and meaningful, and his connections to former customers and co-workers continues to this day."; and she stated Judy Healey was proud to nominate Charlie Buchanan for recognition during Older Americans Month.

Commissioner Zonka read aloud, and the Board adopted Resolution No. 21 043, recognizing May 2021 as Older Americans Month.

Mr. Buchanan expressed he was grateful for this honor; he has been a resident of Brevard County since 1957, and so he feels right at home here; and he thanked the Board for this special occasion.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Curt Smith

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

F.1. Board finding of public purpose; Board and District approval of a loan from the County's Property and Casualty Insurance Program Reserves to the Mosquito Control District for \$1,000,000

The Board approved finding a public purpose and approved loaning from the County's Property and Casualty Insurance Program to the Mosquito Control District a loan for \$1,000,000; authorized the County Manager to execute any necessary documentation for the loan; authorized the County Manager to approve all necessary Budget Change Requests; and authorized the District to receive \$1,000,000 loan from the County.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

F.2. An Appointment to the Save Our Indian River Lagoon Citizen Oversight Committee

The Board approved appointing Mr. David Sherrer to the Technology Alternate seat on the Save Our Indian River Lagoon Citizen Oversight Committee.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

F.4. Final Plat Approval, Re: Viera Boulevard Commercial Center III (20FM00015) (District 4)

Developer: The Viera Company

The Board executed and granted Final Plat approval for Viera Boulevard Commercial Center III - The Viera Company, subject to minor engineering changes as applicable, and developer is responsible for obtaining all other necessary jurisdictional permits.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

**F.5. Final Plat and Contract Approval, Re: Ivanhoe Drive Extension - Segment A (20FM00010) (District 4)
Developer: The Viera Company**

The Board executed and granted Final Plat approval for Ivanhoe Drive Extension, Segment A – The Viera Company; and executed and approved the Contract, subject to minor engineering changes as applicable and developer is responsible for obtaining all other necessary jurisdictional permits.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

F.7. Approval regarding Transportation Impact Fee Technical Advisory Committee for the South Mainland Benefit District Project Funding Recommendation (Districts 3,4, and 5)

The Board approved the project funding recommendation in the amount of \$20,000, prepared by the Technical Advisory Committee for the South Mainland Benefit District on March 17, 2021; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing this appropriation.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

F.8. Approval Re: Extension to Traffic Operations Fiber Optics Construction, Rehabilitation, Maintenance, and Emergency Repair Contracts

The Board approved extending the existing Traffic Operations Fiber Optics Construction, Rehabilitation, Maintenance, and Emergency Repair contracts with Advanced Cabling Solutions, Inc. and Precision Contracting Services, Inc. for an additional three months.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

F.9. Permission to accept the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer from the FAA

The Board granted permission and authorized staff to accept grant funds delegated to Valkaria Airport through the Federal ACRGP; authorized the Chair or County Manager to execute this application and other documentation on behalf of the County in this regard; and approved all necessary financial/budget adjustments.

Result: APPROVED

Mover: Kristine Zonka

Secunder: Bryan Lober

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

F.10. Approval of Budget Change Requests

The Board approved the Budget Change Requests.

Result: APPROVED

Mover: Kristine Zonka

Seconded: Bryan Lober

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

F.11. Request permission to issue an RFP for Group Health Plan.

The Board authorized the office of Human Resources/Employee Benefits to release an Request for Proposal (RFP) for a Group Health program for plan year 2022; and authorized the Employee Benefits Insurance Advisory Committee (EBIAC) to act as the Selection Committee to evaluate proposals to make recommendations to the Board on the requested RFP.

Result: APPROVED

Mover: Kristine Zonka

Seconded: Bryan Lober

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

G. PUBLIC COMMENTS

Sandra Sullivan stated the turtle hat she is wearing is reserved for special occasions; she went on to say that Hightower and Pelican Beach Parks are important for tourism and all of Brevard residents who use these parks; these land acquisitions were prioritized by the County and State, because half of all Sea Turtle nesting is in Brevard County; and Hightower Beach Park is second, only to Archie Carr Refuge, in nesting and was created to be a dark, undisturbed beach for the preservation of green Sea turtles. She asserted that it is simply wrong that the City's intent is to monetize Hightower Preserve with an intensity hotel and Sky Bridge; the Federal LW 541 Agreement requires County consent and the restricted use to public, open space with limited recreation and conservation use in perpetuity; she urged the County to do the right thing by taking back these parks it gave the City in good faith; to act as a checks and balances may cause a domino effect for other levels of government to do the same; and she respectfully requests the Board to place on the Agenda a vote to enforce a legal remedy regarding the two deed violations. She continued by reading aloud the County's Interlocal Agreement, "it shall, at the option of the County, become null and void upon 30 days written notice to the city, and the property shall revert back to the County."; she read aloud the July 18, 2019 County's Legal Opinion in regards to the offense of Sky Bridge putting commercial use into the preserve, "a restricted access crossover landing would violate the intent of the Resolution, the corresponding Interlocal Agreement, and the restrictive covenants contained in the County deed, March 20, 2012."; she noted that she came to the Board meeting on December 22, 2020 to discuss Satellite Beach's Differential Parking fees; and the County's Legal Counsel determined the annual Parking Pass Program violates the terms of the current deed restrictions. She stated that the City's response was to request the County to release offending covenants; fortunately, some parcels in the park were acquired under the Save the Coast Program; she read aloud the Florida State Sublease Agreement No. 3485, acquired, "All user fees with subleases may wish to impose shall be uniformly imposed among users, regardless of the political jurisdiction in which the user may reside."; she added that releasing the covenants may likely cost the County more for sand renourishment; and she requested the Board place this matter on the Agenda for a vote to enforce a legal remedy.

Commissioner Lober informed Ms. Sullivan that he has a meeting with one of the City Council's

members and the City Manager; he will also set up a meeting with Congressman Bill Posey; he stated, when it comes to specifically what is done with particular parks, his general rule of thumb is to leave it up to the individual Commissioner in whose District the park is located; when it comes to something such as, Differential Parking fees, that has an impact beyond the particular District; and that is something that can affect, not only his constituents, but all the constituents across the County. He commented that he did not think only District 2 constituents were at Lori Wilson Park this past weekend; he advised that Hightower Park does not only attract District 4 constituents; he noted that the Differential Parking fees are a concern of his; he is going to speak with them to see where they are at with it; and he does not have any problem bringing up some of the other concerns when he meets with them.

Nathan Slusher, Libertarian Party of Brevard Director, stated he wanted to speak on a continuation of a conversation from the last Board meeting in regards to the American Rescue Plan Act (ARPA) funds, and his organization has an idea to present to the Board; he mentioned that, first and foremost, the Libertarian Party of Brevard believes that Brevard County is one of the best Counties in the State; his organization does not want the County to accept Federal funds that come with strings attached; and if the Board does not believe in refusing it, then his organization has an idea to help the County stay strong. He explained that his organization asked itself how could the money best be used to help citizens without being a direct cause of inflation; the answer it came up with is focusing on the small businesses; he recalled, at the last meeting, the County Manager explained that the money could be used as revenue replacement; his organization would like to suggest the idea of using the money to replace the revenue of business tax receipt dollars and County level occupational licenses for the next 12 to 36 months or whatever budget allows; and this gives the businesses that were affected by COVID-19 a jump or a start for new businesses. He clarified that his organization is not suggesting a Small Business Grant nor suggesting an assistance program that has qualifications; his organization is literally suggesting to remove the cost and replace the revenue with no questions asked; he asserted that small businesses are the most important infrastructure of any economy, and his organization wants the County to outlast what is feared to come; and a side effect of this suggestion is it would cause more small businesses to start up once people start realizing the legal costs are covered. He added that it would not necessarily be a bad thing; if the County sees this to be successful or even generate positive revenue in the long run, his organization would also like to suggest using the money to cover State costs for Brevard County residents to help keep businesses going strong through what his organization believes may be coming in the future; and he indicated that Titusville City Council, for the record, did approve a program like this on April 11, at its last meeting, where the cost of business tax receipts are covered until the end of 2021 for small businesses in Titusville.

Sofia Mazo stated on November 13, 2020, Deputy Santiago-Miranda shot two teenagers in Cocoa; those boys, baby boys, are A.J. Crooms and Sincere Pierce; she is certain that the Board is aware of this, because she is not the first person to speak to the Board about it; and what she is not certain of is why there has not been any action taken to remedy this situation or the pattern of violence that has been observed from Brevard County Sheriff's Office (BCSO). She continued by saying ideally the Board respects its constituents enough to hear their concerns and take action on their behalf, but at a minimum the Board respects their right to breathe; there are still no answers; the Florida Department of Law Enforcement (FDLE) has turned over the case, yet there is nothing from State Attorney, Phil Archer; Deputy Santiago-Miranda, someone who should not even be on the force, is still on administrative leave; and this means that taxpayers, including the family of A.J. and Sincere, are still paying to employ someone who has been repeatedly reprimanded for violent behavior, yet still wore a badge as he gunned down two teenagers. She commented that she can only imagine the pain

that A.J. and Sincere's families are feeling; she has seen some of it first hand; in fact, Ms. Cynthia Green, one of the boys' grandma, gave an emotional plea last week at Cocoa's City Council meeting; the Council decided to write a letter to the State Attorney's Office requesting answers for the family and the community; and she is ultimately here to ask the Board if it can do the same thing by writing a letter on behalf of A.J. and Sincere to the State Attorney.

Commissioner Lober asserted that he is aware that this is a hot button issue; he is certain that he will offend some people and others may like what he has to say, but he is going to say it anyway, because it is what he believes; the fact of the matter is, he is not certain what the State Attorney's Office is going to release; he has no question at all that they are going to release something; and he does not think it is going to be two years from now. He continued by saying the bottom line is it would be totally inappropriate for the Board, as a County body, to try to influence a criminal investigation; certainly it would be great to have it run quickly, but he would rather it be done thoroughly so that they do as good of a job as they possibly can; in this country, the fact of the matter is, he has done plenty of defense work over the past decade in this County to know, due process has to be allowed to run its proper and Constitutional course; and skipping due process and going straight to conviction, while it may seem great in particular circumstances, and perhaps this is one of them for a lot folks, the long term and precedential ramifications of that would be horrible for everyone. He stated he did not have an opinion in terms of what took place or whether or not it was something criminal or not criminal, because he has not seen all the evidence the State Attorney's Office has seen; he noted that he has a gut-level instinct, but his gut-level instinct does not supplant or do away with due process; and he empathizes with the fact that this is taking longer than what a lot of folks would like to see, even longer than he would like to see, but he is not in a position where he thinks it is appropriate for him to start breaching the separation of powers by telling the State Attorney's Office to go ahead, skip it, and get this guy tried based on an outside influence that does not necessarily know what it being investigated, except for what they have seen on a video, and do not know what else is involved. He stressed that makes him very uneasy, as someone who is concerned about everyone's rights, including the rights of the families that are now suffering as result of the unfortunate circumstances that took place; he urged the residents to give it time to allow the process to run its course; if one appreciates the outcome, that is wonderful; and if one does not appreciate the outcome then there are ways to voice one's opinion at that point, but he thinks it is premature right now.

Gail Oliveto expressed she and her husband were here to thank the Brevard County Fire Rescue (BCFR) for administering vaccines to them and her 94-year old mother; it was very frustrating for her to get on the websites; and sometimes she had three devices going at one time to get on and register, but she and her husband were treated so kindly and professionally at the facility where she and her husband had their shots.

John Oliveto concurred by saying the staff had wonderful personalities, were very efficient, and had great senses of humor; he mentioned that they could not wait to get back with his 93-year old grandmother again, which they both just received the second shot; and he wanted to thank them all.

Commissioner Pritchett thanked the Olivetos for that compliment; and she agreed the Board is proud of them also.

H.1. Grills Riverside Restaurant: Request for Public Interest Determination (PID) for Grills Riverside Seafood Deck & Tiki Bar (Grills) to allow impervious areas exceeding 30 percent of the required buffer area. (District 4).

The Chair called for a public hearing for a request for PID for Grills Riverside Seafood Deck

and Tiki Bar (Grills) to allow impervious areas exceeding 30 percent of the required buffer area.

Commissioner Smith stressed that he has given this a lot of thought; he has talked with numerous people; he has mixed feelings about it; and he is going to support it.

There being no further comments or objections, the Board approved the PID as requested by Joe Penovich, on behalf of EPH320, LLC, for Grills located at 6075 N. Highway 1, Melbourne to allow impervious areas exceeding 30 percent of the required buffer.

Result: APPROVED

Mover: Curt Smith

Secunder: Bryan Lober

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

Commissioner Tobia indicated that he looked at this, and he agrees by obviously voting in the affirmative, but he would like staff to examine Code and bring back options on eliminating the requirement for the Board to make the PID, if the work has been done to find out that the ancillary structure causes no negative impact on the Lagoon; he is aware that it is not necessary to come before the Board on a private residence, and he advised that the same courtesy should be extended to businesses; according to staff, applicants would save approximately three to four weeks, and it would also save time for staff to have it brought before the Board; and this would only pertain if there was no negative impact on the lagoon. He motioned to direct staff to examine Code and bring back options on limiting the requirement for the Board to make a PID where staff determines that there will be no deleterious impact on the Lagoon, including whether this can be accomplished through amending Brevard County Policy (BCC)-96.

Commissioner Lober proposed he would support a slight amendment to it; he suggested Commissioner Tobia is going in the right direction by ensuring there is no negative impact toward the Lagoon; he would also like staff to make sure there is no negative impact, as far as stormwater is concerned; and if Commissioner Tobia would include that modification he would go ahead and support it.

Commissioner Tobia replied he is not against that; however, the County has BCC-96; this could be slotted into it; this would just be an option, and staff could bring that back; if Commissioner Lober's idea was added to residential, he would not mind; but he would like to leave it the way it is, because it would be a heck of a lot cleaner if the Board could just slot it into the current Policy that is there.

Commissioner Lober inquired if Virginia Barker, Natural Resource Management Director, and staff consider Commissioner Tobia's suggestion to be sufficient; if they do not, he will not support it; and if they do, he will support it.

Darcie McGee, Natural Resources Management Assistant Director, verified that it would be reasonable; it exists for the residential criteria right now; staff will bring back BCC-96 to the Board for approval; staff will write it up for the Board to look at; if the Board wants to add or delete something, it would still have the opportunity; and staff could certainly include stormwater in there as well.

Commissioner Tobia pointed out if that was already in the residential then he would have no problem with it; and he explained he just wanted to keep it on parity.

Result: APPROVED

Mover: John Tobia

Seconder: Curt Smith

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

H.2. Ordinance Amending Section 6-3, Brevard County Code of Ordinances (Hours of Sale)

The Chair called for a public hearing for an Ordinance amending Section 6-3, Brevard County Code of Ordinances (Hours of Sale).

Commissioner Tobia stated nothing has changed since March 23 when the Board voted unanimously to move forward with this Ordinance; and he motioned to approve the Ordinance, as attached to the Agenda.

Commissioner Zonka seconded the motion.

Commissioner Lober indicated that he had every intention of supporting this as written; however, he had several individuals come forth to speak to him about this since the advertisement for it; he advised there is a real good middle ground that would accomplish approximately 98 percent of what the Board is wanting to get done today; one of the concerns that was brought up to him is if there are individuals getting out during the same time when school busses are picking up children or when kids are being driven to school, then it probably is not the best time to have drunks on the road; he suggested an alternative that extends it past the 7:00 a.m. to 2:00 a.m. hours that are currently permitted; and he proposed the hours extend all night on Friday and Saturday, but Sunday night through Monday morning, as well as the rest of the weekdays, except for the days he just referenced, extend the hours until 4:30 a.m. He explained this way the drunks would not be let out from the bars or leaving the bars inebriated at the same time children are on the road to school; he mentioned he spoke with Sheriff Ivey about it, and he is aware that this was a point of contention when it came up earlier; he confirmed that Sheriff Ivey is fine with either the original proposal or his suggestion, and he does not have a position between either proposal; he noted that he probably would not have asked Sheriff Ivey, except for the fact that his opinion was sought out during the original proposal; and he reiterated that on school nights the hours end at 4:30 a.m., and the rest of it be a free for all.

Commissioner Tobia stated he appreciated the amendment, but this is the first time he has heard it; and he would be more willing to support it if there is any data on it, even if it is one piece of data other than anecdotal conjecture, which is the best he can get at this point.

Commissioner Lober proposed if Commissioner Tobia will continue it, he will see if he can find something that is not anecdotal.

Commissioner Tobia apologized and said he came prepared to this meeting, and he expects everyone else to come prepared as well; he would not support that amendment at this time; and he motioned to approve the ordinance as attached to the Agenda.

Commissioner Smith asserted that if the Board approves this item today, Commissioner Lober can still provide Commissioner Tobia with some data, and he is sure that an amendment can be added at a later time; he is certain that Commissioner Tobia will be amenable to that; and he inquired if that was correct.

Commissioner Tobia replied if there is more than just anecdotal evidence.

Commissioner Smith explained that Commissioner Lober would have to come up with some data.

Commissioner Tobia responded affirmatively and explained if Commissioner Lober has reasonable, peer-reviewed data from an objective source that absolutely confirms that there are a substantial amount of drunks driving during those hours, then yes, he will be more than willing to make that amendment; and he does not have that data so he cannot make a decision based on conjecture at this point.

Commissioner Zonka stated that is a pretty big assumption to assume that not only people are choosing to drink until 7:30 a.m. or 8:00 a.m., but also that all bars will be open and everyone will be wasted when they leave at that hour; she explained that she just does not see it; she did not see how that would put anyone else in more danger than a bunch of soccer moms drinking on a back porch somewhere waiting to pick up their kids from soccer practice at five o'clock; and she reiterated that she just does not see it.

Commissioner Smith concurred.

Commissioner Zonka asserted that was a lot of assumptions; and she commented the stars would have to align eight different ways for there to be a road full of drunk people at 8 a.m.

Commissioner Smith agreed with Commissioner Zonka; he opined this is a solution in search of a problem that does not exist; but the other side of the coin is he does not see anything harmful about it.

Commissioner Zonka proclaimed Brevard is not even a bar County; she stressed that Brevard is not a party town; and she expressed to assume that all bars are open, that everyone is drinking, because nobody works or has to work on Monday morning, and that everyone is wasted leaving at the same time as the school busses is a big stretch.

Commissioner Smith commented that if the government keeps giving away money nobody will have to work.

Commissioner Zonka agreed.

Commissioner Lober stated he does not assume all the bars will be open; he felt that the mass majority of them will be closed; he does not think the roads will be full of drunks; however, he does assume there will be a very high likelihood there will be some people drunk from at least one, two, three, or four bars out of the more than 72-mile long County; his bottom line is there will be one additional drunk on the roads at a time when children are being transported to school; it is not just the children and the busses that he is concerned about; he is concerned about a mom or dad driving to school in a Mini-Cooper car; and if there is an accident and one kid is paralyzed or loses a limb on account of the Board's impatience, even though it had years and years with this restriction in place, because he has not done his homework, even though he predicted this would be controversial, and the Board could not continue the item for another two weeks and maintain the status quo, then that is a concern to him. He reiterated that he does not think everyone is going to go out drunk; he does not believe all the bars will be open; he asserted that he has a genuine concern and many of his constituents, or even constituents from other Districts, expressed their opinion to him, as well; he mentioned he can ask if some

of those constituents want to come in if the Board wants to hear from them; what started as something being more than anecdotal evidence seemed to have additional requirements piled on in response to Commissioner Smith's question; and he pointed out to Commissioner Smith if the Board passes this Item as it is written, the burden will then be on the Board to obtain a majority to modify it in any way. He reiterated that is his concern; if there is another way around it, and it could be passed with just two members, then that is wonderful; but if the Board votes in the affirmative today and votes in the negative later, it may not matter.

Chair Pritchett indicated that she does not necessarily disagree with Commissioner Lober on this; and she inquired if the Board passes this then do the bars close at all.

Commissioner Smith replied it is their choice.

Chair Pritchett commented that if someone has been drinking all night then he or she will probably hang out in the bar for a while, because he or she does not have to leave at that point; she expressed she understands Commissioner Lober's point; and it would not give her any heartburn to vote either way.

Commissioner Smith explained his nay vote by saying he did not see a reason to have to do it today; he suggested the Board can wait two weeks for Commissioner Lober to come up with his anecdotal evidence; and if Commissioner Tobia agrees or does not agree the Board could vote on it then.

Commissioner Lober thanked Commissioner Smith.

Chair Pritchett inquired what does she do if she wants to change her vote.

Commissioner Lober stated a motion to reconsider.

Chair Pritchett made the motion to reconsider.

Commissioner Lober seconded.

Commissioner Lober apologized, because he did not mean to vote nay for the motion to reconsider.

Chair Pritchett stated the Board was confusing her now.

Commissioner Zonka informed Chair Pritchett that Commissioner Lober voted nay; and her vote to reconsider was turned down.

Commissioner Lober apologized and said he voted incorrectly.

Commissioner Tobia stated a vote to reconsider is procedural, and if she makes that motion again he will change his vote to allow for reconsideration.

Chair Pritchett thanked Commissioner Tobia; and she explained that she tries to stick to Robert Rules of Order, but she is not always real good at it.

Commissioner Lober apologized and said he messed that up entirely.

Chair Pritchett asked for a motion to reconsider.

Commissioner Lober motioned to reconsider.

Commissioner Smith seconded.

Commissioner Tobia informed Chair Pritchett that she has to pass the gavel to make the motion herself.

Chair Pritchett inquired if she has to make the motion.

Commissioner Tobia replied unless someone else makes the motion, but she only has these two votes.

Chair Pritchett passed the gavel to Vice Chair Zonka.

Chair Pritchett noted that the Board does a modified Robert's Rules of Order, because it is stuck with her.

Commissioner Tobia expressed she is doing a good job.

Chair Pritchett thanked Commissioner Tobia; and she asked for a motion.

Commissioner Tobia informed Chair Pritchett that she has to make the motion.

Commissioner Zonka asked for a motion.

Commissioner Lober inquired if he should just move to table the Item.

Commissioner Zonka replied that is probably better.

Commissioner Lober motioned to table it, which would set aside the earlier vote that was taken in respect to this Item; and he inquired from Attorney Bentley, if that would work.

Eden Bentley, County Attorney, responded yes, and there needs to be a date certain, because it is an advertised ordinance.

Commissioner Tobia inquired from Attorney Bentley if there would be an additional cost to advertise it again.

Attorney Bentley replied the ad is very broad, so the Board can make this amendment without a new ad.

Commissioner Tobia thanked Attorney Bentley for doing it so broadly; and he expressed his appreciation.

There being no further comments or objections, the Board continued an ordinance amendment of Section 6-3, Brevard County Code of Ordinances, to the May 4, 2021, Board of County Commissioner meeting.

Result: APPROVED

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Nay: Tobia

H.3. Public Hearing, Re: Approval of Fire Assessment Rate Adjustment of up to thirty-five percent (35%).

The Chair called for a public hearing for approval of the Fire Assessment Rate Adjustment of up to 35 percent.

Matthew Wallace, Public Safety Director, read aloud Item H.3., public hearing for approval of fire assessment rate adjustment of up to 35 percent; he informed the Board he had a brief, four slide slideshow; he indicated Mark Schollmeyer, Fire Chief, and Scott Jurgensen, Deputy Fire Chief, are with him today; and he thanked the entire Fire Leadership Team for their hard work over the last year to get to this point. He stated at the March 9 Regular Commission meeting, the Board approved advertisement of today's public hearing to consider up to a 35 percent fire rate adjustment using existing approved fire assessment methodology with annual adjustments equal to changes in the Consumer Price Index (CPI) or three percent, whichever is less; the department has met all statutory requirements for public notification for this public hearing, with all actions in close coordination with the County Attorney's Office; and since the fire assessment was initially discussed and notified to the public, Brevard County Fire Rescue (BCFR) received over a hundred phone calls in regard to this fire adjustment. He pointed out that 80 percent of those calls were either positive, or the constituent had a better understanding of the need for a fire assessment; he noted Brevard County Fire (BCF) and BCFR were involved in responding to a downed World War II aircraft over the past weekend; it made an outstanding water landing off the coast of Patrick Air Force Base beach; and it also made National news. He went on to say that BCF and Ocean Rescues were one of the first crews on site, working hand in hand with Federal Emergency Responders from Patrick Air Force Base and the Coast Guard; the pilot was rescued and treated on site, and he was able to walk away from the downed aircraft with his life and no significant injuries; and he was able to return home to his family. He explained this is just one important reminder of the vital work the Fire Rescue Team does on a day-to-day basis; he pointed out the second slide reveals how the Department is at its current state; the most common question asked from the phone calls was why is a fire assessment needed; this slide is a good, graphical representation of the story of where the Department is at today; and it started back in 2008. He informed the Board that when it approved a fire assessment rate, it was 15 percent less than what was recommended; it was approved at that time with no additional increases; the recommendation was if a 15 percent reduction was approved, at that time, to include a 3.4 annual increase starting in Fiscal Year 2011 or year three of the fire assessment to close the gap between future revenues and expenses; and there would have been eight years of this annual increase had it been approved, but there was no increase in the fire assessment rate from Fiscal Years 2009 to 2019. He added that in 2018, the Board approved a fire assessment increase effective Fiscal Year 2019; the increased fire assessment rate was six percent in year one with an annual CPI increase or CPI, whichever was less, until an overall 15 percentage increase was reached; to date, the Department has executed 10.25 percent of the 15 percent previously approved by the Board in 2018, leaving 4.75 percent still to be realized; and the Board and staff discussed at that fire assessment meeting that there would be a need to revisit the fire assessment issue in 2021. He reported that the Department has survived these years by prioritizing the most critical operational, capital, and infrastructure needs on a year-to-year basis; he explained that he has broken down the Agenda Item into three parts or actions for ease of discussion, to be considered in any order that is most beneficial to the Board; action one would be for the Board to discuss the approval of the proposed rate options; options A and B have already been

discussed; option C would be for the Board to consider any other fire assessment rate less than 35 percent that was previously approved by the Board; and each option, as previously considered by the Board, would have an annual CPI increase or three percent, whichever is less. He stated that based on the recent discussions coming regarding this topic, the Board may wish to consider allocating revenue replacement funds that may become available through the American Rescue Plan Act (ARPA); across the staff, this amount is estimated to be about \$8.5 million; allocating this amount will reduce the determined fire assessment rate by four percentage points; this aggregate amount would essentially be the same over the seven-year period as compared to a higher fire assessment rate adjustment; the Department would allocate these funds incrementally over a seven-year period to cover those needed requirements; and if the Board decided as such, Staff would adjust the resolution accordingly while allocating these funds as they became available. He pointed out that option three would be for the Chair to approve the rate resolution, subject to the changes to reflect the Board's approval, upon review by the County Attorney; he thanked the Board for the opportunity to have this discussion; and both the fire team and he stand ready to answer any questions or concerns that the Board may have.

Chair Pritchett inquired if the Board, because of the amount of comment cards, will approve two minutes for public comments.

Commissioner Lober motioned to limit public comments to two minutes.

Commissioner Smith seconded.

Commissioner Lober stated he is aware that the constituents in District Two that have reached out to his office, all or at least all that have reached out 24 hours in advance, received pages and pages from him as to why this is necessary and unavoidable; he asserted that no one on the Board wants to increase costs for County residents; it is not politically beneficial for them or that the Board enjoys doing it; those that are paying into the millage, which he supposes is everyone, wants to pay more than necessary; it is not something that anyone is taking lightly; as the graph indicates, \$14 million has dwindled down to \$1 million in a dozen years; and it put the County in a horribly, precarious spot. He continued by saying that one bad storm or major natural disaster would put the Department in the negative; he stressed that the County needs to quintuple what it has in Reserves to get back in an area where there is any level of comfort, based on what other agencies do; the County will not reach that, doing what it is doing; there is no more money left in Reserves, except for approximately \$1 million; and that is not enough to continue Reserve spending. He expressed that, unfortunately, the can has been kicked down the road for a dozen years, and it is up to the Board to do the minimal amount necessary, or to kick it down the road again and leave it in some other Commission's lap, or to do the right thing to get the Department in a sustainable spot; he relayed a constituent's opinion as being taxed to death; he recognizes that this is something that will add to the cost of living for everyone that is going to face it; but the fact is a lot of the crews are at the bare minimum of what the national organizations recommend; and some of the national organizations were below the bare minimum for the number of emergency responders or first responders that are on the crew. He went on to say if the crews are cut, residents will not be dead from taxes, but because there are not enough proper crews; that is a very real concern for him; he added that there are infrastructure concerns that this would help with; there are huge attrition concerns between years zero and 10; there is a particular emphasis between zero and five; and the County is losing first responders left and right. He indicated that one of the District Chiefs, not even from his District, sent him a Facebook or text message showing one of the fire or District Chiefs from a competing organization was joking about Brevard County recruiting and training responders to have them stolen and pried away by another county, because that county

actually pays competitive wages; he is certain that no one on the Board is looking to making this a luxurious destination Department, where people are coming from all over the Country in order to make use of the wonderful benefits and the ungodly salary the County is paying; and he is seeking to get the County at least in the middle of the pack. He continued on by saying he understands that the County is in the middle of COVID-19; when he brought up the idea of using some of the ARPA funds to offset the impact, it was because he recognizes that the County is in the middle of COVID-19; he mentioned that he appreciates that Chair Pritchett spoke with County Management and came up with an amendment or modification of that, where it would be applied across the seven years; and he feels that is wonderful. He proposed that if he ends up being the Commissioner to make the motion at the end of this, and include in the motion to go forward with an inevitable increase, is going to be to use the ARPA funds to that maximum \$8.5 million amount to offset whatever can be offset; so whether it is going to be 35 percent otherwise, then that would be a 31 percent increase, in effect, over the term; he can affirm that the percentage is very high, but there is a cost to do business; and nothing has gotten cheaper over the long run. He pointed out that the County is not competitive with wages; if one looks at the percentage, it is important to factor in and keep in mind, that the County was not competitive at the beginning of this, and it is not now; there was an artificially low rate the County was charging, because of the pattern and practice of Reserve spending, if it were not for that, it would not be anywhere near this percentage; since the County has been paying less than what it cost to sustain that Department and to sustain current levels of service it is a higher percentage increase; and if the County charged what it actually costs just to maintain the level of service that has been received, it would not be as high a number. He continued that he knows a lot of people are fixated on the percentage, and he understands it is a high percentage; it is a sensational number; if one looks at what the end cost is if the full 35 percent is implemented, it is still less than a lot of the competing areas are; he feels it is important to bear in mind what it actually costs the County; he knows many people are probably negative towards this; and he is aware that people who are happy with how things are going, do not take time out to come to a 9:00 a.m. meeting. He read aloud an email that was sent to all the Commissioners, "I will not be able to attend the April 20 meeting. I wanted to send you a letter to express my opinion on the matter of a 35 percent increase in fire assessment. Although my husband and I are on a fixed income, we are in favor of the increase. We live in a 2,700 square- foot home. The increase for us would be a little over \$100 for the year. That increase only amounts to an extra \$8.60 a month. After reading most of the 27 pages of information on the Fire Department summary, it seems rather evident that the need is great and contributing that little extra would have a considerable long overdue impact. It is astounding how many calls are processed by dispatch and how many emergency response units are then deployed. The health and safety of our community should be paramount, and we should have well-trained firefighters. The equipment they use should be up to date, not 30 years old and requiring expensive repairs. Of note, in the summary, is the reference to attrition and the difficulty recruiting firefighters, because the pay is higher elsewhere. I think the term used was competitive wages. If we want to have well-qualified members of the Fire Department it only makes sense that they should have pay that is at least commensurate with other counties."; he mentioned that she goes on to talk about the risk of burn-out; he pointed out that the letter is the Cliff Notes Version; if anyone is interested, regardless of which direction this goes today, who wants copies of the documents that he has sent out to his constituents, whether if he or she resides in District 2 or otherwise, he is happy to send to him or her what justifies it to him; and the one item he did not want to focus on in the responses he provided to his constituents, but does bear worth mentioning, is the fact that the Board needs to get the Reserves up. He asserted that leaving the Reserves where they are is perilous; if any of the Commissioners have questions, he urges them to ask either Chief Schollmeyer or Colonel Wallace about it; he explained that having a million dollars in Reserve for a County with 600,000 people that is over 72 miles long is, maybe he will not go as far to say insane, but it is incredibly dangerous for the

County; and that is where he is at.

Linda Sperberg stated she is at the Board meeting to thank the Fire Department for everything it has done for her husband last April; he went into cardiac arrest; unbeknownst to her, he had a blood clot go into his heart; in the process BCFR revived him three times, gave him seven vials of epinephrine, and did an incredible job; one of her neighbors, a retired Emergency Room (ER) nurse, was amazed; her neighbor had never seen the kind of response that they gave; this is what the County needs; this is the sort of thing that makes Brevard County special; and she thanked the BCFR for everything it did for her husband.

John Cooper reported he was opposed to the fire special assessment; he advised any increase is unwarranted, and a 35 percent increase is outrageous; he would rather take the \$200 that is proposed he spend each year and buy fire extinguishers for his home and upgrade his own home fire system rather than paying for a service that he has never used in his 65 years of life and does not intend to use; he keeps his house safe and does not need to pay this money; and he referenced an article from the Washington Post, dated September 4, 2015. He pointed out from the article, that there is half as many fires as there were 30 years ago but about 50 percent more people being paid to fight them; the demand is plummeting, because of the fire codes and things; he advised that any increase is unacceptable to him; and if the Fire Department believes it needs to save some money, it should close the firehouse next to him, and he will take care of his own fire needs.

Rick Heffelfinger related that he has come to the Board about this in the past; he opposes it, because it seems like an incredibly high number; he recognizes there may be some problems with the firefighters' salaries, and he is sensitive to that; and he has an alternate proposal of 15 percent. He went on to say that 15 percent is a lot different than 29 or 35 percent; 15 percent would come from taxpayers, and 5 percent should come from the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds or the stimulus money; a lump of money can be passed out for 5 percent bonuses to encourage the young firefighters with sign-on bonuses; another idea is to give a follow-up bonus after the second year; it is not giving them a base increase, but it is at least giving them something to try to hold them there; and 15 percent is quite a bit of money when one talks about the size of the assessment today. He asserted that it gives nine percent of growth across the entire salary budget; he advised there is plenty of money in 15 percent, and 5 percent is an extra that gets the Department up to 20 percent; although 20 percent is still short 9 percent, all of the infrastructure, the capital, and the Reserve could be funded from the stimulus; there is already a leftover 11.9 percent floating around from CARES funds; he is aware that it is targeted for Emergency Medical Services (EMS); he noted that Commissioner Tobia informed the Board that the ambulances park in firehouses; and he explained if the County has money to put into infrastructure, the County can fix fire houses with the money that EMS received from CARES funds.

Brian Fleming, Libertarian Party of Brevard County Chair, informed the Board his organization is opposed to the 35 percent increase of the fire assessment tax for unincorporated Brevard; when his organization heard of this increase, they did their due diligence and started thinking of the reasons for an increase; they read the proposal, and discovered it has zero specifics as to the exact cost the increase would cover; it generally stated it would increase salaries and refill the Reserve coffers; and they had questions. He inquired how much salaries will increase, what rate will the Reserve coffers be refilled, and will the cost of living increase if there are artificial pay increases, thereby eliminating the solution that the Board intends to help; he inquired if there are other solutions to this problem; he advised he is aware that unincorporated Brevard includes the municipal municipalities of Grant Valkaria, Melbourne Village, Palm Shores, and West Melbourne; and he quoted John Ditmore, Deputy Mayor of West Melbourne,

from a March 29, 2020 meeting, “the costs seem to exceed the value of what we are paying for. We have to take a look at doing this ourselves to see if it is more cost effective.” He continued to quote Commissioner Tobia, “I think it is very conservative of West Melbourne’s, Hal Rose, and the City Council to consider alternatives when the County is looking at raising fees 29 to 35 percent on its residents and provide no additional coverage. I fully support them in investigating what is best for their residents. This Commission needs to work within its set budget.” ; he noted his party’s platform is against aggressive taxation, but it seems the County is giving more breaks to businesses than to residents; he inquired how many businesses in this County do not pay the fire assessment tax; and he pointed out there is a motion to approve a tax break for Dark Storm to entice them to move their headquarters to Brevard, but who makes up the differences for their services. He commented that since his party is a party of solutions and not just complaining, he offered solutions that are in no particular order; one solution is to transfer fire support from unincorporated to West Melbourne; another solution is to perform a financial audit of the Fire Department and see where spending can be reduced or cut; third, is to perform a services audit of the Fire Department and discover where services can be reduced or cut; an additional solution is to stop handing out tax abatements to new developers in business; and lastly, research the privatization of larger areas of coverage, as in Scottsdale, Arizona.

Jeanne Whealton informed the Board that on July 27, her husband, Dennis, gave her an engagement ring; on July 28, Dennis had a heart attack, a full cardiac arrest; he has never had any heart problems that he knew of; she gave him Cardiac Pulmonary Resuscitation (CPR) until the paramedics came; and if it were not for the dispatcher and the BCFR Engine 83, her husband would not be here today. She went on to say that she could only do CPR; the men and women of the rescue team stabilized him and brought him back to life with their equipment; he was transported to the Holmes Heart Center, where he spent 18 days; he had triple by-pass surgery, because he had three arteries that were blocked; and her question for the Board is how much is a human life worth. She inquired what is the worth of the Commissioners’ wife, daughter, or son’s life; the rescue workers are out on the roads all of the time; she noted that she is aware that the Board deals with budgets, but 35 percent is nothing when it compares to one’s human loved one; the Department’s budget should be increased at least 35 percent; and she inquired what is a \$100 a year per family when a loved one’s life is at stake. She expressed that she just met her husband; he is the love of her life; he promised her 20 years; and she said that while she was giving him CPR, that he promised her 20 years, and she wants those 20 years. She reported that the Department’s service and dedication is phenomenal; the first responders were there that day to help her, and she could not ask for anything else; they were outstanding people; and she thanked God and the men and women that were there that day to help her and her husband, Dennis.

Dennis Whealton stated, as has been relayed, he suffered a cardiac arrest; he expressed that, fortunately, his wife was there to keep him on a thread until the distinguished individual showed up with their technicians and their equipment and brought him back; he can honestly say that it is much nicer on this side of the grass than the other side, because he was on the other side; he actually died; he declared that for those who have fire extinguishers to save their house, he wished them luck, because that would not have worked in his case; and he feels fortunate that the County has a crew that is dedicated and skilled, who actually do care. He went on to say that they run to the sound of death and destruction; it is not easy to do; the general public does appreciate their work, because people only need them when they need them; but when they need them they need them now. He indicated, that in regards to the proposed increase, the Board is just unlucky; the County has made a paradise, and people keep coming; he inquired what can the Board do; expansion and building has to happen; resources have to be available; the County is a victim of its own success; and the residents do not mind paying, because it is

worth it to live in paradise.

Daniel Murphy informed Commissioner Lober that he met him 2 years ago; he pointed out that he is being taxed for no fire service; the Insurance Services Office (ISO) rating in his unincorporated South Cocoa Beach is either a nine or ten; what he would like to see done, for the money he is paying, is to have service; he mentioned that he contacted the City of Cocoa Beach, and it is offering an autoimmune response; he also talked to the City Clerk three days ago; and the City wants to be paid 40 percent of the revenue that the County is presently collecting in the fire assessment. He noted that leaves the Board with 60 percent for the Department to use; the City of Cocoa Beach will agree; it wants to hire three firemen; it will have an auto response; all the good comments about the firefighters coming to save lives and put out fires will work; he reported that right now it is a maybe; and his neighborhood has lost two houses in the past 30 years that were complete losses. He indicated that this fire service comes from Satellite Beach; it is seven miles away; the only time Cocoa Beach will respond is if the other asks for help; that is a human intervention; and to him, that takes time. He revealed that he has talked with Commissioner Lober about it; he requests that if the County is going to tax his community for the fire service, then give them the fire service that they are paying for; he requests the Board look into offering Cocoa Beach an autoimmune response; and he advised the money will be well spent if the Board is considering 40 percent of the revenue.

Michael Berry expressed that if he went to his wife and told her he needed a 35 percent increase on his monthly mad money stipend that he receives, she would ask what does he want the money for; if he replied to her that over the past 10 years she should have given him more, and he is trying to make up for it now, then she would probably ask again what does he want the money for; he supposes that in the letter, that the Commission sent out, it stated the monies were not accounted for; there was no audit; and there was no supposed budget and budget items. He stated that he spent 30 years in the Army and 15 years as a Senior Executive with the Defense Intelligence Agency (DIA); in every unit of the Army he was in and every entity in the DIA he was in, a yearly budget projection was crafted for what they were going to need; salaries were not considered so much in the Army, but equipment, operational costs, transportation costs, DIA bonuses, and what was needed to spend money on, etcetera was considered; and his take on the letter he received is this has never been done. He stressed that the Department may need to sit down and crunch the numbers to say how much money is needed; he asserted that should be done and made public to justify a 35 percent increase; the Department ought to say what is needed and where the money is being spent; and residents do not know, based upon the letter that was received, if there was any fraud, waste, or abuse. He inquired if there was \$35 million and \$1.5 million for COVID-19, where did the money go; if it went to salaries he is okay with that; he is all in favor of it; he was a combat medic in Vietnam, so he knows what the rescuers go through when they go out on a call; and he concluded that residents ought to know what the money is being spent on.

Ronald Reed addressed the Board by saying his concern is very simple; when he sees a 35 percent increase in anything, he also knows his Social Security Check has not increased 35 percent, and his 3M Pension Check is flat; he explained that he has been very good at investing, so he is a millionaire now, but he has invested aggressively his entire life; he pointed out that when he sees 35 percent increase that tells him, as a former business man, that up to this point, somebody has not been doing his job; and now the Board is trying to make up for the sins of the past. He continued on by saying that whoever was responsible for allocating the money to the Fire Department has not been doing his or her job for the last 10 years; now all of a sudden, the County needs a 35 percent increase; it may be justified, because the letter did not go into detail; he would love to see the detail of where the extra money is going to go; and giving any government body a chunk of money is crazy and beyond stupid. He reported that

the evidence is not good when looking at the history of mismanagement between Federal, State, and the local bodies of government; he stressed that the residents are going to see more of it; and he reiterated that maybe the money is justified, but he would like to see justification in why that amount is needed.

Margaret Richardson stated she and her husband are residents of Lakeland, Florida, but her husband was saved here in Brevard County; on June 1, 2020, he suffered cardiac arrest while running by himself during his Coast Guard duty; he had no prior health issues whatsoever; their daughter was nine months old; thankfully, two angels drove by and started CPR; but if it were not for the Fire Department coming out that day to save him, their family would be broken; she commented that they are also expecting another little boy that they would not have if it were not for the BCFR; they appreciate all the hard work that EMS and the Fire Department put in for the County; and they think that any amount of money is worth it for their family.

Rodney Richardson expressed that his wife summed it up, but if it were not for the brave men that day, he would not be here; he advised the Fire Department should get any amount it is asking for; he opined that anyone who stands up there today and says it should not get it is ignorant and should not even be here today; and he thanked the Board.

Commissioner Tobia addressed the assembly that people who come before the Board, no matter what they say, are not ignorant; and the Board should be very thankful for their time.

Chair Pritchett concurred with Commissioner Tobia; she requested from the assembly that no one get personal; and she commented that is something the Board has always tried to maintain in the Commission Office.

Commissioner Tobia agreed and said it applied to the speakers, especially.

Nathan Slusher, Libertarian Party of Brevard Director, asserted the Libertarian Party (LP) of Brevard stands against this increase of forced taxation; he declared enforced increase in taxation is never the solution for funding issues; he desired to bring an aspect to the Board's attention that it may or may not be aware of; the Brevard County Tax Collector's website makes note that all property owners in unincorporated Brevard pay this assessment, including the businesses; and the hardest hit areas will be Viera and Suntree in District Four, Courtenay Parkway and State Road 520 in District Two, and Port St. John and Mims in District One. He reported that it also states on the Brevard County Tax Collector's website that all of West Melbourne's residences and businesses will be affected; he presumes that an increase in business costs will result in an increase of costs for goods and services; he recalled that Commissioner Smith and Chair Pritchett stated at the March 23 Commission meeting that concerns of inflation and the rising costs of living does hang over them; and it would be contradictory to be the direct cause of it. He noted that the LP of Brevard formally stands with the Fire Department firefighters; it does not necessarily think there is an issue; and it would like to see them get raises and have better salaries, but he does not believe this is the way to do it.

Darrah Moore expressed that he is not here to be against this proposal or for it, but rather to discuss it, and perhaps offer his comments for the Board to consider when voting on this; he revealed that like most people, he was shocked when he saw the \$35 million and the 35 percent increase; he also believes that the comments made about people kicking cans down the road for the last 13 years, not referring to the present Commission but the former one, is probably correct; and he is aware that now the Board is trying to make up for it. He pointed out that he appreciates everything the Department does; he mentioned that he spoke to Assistant Chief Klein, who did a wonderful job explaining to him some of the things that are going on in

this proposal; and he declared he was appalled when he found out the salary range of the first responders, police workers, firefighters, and Emergency Medical Technicians (EMT). He inquired where is this money going and what is it going to be used for; if it is going to be used to improve the salaries and incentives of the individuals he listed, then that is good; he is also aware that some of the money will go for the expansion of equipment and the facilities; and that is where he advised the Board needs to look at most of all. He stressed the County is growing tremendously; people are making money hand over fist developing all kinds of property; he would like to know what kind of money they are offering to pay in development fees; and he thinks the Board should look at development fees.

Hans Garcia stated he lives in a great community with retirees and working families with young kids; it was built in 2003 and 2004; all the lots in Auburn Lakes are constructed fully, and there is no new construction; and he would say the same thing for his neighbors in Viera East, East of Interstate 95. He revealed that he did not want to be divisive in his comments about Viera West, but Viera West continues to add hundreds, not thousands, of new residents and new homes; if the ever-expanding communities in Viera West continue to place additional demands on unincorporated BCFR, then he would respectfully ask the Board to consider the burden of an across the board 35 percent increase would have on a lot of the retirees in his community; and if an increase is unavoidable, because of the great work the BCFR do, then is there a possibility of a scaled percentage increase, where a heavier tax burden would be placed where the heavier demand exists, which would not be a pre-existing situation such as homes that are 17 years old, but where the demand is and the new calls from the new communities.

Dale Wickersham reported that he lives in Viera, but he also owns property in Merritt Island that will be taxed if this proposal goes through; he mentioned that when he looks around he sees all the unimproved property that is taxed at a very low rate, but he also observes \$300,000-\$600,000 homes being built which will create brand new tax revenue for Brevard County this year; he does not understand why the Board is telling residents that an increase is needed when the large, expensive houses that have been built on agricultural property has most likely increased revenue over 30 percent; and the assessments are going up on houses that have already been built. He continued on by saying the Board is telling residents that it needs more money for the Fire Department; he would like to see how much additional revenue the County will receive through the new and improved property values; he would like the Board to use that revenue to subsidize any additional needs; he noted that he did not see anything like that; and he would like that information provided to him.

Mary Flowers stated she, too, opposes the tax increase; she read aloud a portion of the letter sent by the Board to homeowners, "the three percent increase or such time that the further action is considered by the Board of County Commissioners,"; she rephrased by saying the Board has the option to increase it, change it, and extend it; she inquired for what period of time; is it going to be for 10 or 15 years, because she is also on a fixed income; and she noted that since she is retired her income is not going to go up but stay fixed. She asserted that three percent today times 10 is \$120 a year today, but it will go up to \$150 in ten years; she understands that it is not much money, but she does not know what she will have to do without; and that is her biggest concern.

Michelle Green expressed that she was speaking on behalf of the Fire Department; she noted that her mother lives with her, and recently she has been bed bound; she had to call for a lift assist, and the firefighters also came to administer her vaccine; she is willing to get up early to speak about this; and she will gladly pay 35 percent even on a modest income.

Michael Savastio reported during the last year everyone has become alarmingly aware just how personally vulnerable they all are; the fireman and police shield residents from a lot of chaos;

he does not believe anyone here denies the fact that the firefighters are incredibly brave and deserve salary increases for their courage; but he has listened to all the explanations and still does not completely understand how the financial issues got this far off field. He went on to say that he does not think there is any purpose in debating this forever; instead, the Board should focus on minimizing the effect; during this time of economic distress, families are without jobs and struggling to pay bills with many just trying to make it month to month; the current 35 percent increase is not reasonable; and he proposes the assessment should be divided into manageable portions. He suggested a 15 percent increase the first year and a 10 percent increase the following two years; and he advised the first 15 percent will still be a hardship for some.

Walter Messier informed the Board he was also speaking on behalf of his disabled wife, Ginger Underwood; he commented that he came to talk about their experience with BCFR; every time he and his wife have used them, they have been professional, helpful, and reliable; he reminisced about a time during the pandemic when he thought his wife was having a heart attack and had to call 9-1-1; BCFR came to the house with their equipment and checked her out; and they were courteous and kind. He recalled another time when he and his wife received a call to get the vaccine; BCFR was professional and sat and talked to him and his wife; he advised that BCFR handled everything perfectly by being professional and caring; and he expressed that meant a lot to him and his wife.

Kathleen Malloy stated she came before the Board to represent herself, her husband, and the residents of the Wexford Community in regards to the fire assessment; she thanked the firefighters and EMTs; she mentioned that her dad was a New York firefighter and was Captain of Company Two; and she is aware of what firefighters do. She indicated that she received this letter, dated March 19, as did her neighbors and friends; she read aloud a portion of the letter, "special assessment equal to the CPI or three percent, whichever is less,"; she noted that on the other side of the page, it indicated the current levy is \$245, and the new levy would be \$331; and that is an increase of \$86. She explained that she did the math, and it does not come out to three percent but to 28 percent; so she came to the Board to ask how it figured its calculations; this morning she learned that the increase is up to 35 percent; that is the first she has heard of this; and she stressed that most people will not even read the letter, because there is so much on it, but she did. She repeated that she read the letter but did not go online; a lot of senior citizens do not do that, but she does; she stressed that she is looking for true transparency not funny math; she feels that a 35 percent increase should go on a referendum ballot; she affirmed that the BCFR deserves a raise, and probably more than that; but she asserted that the Board needs to tell the truth by telling residents in writing about the 35 percent and not just mentioning the three percent and CPI as if it were not a big deal.

Andrew Dreisbach opined that Brevard County is a great place to live, work, and play; he affirmed it is no news to anybody, and the secret is out; according to the Florida Legislative Office of Economic Demographic Research March 2021 Report, the population of Brevard County has increased almost 10 percent from 2010 to 2019 and increased an additional two percent in 2020; according the same report, Brevard County has projected to increase another five percent by 2025 and continue its growth in the next 20 years, as reported; and as it relates to the proposed fire assessment increase, he is not only in support of this increase, but he also feels that it is absolutely necessary. He went on to say that the increase will keep up with the growth and development of the County; establishing the adequate infrastructure for the protection and services of all citizens living and visiting Brevard County is of upmost importance and should be the main focus of all of these discussions; he indicated that the fire assessment has not had a significant increase since the recession that took place almost a decade ago; and it is long overdue. He explained that as residents of this County, it is everyone's

responsibility to care and plan for what they love and have; he suggested the Board needs to be ahead of the growth and development; it needs to take advantage of the responsibility it has in front of it by providing the needed funding to the Fire Department; and it will be successful, because it will have the resources to fund personnel, training, and equipment in order to protect the beloved people, property, and families of Brevard County.

Michael Bramson, BCFR Union President, stated the Union stands in favor of a fire assessment adjustment; he indicated that he has made many cases and opinions over the past four years for the need of a properly funded Public Safety and Fire Department; those cases and opinions included a timeline of past practices and the pending Public Safety crisis; he does not envy the decision the Board is about to make; and he realizes it will impact the community financially and BCFR's survivability. He addressed the County, as well as the Board, on behalf of the view of the firefighters', paramedics', EMTs', dispatchers', and inspectors' at Ocean Rescue point of view on the Fire Department's buy-in to the systems they have in place; he added that in need of Public Safety support, BCFR has accelerated its recruitment efforts and has an actual realized increase in interest to work and live in Brevard County; it is attributed to the public support of BCFR from this Board and the community; and along with increased branding efforts, BCFR has expanded its training and operations. He continued on that due to COVID-19, there have been vaccination needs and a growing response for cardiac and stroke survivability; the details of these efforts are operational in need; from the Union's perspective, a solid three, five, or seven-year plan can be realized through the open support, function, and funding; he requests the Board to keep this in mind as it addresses the essential functions of government, including Public Safety; and the difficult task to ensure the expected service is delivered to the citizens who call for help will be decided by the Board today.

Ryan Barrack asserted that the services BCFR provides the fine residents of Brevard are certainly costly, but their return on investment, when discussing Public Safety, cannot be quantified; he commented the reason the Board is here today is a reactive measure; the recession from a decade ago has put BCFR in a position where service levels for the residents simply cannot be maintained with the current budget and expected population growth; and no one, including himself, likes paying more for services. He warned that BCFR is at breaking point; in many regards, it is broken already; from October 2009 to October 2013, BCFR lost approximately 553 full-time employees; 431 of those were (Emergency Medical Services) EMS and Fire certified; 103 of those were retirements; this decade of employee turnover represents 4,400 years of lost First Responder experience from BCFR; in Fiscal Year 2018/2019, BCFR lost approximately 84 employees; 72 of those were Fire/EMS certified; and currently BCFR loses approximately 6 firefighters per month. He added that in Fiscal Year 2018/2019, BCFR lost approximately 33 Fire EMTs, one was a retirement, and 23 Fire Medics, four of those were retirements; this represented a loss of approximately 23.5 percent of BCFR's Fire EMTs and 13 percent of the Departments Fire Medics in one year; the majority of the employee attrition can be classified as neutral attrition, meaning those leaving in good standings before becoming retirement eligible; employee attrition has led to profound staffing deficiencies within BCFR; and the aforementioned leaves voids in the system that are filled by overtime, both mandatory and voluntary. He informed the Board that during the seven-day period from April 12 through April 19, BCFR firefighters and dispatchers were told they could not return home to their loved ones; they were mandated to stay at work for an additional shift; the men and women have become slaves to their jobs; in addition to retention issues, BCFR has had difficulty attracting qualified candidates to replace those lost; and BCFR had no choice but to drop their minimum cut score from a 70 to 65 on the new hire testing assessment.

Pamela Hughes reported that she has lived in southern, unincorporated Brevard County for 44 years; she has watched it grow quite large; she is opposed to this particular change for the

reason that 35 percent is more money than many of the elderly and poor people have that live in this community; the overall impact is something that the people of the County need to vote on; and 35 percent is outrageous. She indicated that there are other ways the Fire Department is getting income that most people are not aware of; there is revenue from Impact Taxes; it has been stated there are many new homes and apartment complexes going up in this County as the population has increased tremendously; there are also service charges for people who use the EMTs and Fire Departments; and she, herself, has received several bills, over \$500. She continued to say that is something people are not aware of; she pointed out that that the Fire Department sends out fire trucks for EMT calls; she feels that is a waste of assets to have the truck sit in the street when only the EMT vehicle is needed; and she recommends that the Fire Department uses some cost-cutting techniques and maybe not make this open-ended.

Lorraine deMontigny asserted that several people have come up with their stories of how lives were saved; there is certainly no question whatsoever that these men and women play a vital role in the community of saving lives and protecting property; she feels the issue is a fiscal responsibility; she has looked at the budget and has not heard many people speak about the budget; and she understands that it is a \$70 million budget. She referred to her mother, who just spoke, and stated that her mother suggested there were several other streams of revenue for this budget besides the special assessment; there are impact fees, billings for services used, and property taxes; she advised there needs to be a better accountability with the monies they have; and she noted the Fire Department should have raises, but the questions are where has the money gone and where will it go. She suggested the Board find a way to address this, perhaps at a later date; she is not certain if the Item can be tabled; she advised there are more questions that need answers before it can move forward; she appreciates all that the men and women do; the services they provide are absolutely necessary; she advised it is the fiscal accountability that needs to be addressed; and other than that, she feels they are doing a great job.

Gregory Sakala informed the Board that he was present at the public meeting of the County Commission in 2006 when the idea of a Special Assessment fee for Fire Rescue and Fire Operations was first discussed with the public; he noted that he was against a fee versus property tax at that time, and he still is; he recognizes there is no such thing as free; someone has to pay for everything, and it is the taxpayers who pay; and his issue is strictly how taxpayers pay and not why or how much. He reported that property taxes are deductible from Federal Income Taxes, but fees are not deductible; he inquired why the County assesses fees instead of having a paid line item on property taxes for Fire Rescue and Fire Operations; he sees no reason why the funding required could not be made part of property taxes; residents do not pay a fee for police protection, parks and recreation, or school; but residents do pay a fee for Fire Rescue. He also inquired why are fire trucks dispatched almost every time with the ambulance; he inquired how often the services of the fire truck are really needed; he has seen many accidents over the years, and the fire trucks act as road blocks, and the fire crew sweeps the street up afterwards; and it is a waste of effort.

Garrett Lamp stated he is here with unwavering support of the Brevard County special assessment; he is just one of the statistics; he was raised in Brevard County, and his parents and siblings also live in Brevard; with pride he was pinned to wear a badge of a Brevard County Public Servant for 14 years; in 2004, he left for another agency and received a substantial raise, better benefits, and worked considerably less hours; and he has never been mandated to work due to being short staffed. He expressed he was concerned, because close to 60 percent of the BCFR's workforce has less than four years of experience; BCFR is losing workers weekly; last week BCFR lost Jason Ward, with his 16 years of experience, to the Space Center; he is concerned, because BCFR's workforce is tired from working 48/24 instead of

24/48; and they work angry on the weekends to cover all the call-outs; and they miss important events such as: ball games, dance recitals, and holidays. He revealed he hopes no one in the assembly needs a paramedic today or this week; if someone does, he hopes the paramedic is not tired, overworked, and upset, because he or she should have gone home instead of having to work mandatory hours; the Board must and can do better; it must make sure its citizens and districts, along with their families, are protected by the best; and he can no longer, in good conscience, even recommend to younger firefighters that they come apply at Brevard County. He expressed he does not take this lightly; as a taxpayer, nobody wants to pay more taxes; he is not paying taxes on just one home in Suntree; he owns multiple properties throughout Brevard, and this tax increase is multiplied by each one; and with that said, for the last three years, property value has gone up by double-digit percentage points, but his taxes have gone down by six to ten dollars every year. He concluded by saying he is here today to support the assessment so the BCFR can hire, retain, and compensate so the County can do what is best for the families, friends, and visitors of the Space Coast.

Hal Rose, West Melbourne Mayor, indicated Commissioner Smith stated at the last meeting that a 35 percent increase was justified when firemen come out to a house; Mayor Rose expressed that in actuality they are worth 100 percent when they come out to a house in the middle of the night; he pointed out that everyone knows that firemen, policemen, and teachers are all underpaid; and he opined this problem did not happen overnight nor does he advise the Board solve it overnight with a double-digit hike. He reported, as Mayor, he represents close to 25,000 businesses and residents; he does not think the Board is being business friendly by raising their fees by one-third; he recommended using his house as an example to look at; he will be paying more for his Fire Fee than he will for his total Ad Valorem taxes that includes police protection, recreation, roads, etc.; and that does not seem right to him. He highlighted that his staff has been meeting with the Fire Department to find out what are the actual costs to the City of West Melbourne; those have been a little fuzzy ranging from \$6 million to \$4 million, and now it is back to \$5 million; he has been told there are two fire stations that service West Melbourne; and now he has been told that a third one in Lake Washington serves his City, as well. He revealed that the City's plan, moving forward, is to talk to a fire consultant and perhaps build a station two blocks south of Station 82; in the meantime, he would like to see the Board dig deep into some of its funds it is getting from different pots of money and give the firemen a raise now; he advised for the Board not to wait until the budget season; the budget season is around the corner; and he requests the Board to please act accordingly and finance BCFR's salaries themselves.

Thomas Nodert, Fire District Chief, indicated he has been with the County for 25 years; he advised that this assessment increase is crucial for the safety of Brevard County residents and all visitors; he mentioned the three percent tax cap has been a big administrative issue for years in the Fire Department; there is an issue with staffing that is getting worse by the day; he referred to Garrett Lamp's comments who said he was a firefighter here in Brevard and left for Orlando; people are leaving the Department every day; and his Department loses between six and eight people a month. He addressed the residents who received the notice in the mail, if one does the math it actually almost cost 20 cents per day, which is less than a pack of bubble gum a day for the increased assessment; and he revealed that the basic fireman is looking for this increase, not as a handout, but to make sure the residents of this County are served and are safe on a daily basis.

Lois Lacoste expressed that she greatly appreciates her Fire Department, BCFR, the EMTs, and Brevard County Sherriff's Office (BCSO); she stressed that she lives in an awesome County; she indicated that her property taxes already include a Fire special assessment; now the County is requesting another special assessment with a 35 percent increase; and her issue

is the 35 percent. She added that she appreciates the work they do; she advised they deserve a raise and a good salary; she revealed that she is upset, because her Social Security Check had a cost of living increase of a whopping eleven dollars a month; that is a far cry from 35 percent; and her issue is the amount of the Special Assessment. She opined that this is not the time to raise fees on taxpayers of Brevard County; many residents live on a fixed income and are constantly hit with higher taxes and/or Special Assessments; she pointed out that taxpayers, as individuals, adjust their budget to live within their means, and the County needs to operate within their budget without special assessment fees and tax increases; she informed the Board that residents are already dealing with an outrageous increase in gas prices of 70 to 80 cents per gallon since January 6; and she reiterated that constituents do not need an additional burden to bear.

Tonya Dombek thanked the EMS and Fire Department; she revealed that she is a cardiac arrest patient; she literally died three times; her heart went into Ventricular Fibrillation (VFIB), which to her understanding, once that happens the success rate is almost zero; this increase is like nothing for BCFR, EMS, First Responders, because this is what they need; they are already working a reduced income than what most people are making; and she stressed that residents should stand up to the heroes that are out there every single day fighting for them. She argued that is not fair for them to be subjected to a lot of things that they do on a daily basis or be in a lot of the elements; she explained that they choose to do that, because it is their passion; they should also be rewarded for their great response to what they do; it took them 38 minutes to bring her life back; and she is here today to say thank you. She added that it means a lot to her and her family; and she said the Board has her and her family's vote for the 35 percent, because she appreciates BCFR.

Martin Sabel revealed that he has not been in the County for too long, but he does have family here; he thanked the Rockledge Fire and Rescue team; he informed the Board they were able to get him in for a COVID-19 test, when he could not get in at other places; they also had extra vaccinations, and it was great; he also thanked BCFR for whoever responded to a car accident by Cocoa Beach, when his children were involved in a car accident; and he pointed out BCFR did a great job with that and was very professional. He concurred there should be a measure to pay and support first responders at least equivalent to whatever other counties are paying; he indicated that he is not certain if 35 percent is the right amount; but more importantly, whatever the funds are, he advised there should be some kind of report that specifies how the allocated funds are and will be utilized; and he proposed there needs to be some sort of checks and balances that shows that funds are being used efficiently.

John Young reported that he is a 26-year resident of Viera East; he pointed out that he was told by his Commission Office that BCFR authored the Notices of Proposed Increase that were mailed out to everybody; he indicated that the notices gave no reason for the increase; in his 26 years of home ownership, this is the first notice that he has ever seen that did not give at least one reason for the increase; it just stated what the proposed increases were and what the Statute is authorizing them to take it from the Non-Ad Valorem taxes; and he wonders if that is a violation of Florida Law itself. He stressed that some oversight needs to be there on that; he explained because there was no reason indicated for the proposed increase, it led to false assumptions by many homeowners in the community; the neighborhood blog sites were evidence of this; for instance, on Nextdoor.com, one lady commented that her son-in-law is a brand new EMT with BCFR, and as a starting EMT, he made just barely \$40,000; she thought that maybe the assessment would give him an increase to \$60,000 so he could support his growing family; and he asserted that a lot of taxpayers know that is really not what it is for.

Nathaniel Mathews stressed that taxation without representation is a very important theme to

American history; he personally believes that a lot of people have the right idea by saying that the EMTs and the firefighters need the extra money, the raise, the ability, and the resource in order to save people's lives; he stated that is the representation, but the taxation does not make sense; and he declared the Police budget should be audited. He suggested taxpayers put their ears to the sky to hear where the money is going; the helicopters that fly around every day are taking money off the tables of the firefighters and EMTs that go to work every single week to make sure that people feel safe in this County, just as the brave men and women of the Police Department do as well; and he believes the money that could be saved by auditing the Police Department can go into the Fire Department.

Mari Peele, Libertarian Party of Brevard County Vice Chair, expressed that she appreciates and respects the hard work of the Fire Department and all its members; she explained that this is not in question, but she is concerned about the proposed fire assessment increase; her concern is whether a detailed review and audit has been performed on the Fire Department's budget and spending; she suggested if no review has been performed, she kindly requests that the Board consider conducting a detailed review of operating expenditures before voting on this matter; and she indicated that without this review, the Board does not have the key metrics to determine if an increase is appropriate and at what level. She went on to say if the Fire Department's budget is insufficient, it is paramount to determine the cause; a Fire Department with a misallocated budget can impact the safety of citizens just as much as an under-budgeted department; while it is possible that the original need was underestimated or if unexpected expenses arose, it is also possible that the funds are not being used efficiently; whatever the case may be, it is important for both the consideration of an assessment increase and future budget decisions to do this review; this Board has a responsibility to ensure every penny taken out of the citizens' pockets by the County is necessary and used appropriately; and she requested the Board consider tabling or delaying this decision until the Board has fully reviewed the Department's spending.

Gregory Peele Jr., Libertarian Party of Brevard Treasurer, indicated as a Brevard resident, business owner, and a political refugee from the People's Republic of Orange County, he rises in opposition to the proposed increase of the Brevard Fire special assessment; he recalled that he moved from Orange County to Brevard County last year to hopefully find a place more aligned with his personal values; and he asked the Board to imagine his reaction when his first, personal experience with Brevard County Commission is receiving a notice that the Board wants to raise his taxes. He revealed that he is a numbers guy, so he ran some numbers; last year in 2020, he had property tax bills for both Orange County and Brevard; Brevard charged 12 percent more apples to apples for fire service than Orange County did; that is on his new property value; and his old property value, which was a lot lower, Brevard would have charged 68 percent more than Orange County would have on the same property value. He reported that he looked at the 2021 budgets for both Orange County and Brevard; Brevard runs an \$11 million operating deficit; Orange County runs a \$51 million operating surplus, while taxing less; Brevard serves less than one-fifth of the population that Orange County does but spends almost one-third of the operating budget; and to put it another way, Brevard County is 40 percent less cost efficient than that noted bastion of fiscal conservatism, Orange County. He went on to say that it is not just Orange County; Brevard is also 33 percent less cost efficient on fire service than Volusia and Indian River; he advised the Board to fact check his numbers; he commented that he suspects the real numbers are worse; from what he can tell, Brevard does not have a revenue problem, it has a spending problem; if so, taking more money from Brevard residents to cover that is grossly irresponsible; and patching it with a stimulus may be necessary, but it does not solve the problem. He opined that the Board would far better serve its residents by aiming for fiscal responsibility, or fiscal conservatism, by doing a full review of the operating expenditures and reallocate them appropriately to ensure it is going to the

Emergency Responders.

Regina Campanella revealed she has a small business; she noted that her research reveals that many of the new Fire Departments that were built in the past were donated by the large developers that built the new homes in a particular area or municipality; she inquired if money was allocated in that development package; and she explained that she understands the need for the three percent possibly for the new firefighter salary, which she fully supports, since Brevard needs firefighters. She asserted that the arrangements and decisions to fund these facilities should have been made before the homes were developed; she wonders if someone has that answer; she thanked all the young firefighters sitting outside; she expressed that they definitely should be paid more; an increase like this will affect homeowners and future homeowners, as well as their children; and she requested the Board to hear everyone's opinions.

Kariane Cerato stated her family moved to Brevard in June 2020; her family loves it; they are very appreciative of the Fire Department and Paramedics; they have not used them and do not plan on it; she recommends the Board have a full financial and territory audit before the increase is passed, because it affects her and her family; she referred to Commissioner Lober's comments when he stated, "this was so important to pass, because we do not want to be dead without having the coverage,"; and she agrees with him that they do not want to be dead without coverage. She noted that something that pertains to her and her family is her insurance is a 10 out of 10 in home insurance coverage in South Cocoa Beach, which is considered the worst; it is considered unacceptable; South Cocoa Beach residents currently pay Brevard County \$654,831 in fire taxes to be a ten out of ten neighborhood; she declared that is unacceptable; and this year every single person in her neighborhood that she has spoken to has received a letter from their insurance saying that they are being dropped, because they are a 10 out of 10. She proclaimed that is not okay; she noted that Cocoa Beach Fire Department said they would be willing to pick her neighborhood up, because right now they are through Satellite Beach, for only \$256,251; she stated that leaves a surplus of what is coming out of their taxes already of \$400,000; that could be allocated to pay the increase for salaries, pensions, and/or infrastructure; and she reiterated there needs to be an audit to find out where the money is being spent before the Board approves taking 35 percent more by increasing taxes.

Commissioner Lober indicated to Ms. Cerato that the short answer is she was misled.

Robin Hood mentioned that the County needs to get competitive with other Counties; BCFR is losing 40 to 50 new firefighters a year at a cost of approximately \$50,000 per person for training; that totals to an approximate quarter million dollar loss; he stated nobody has mentioned that so far; and he noted that he lives in the Great Outdoors in Titusville, and his whole community is in favor of raising these taxes to do this, because BCFR needs to be paid; and he declared it is such a shame that the County loses so many good people to other counties because of salaries.

John Stanton stated he was one of the first people to be able to take advantage of the vaccination project that the County started; he informed the Board he is also a recipient of the Lift Assist Program; he asserted that without the Lift Assist Program, he would be destitute today; it is the only way he can get to his doctor appointments or anything that he has to go to is through the Lift Assist; he mentioned that the Fire Department sends their guys out, and he has used them so often that they all know him by his first name; and he knows a lot of them by their first name. He expressed it is a great service; he commented that he and his wife cannot applaud BCFR enough for the work they do for them; if they are doing that type of work for them, he knows they are doing the same for other people; he feels it is money well spent; and

he advised the Board to give as much money as it can to the Fire Department, because they do a great job. He went on to say that whoever created the vaccination program for homebound residents was using their head; he, being one them, indicated that homebound residents cannot move or get to any place; he mentioned that he tried to get into the Publix line on the phone, and it was a train wreck; he advised this is a great program; and he cannot tell the Board how many times he used it and the benefit he and his wife have received from it.

Commissioner Pritchett informed Mr. Stanton that he was her dentist for thirty years.

The Board recessed at 11:08 a.m. and reconvened at 11:20 a.m.

Commissioner Lober addressed the residents that came in from Snug Harbor; he noted that one of them introduced themselves from South Cocoa Beach; he stated he has intentionally tried to avoid addressing that Insurance Services Office (ISO) rating item in a Commission meeting; however, since multiple constituents spoke about it today, he felt the need to take a brief moment to address it; but the fact is the ISO rating for them has been terrible for decades. He asserted that since prior to man setting foot on the moon, Cocoa Beach has never agreed to terms with the County; he has offered the City more to enter into an auto-aide agreement than any other Commissioner since the time the County Manager has been employed for the County, which he believes is three decades; he advised that the County Manager has said as much to the City Manager over there as well; to say that Cocoa Beach Fire Department is willing to enter into an agreement is akin to him saying he will sell you his car; and the part that goes unsaid is it is \$2 million. He reiterated that it is not willingness; there is no way, even if he was okay with it, to get two other Commissioners to agree; he would not get one; he advised there is a solution for residents of Cocoa Beach besides working with the City for an auto-aide agreement that can improve the ISO rating; and he asked residents to give him approximately three months to accomplish that. He informed the assembly that if one calculates what it cost the City to respond to a call, in accordance with an auto-aide agreement, it is approximately a little over \$10,000 per call; nearly all of which would not actually have something to do with fires, but more often it would be something like smoke detectors; to pay over \$10,000 to have the City respond to the call is ridiculous; and the County would have to respond to their calls, and it would not get any monetary consideration for that. He mentioned that a lot has been said about 35 percent being a high percentage, and he agrees that it is a high percent; he reported that out of the 40 speakers, only one or two actually discussed the dollar costs; no one has offered any equivalent alternatives the Board can actually legally implement that would prevent the Board from having to do the fire assessment route; and he informed the assembly he has racked his brain to do his due diligence by exploring a slew of different alternatives, but none have panned out. He revealed he had hoped someone would have offered a creative solution to prevent this from having to be put in place; there was nothing that he has heard from anyone; he commented that it is unfortunate that neither he nor anyone else could come up with a substitute solution; he stated that a 29 or 35 percent increase does not mean that taxes are going to go up by 29 or 35 percent; and he wanted to be abundantly clear about that. He advised there are two dozen individual buckets that constitute the County Commission tax; when one adds them together that is what is paid to the County Commission; the School Board has their own tax, and the County Commission has nothing to do with that; those taxes could go up, down, or remain stable; he does not have an opinion on that, because he is not on that Board; and he does not look at the School Board's issues. He pointed out that since the time he has been on the Board, and certainly for the upcoming Fiscal Year, he does not have any intention of supporting an aggregate increase in the County Tax; he does not believe anyone on the Board has any intention to do that either, but if he or she did they would say so; and since the time he has been a Commissioner there has not been an aggregate increase. He informed the assembly there is a statutory definition of what constitutes a tax increase; it is not

a weasely definition; it really is a legal definition of what it constitutes; it is conjecture to say that the County is raising one item to approximately 20 percent and another one at something else, and therefore everyone is paying more; the actuality is to pay more towards that means the County has prioritized Public Safety, and in this case Fire Rescue; and he feels it is one of the few core governmental obligations which ties as a first priority for him. He went on to explain that if someone was shooting at you, it would be nice to have BCSO respond; if someone is burning up in a house, it would be nice to have BCFR respond; he does not think either is more important than the other; and he affirmed they are both critical. He mentioned that he is not going to put aside infrastructure; he stated there is obviously a huge value there; he noted that no speaker, except for Mayor Rose, spoke about how this factors into the overall taxation amount in a particular area; he pointed out that there were a few speakers who commented on the new construction, but with new construction comes more structures and people to protect; and new construction was never intended, as far as the fees or the taxes, to subsidize existing development any more than one would want existing development to subsidize new construction; and he asserted that everyone needs to pull their own weight. He continued on by saying that there are costs associated with expanding services when referring to Impact Fees; it is not that the County is putting up fire hydrants and nothing else is needed; he also expressed that the idea of additional sources of revenue are red herrings; and he referenced the public commenter who suggested EMS fees, because she received several \$500 or more bills from EMS. He explained that EMS fees do not go to the Fire Department; EMS has nothing to do with this; the County cannot use them in that way; that being said, even if EMS fees could be applied to the Fire Department, which they cannot, what is billed is not what is collected; with insurers, the allowables are oftentimes substantially lower; with residents who are cash pay or self-pay, a tremendous amount that is billed ends up getting written off, and the County gets nothing; just because the County bills for \$500 or \$1,000 does not mean it is collecting anywhere near that; and he noted that the County may collect nothing on a particular bill. He relayed that constituents have heard that the County hired a Fire Assessment Consultant to come in and look at an increase; the Board, at that time, chose to increase it 15 percent under what was recommended; a Fire Assessment Consultant came to look at an increase for the present, and the recommendation was higher than any of those numbers on the Agenda sheet; all of the numbers provided are lower than what was recommended; and even the costliest item that was proposed today, 29 percent or 35 percent, is still lower than what was recommended by the consultant the County hired. He informed the assembly that the consultant was from outside the County and not part of the entity or the County's umbrella; that consultant recommended a higher number; and he declared that 29 percent represents the thread bare minimum that has to be put in place in order to maintain existing levels of service and also put in place the essential changes where there is some Reserve that is not going to be totally extinguished down to absolutely zero or put into the negative. He indicated that would leave the County somewhat vulnerable even at the 29 percent; he added that 35 percent gets the Department's Reserves built up if there is a storm or a natural disaster in the near future; it would put the Department in much better shape with that kind of increase; it also gives the County more options with infrastructure and how the ladders are structured for Human Resources (HR) purposes and how workers are differentiated for promotion, so there is incentive to stay in the system; and he reiterated that Fire Rescue, along with BCSO, is the number one most important obligation of government, because it is Public Safety. He motioned to implement the lowercase letter A option, which is the 35 percent increase, \$8.77 million; he expressed that he does not feel great about having to do this at a time when a lot of citizens are still hurting from COVID-19; some citizens have recovered, some have not, others are in between; he added to the motion the second of three parts, which is for staff to direct \$8.5 million out of the ARPA Stimulus funds to offset the increase, which he anticipates will drop the 35 percent to 31; he indicated that is significant, because it is four percent out of 100 not four percent of 35; and staff will implement that to offset the assessment over the course of seven

years. He revealed that he did not intend to make the last part of his motion until he heard from the constituents today, which shows the value of coming to voice one's opinion; the Board listened to them and he hopes this reflects that; and he suggested the last of the three parts of his motion is to approve the County Manager to have RSM, the County's contracted auditor, schedule an audit of BCFR for the upcoming audit cycle. He expressed that he did not think the County needs to stop and drop everything and do it this second; he suggested putting the Department in the cycle since the County is already paying RSM to do audits; RSM oftentimes allows the County to pick which Departments it has concerns about; since a good portion of the public is concerned about it then the County will give them their answers; and with respect to that, he does not like hiding the ball, because that is not a good way to operate. He commented that whatever the results of the audit are, he requests, as part of the motion, that staff, not only make the audit available to people who ask, but also timely release the results through the Communications Office; whether the results make the County look great or terrible or something in between, the intention is that the results are disseminated as widely as practicable; and he is not saying to spend a million dollars disseminating it, but if it takes staff 10-20 hours to get it to every news stations and to get it on Facebook, then that will be wonderful. He recapped his motion by stating to implement option A, allocate \$8.5 million out of the stimulus funds to offset the increase, have RSM audit BCFR at the start of the next audit cycle, and release whatever those results may be for the public.

Commissioner Smith seconded it.

Commissioner Tobia asserted that he is not going to go over the multitude of reasons as to why he is not going to support a fee increase that is somewhere between 23 to 28 times, that is actually 2,300 to 2,800 percent above CPI, which currently sits at 1.23; he is not going to go into salaries, because the Board has gone there and will probably go there in the future; he commented that Commissioner Lober said it best; and he read aloud Commissioner Lober's memo, "The Board of County Commissioners (BOCC) recognized that fire assessment could not come at a worse time for a number of residents who have been severely impacted by the ongoing COVID-19 pandemic." Commissioner Tobia advised that it is not the right time to institute a fee increase of that magnitude; he stressed there is never an appropriate time to institute a fee increase of that magnitude on citizens all at one time; and he indicated that he was not expecting this to be a multiple part motion, so he will address the second part of it, which is the \$8.5 million from the ARPA funds. He affirmed that he understood the allure of using the Federal funds to impact fee increases; he opined these funds, however, would disproportionately impact the residents in the unincorporated areas as to those that are in cities; cities will get some of these resources, but there is nothing saying they will use them to offset Fire Rescue or any type of those fees; he added that from a basic budgeting perspective, although he does not have much of a budgeting background, the Board is taking non-recurring funds and budgeting them towards a recurring expense; and he reiterated this is a seven year increase. He reported that the \$8.7 million would cover the first and maybe the second year, but there will be five years where the \$8.7 million would not be covered; taxpayers will be on the hook for \$45 million, even if it is impacted the first two years; if these resources were used to fund water quality for the Indian River Lagoon, this would not only impact County residents but the County's municipal partners, as well; he reminded the Board he provided a memo that proposed to divide the funds; and he suggested if Commissioner Lober decided to use his \$8.6 million to blunt the issue of fire fees, he would support him in that decision. He went on to say if Commissioner Lober decided to go even further, because 58.37 divided by five is 11.674 , he would support him even going above that; he advised it is very difficult to vote against a fee increase and then use County-wide money to cover a fee increase; he stated, as an elected official, he does not think it is appropriate to move forward; and he quipped that he does not know if trifurcate is a word, but he knows bifurcate is. He continued that he has no problem

with the audit; that is fair and standard; it is done all the time, and it is no big deal; members of the public always have the ability to see any of the results from the County's audits; and he appealed that if the motion does stay together and he votes against it, he desires for the assembly to know he would support the audit, as he would support any audit with a contracted vendor. He reiterated that he will fully support a CPI increase for the fire fees, but he will not support one that is between 2,300 to 2,800 percent above that; and he declared he will not support the \$8.6 million dollars to be skimmed off the top, but he will support that if it was divided amongst the five Commissioners and Commissioner Lober decided to go that route or even a higher amount. He expressed his appreciation for everyone who showed up; he was disappointed that someone mentioned ignorance; he mentioned the comment was extremely disappointing and disrespectful of anyone's time who comes before the Board to voice his or her opinion one way or another; and he affirmed that everyone's opinion is valid.

Commissioner Smith remarked that his fellow Board members have already spoken lots of words of wisdom; he indicated that he understands and takes them seriously; from his perspective, and from what he has heard today, he believes most people are in three categories; one category asserts that it is outrageous and costs too much money; he recalled one or two people commenting that they never used it and did not see a need for something they do not use; and he expressed that is a specious argument, because one could say the same thing about one's car or house insurance. He went on to say that everyone has it and pays for it, but does a person complain that he or she has been in a house for 47 years and paid ten zillion dollars in insurance that he or she has never used and conclude to suspend his or her insurance; he stated that would be silly; the other category of people he really feels for are the ones on fixed incomes; when one is on a fixed income, the extra five dollars has to come from somewhere; and he remembered one of the public commenters made that point. He recalled her inquiring where she was going to take the extra \$16 to \$28 from; he affirmed that is a tough one; he stated he does not have an answer for that, but it is the reality; he proposed that it will get worse, because no has seen anything yet when it comes to inflation; the Federal government has been printing money and the housing prices have gone through the roof; when a house goes on the market today, it becomes a bidding war; and a seller does not even have to wait for an offer to come in. He explained that when that bust hits with the incremental, and the raging inflation that follows, he will really feel for the people who are on fixed incomes; he asserted he did not have an answer for them; he pointed out that in his time on the Board, he has never heard one person on the Board or in the public that said the County's firefighters have ever been anything but prompt and professional; they have been waiting a long time for this money, which he talked about when he was elected, and it was already mentioned that the Board has kicked this can down the road; and the Board cannot do that anymore. He pointed out this has to be done; he stated he wished he did not have to do this, but he does; he declared he will proudly support this; he noted that he seconded Commissioner Lober's three points; he advised they are right on; he expressed that Fire Rescue are the County's employees along with all the other employees the County has; he has been in business a long, long time, and he has always said that his employees are his biggest asset; and he believes that to be true.

Chair Pritchett stated that if Commissioner Smith and Commissioner Fisher had done this about five years ago, the present Board would not have to be dealing with this.

Commissioner Smith declared he begged her pardon.

Chair Pritchett pointed out she had a couple thoughts on this; in regards to the residential, she agreed it is tough on the retired people; the effect on the commercial property is more painful; she addressed some previous public comments about why is it so much now; she explained

that the Reserve funds were pretty high, but they were spent down through the years; she noted the Reserves are gone now; and she asserted that the Board has to do something now. She suggested that the Board has to get salaries and budgets within the competitive market; she indicated that she is satisfied with the audit, as well, but the budgets are under the County; it is not like the BCSO; she stressed that the County is very involved in the Fire Department's budgets; and she opined that the Board has to get more money in the Department's budget so it can do its job properly. She commented that if one ever needs a Fire Department to pay them; if one has not had to use them yet, he or she will not understand the value; she reiterated the value is definitely there; she appreciates everything BCFR does; she indicated the portion that requires the most discussion is the 29 or 35 percent; and the 29 percent the Board is considering is still the full amount the Board is trying to get the Fire Department, but it is just spread over a proration of three years. She informed the assembly that there will be a little bit of negotiating going on; she stated that she is more comfortable with that; she does not know if the residential could handle it a little bit better, but it gives the commercial more time to adapt, because costs are going up; she noted that it is fine, because wages are going to go up also; and she proposed it will not be good for senior citizens. She reported that the minimum wage increase came through; in October, wages will increase to \$10 per hour, and they move all the way to \$15 per hour by the end of six years; she advised that she is already starting to work that for other businesses; and she stressed there are a lot of changes coming, but she feels really good getting BCFR more money. She informed the Board she likes the 29 percent, and she referred to mentioning it at the last meeting; she explained this was still hard for her; she would be much more comfortable with 10 or 15 percent, but because of how valuable BCFR is, she really wants to get the Department the funds and pay increases; she was not certain if the capital may need more time to get funded; and that is something that is important to her. She proposed that her dream motion today would be to do the 29 percent, utilize the \$8.5 million, and do a 25 percent on the community; it would still be the same increase for the Fire Department, but the difference for a residential is that 35 percent is \$72.92 a year and 29 percent is \$60.42; if the Board uses some of those CARES Act Funds, it makes it \$52.08 a year, which is a \$20 difference; and she recognizes that it does not sound like a lot, but if someone is on a tight budget and all the other costs are going up, it can be significant. She stated that she wanted the Board to know where she stands with this; and it is something she would support wholeheartedly.

Commissioner Zonka asserted that a lot has been said, not just at this meeting but at previous meetings; she advised Commissioner Lober did a good job explaining it; she noted that Chair Pritchett teased Commissioner Fisher, but she does remember, in his defense, that he tried to get BCFR more; she thanked him for at least making the effort; and she mentioned she found interesting the fact that a former Commissioner was outside trying to get people to speak against the issue but did not have the courage to speak to the Board herself. She advised that this issue has been kicked down the road for so many years; if the former Commission would have just increased it three percent, the present Commission would not be in this boat now; she explained that it is never easy to be the one that has to raise it; she expressed she did not like it nor does it feel good; but five dollars a month ensures that the County is not losing people to other municipalities, because that is the reality. She proclaimed the reality is people are leaving; if the people are leaving then there is more mandatory overtime; it is a nightmare; she remarked that she is aware the Board can give direction, at least as far as negotiation goes, which really cannot be talked about at the Board meeting, but she is comfortable with the 29 or 35 percent; and she reiterated that although it is unfortunate that the Board is in this situation, it is the reality. She went on to say for the last few years the present Commission has been in office, she has heard the pleadings of those who did not want it raised; she is aware that the former Board, whether because of political, personal, or election pressure, decided not to do it and the result was the Reserves have been spent; and she explained that as the County grew it

has not been able to service without spending those Reserves. She remarked that she is agreeable to however the Board wants to go; and she advised this may be in Commissioner Smith's hands at this point, if he is comfortable with the 29 or 35 percent.

Commissioner Smith responded that he is comfortable with the 35 percent, which becomes 31 percent when the \$8.5 million is included; and he said to flip a coin, but he likes the 31 percent.

Commissioner Lober stated part of the reason he is more comfortable with the 35 percent than the 29 percent is that Commissioner's Tobia point is valid when he reported that the ARPA funds are non-recurring; if that is being taken out of the 35 percent, the Board would be looking at a 31 percent increase for BCFR, which is something that if Chair Pritchett is comfortable with 29 percent at the end of the seven year period, the Board will not need to raise it to 29 percent, because it will be at 31 percent at that point anyways; he reasoned that is why he is comfortable at 35 percent, because the Board will not be kicking the can down the road; and he mentioned that even if there are no recurring funds that increase over the period of time, the Board should still be in good shape; and he wants to avoid leaving it in someone else's lap what this Board has inherited.

Chair Pritchett inquired from the County Manager if the Board puts this percentage in place along with the money coming in, then will the Board be able to use it for capital and income increases.

Frank Abbate, County Manager, responded affirmatively; and he reported the \$8.5 million would be used over the entire period.

Chair Pritchett inquired if the Board did the 29 percent increase, depending on how staff negotiates, if that will make the difference in BCFR's salaries, and would it be coming out of the Capital Funds, as well.

County Manager replied that was correct; he indicated the increase includes both the personnel costs, capital, and infrastructure.

Chair Pritchett stated she is aware that staff has to negotiate, and she wants to get BCFR the funds, but she is most comfortable with the 29 percent and using the \$8.5 million; she remarked that it is a lot of money that the Board will be moving into it; she asserted BCFR deserves it, and the Board needs to do it, but it gives the commercial properties a little more time to adjust; and she expressed that is where she is going to settle, and she does support BCFR, but that is where her heart is on this.

Commissioner Lober pointed out that looking at the cards and seeing the math, as is, he is not inclined to change the motion; he asked BCFR and his constituents, that may have wanted to see the full 35 percent, to not hold it against Chair Pritchett; he stressed that he believes she wants to do the right thing for the Fire Department, and he does not think that is posturing or being political, or anything of that sort; he went on to say that everyone on the Board, except himself, is term limited; and he advised they can do what they want, and there are not much political consequences for them. He reiterated that for those, who think that 29 percent is not as great as 35 percent, to understand that Chair Pritchett has many considerations, just as the rest of the Board does.

Chair Pritchett inquired from Commissioner Lober if 33 percent and getting it down to 29 percent with the other funds is sufficient.

Commissioner Lober remarked that he will defer to Commissioner Zonka and Commissioner Smith; he commented if that is where they want to go, he will support that too.

Chair Pritchett explained that the Board is at the 29 percent and using some of those funds, and there is still all but two percent of it there.

Commissioner Lober inquired from Commissioner Zonka and Commissioner Smith what they wanted to do; and he indicated if they want to support that he will too.

Commissioner Zonka stated she would rather have Chair Pritchett's support moving forward, because it is a big leap.

Chair Pritchett expressed she would love to be part of it.

Commissioner Smith noted that he is sympathetic with the businesses, as well; he revealed that one of the reasons he is sitting on the Board is because, during 2002 or 2004, he received his bill for his business; his previous fire assessment was approximately \$2,000-\$3,000, although he mentioned he does not remember exactly; he recalled it increased \$4,500 in one year, and he was shocked; and he called his sitting Commissioner three different times, and that Commissioner, nor her representatives, never called him back.

Commissioner Zonka inquired if that was the same one that wanted to buy used defibrillators.

Commissioner Smith indicated he does not know and is not saying, but he is sympathetic to the commercial properties, as well; he recalled that when he telephoned the Tax Collector's Office, they directed him to call his County Commissioner, because he was told the Board was the one that decided it; he recollected that he inquired what the \$4,500 increase was for, and the reply was the Board wanted to build a new fire station in Micco; he explained his thought process was that he lived in West Melbourne, and he did not understand why he was paying \$4,500 for a fire station in Micco; and nobody ever had answers for him. He asserted that is a reason why he is on the Board; he explained he wanted to do a better job communicating to the public; he mentioned that if the Board wanted to go to 33 percent, he will do that if that makes everyone more comfortable; and it makes him happier that the commercial establishments will have a little relief.

Commissioner Lober stated that is fine; he informed Commissioner Smith that if his second to the motion stands, he will modify the motion and everything else will be identical; he reported that instead of 35 percent, the Board will make it 33 percent, if that makes Chair Pritchett happy; and he is fine with it.

Chair Pritchett expressed that will be wonderful, because the public will be taxed the 29 percent, and the Board can move the majority of the funds over.

Commissioner Lober remarked that will be perfect.

There being no further comments or objections, the Board adopted Resolution No. 21-044, increasing Fire Assessment rates by 29 percent from rates that were adopted in Fiscal Year 2020-2021, which is the result of implementing a 33 percent increase in Fire Assessment funding offset by allocating General Fund revenue replacement available through the American Rescue Plan (ARP) Act, which is estimated to be \$8.5 million and to be spent incrementally over a 7-year period to cover Fire Assessment requirements; and directed the County Manager to schedule an audit of BCFR for the upcoming audit cycle and to make the results available to

the general public.

The Board recessed at 11:52 a.m. and reconvened at 11:57 a.m.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Nay: Tobia

H.4. Public Hearing Re: Amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118, Regarding Measurement Point for Dock Projection and Clear Navigable Zone between Docks at Residential Properties.

The Chair called for a public hearing for amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118, regarding measurement point for dock projection and clear navigable zone between docks at residential properties.

Tad Calkins, Planning and Zoning Director, read aloud Item H.4., public hearing for amending Brevard County Chapter 62, Article VI Zoning Regulations, Section 62-2118, regarding measurement point for dock projection and clear navigable zone between docks at residential properties.

Joe Reese thanked Commissioner Smith for getting the ball rolling on this; he recalled awhile back that he emailed Commissioner Smith's office; he pointed out that in consideration of the dock projection measuring point, he is glad the Department has clarity on it; however, he feels like he was left out of the loop on this; he just found out about this a few days ago; and there are a couple more items that he would like added.

Commissioner Smith encouraged him to discuss it now since this is his opportunity to do so.

Mr. Reese acknowledged that it is nice the Department has picked a spot to measure from, but the 20 percent really does not work in many canals; he reported that Indian Harbor Beach uses a 25 percent rule; their code is written a little better for today's standards; he suggested maybe the boats or boat lifts are wider, but when one projects out into a canal that is 80 feet wide, one only gets 16 feet to work with; and he noted that it is a little tough to do the job. He went on to say that most boat lifts require a 12-foot width; so the numbers do not really work out; he also indicated there needs to be some clarity as to whether the overhang of the boathouse roof is included in the projection; he reported there is a foot and a half overhang on most roofs, so that takes away as well; and if it is being placed right against the sea wall, he does not feel it should be part of the 500 total square-feet that is allowable. He advised it should be subtracted out, because the rule revolves around how much light hits the sea floor in the canal to let things grow; if the roof is over the land, there should be something specific stated to address that so the homeowner can get what they want; and there are a lot of intricacies that are not addressed in the current rules.

Commissioner Lober informed the Board that in regards to the first item that was brought up, it would require re-advertising; he asserted that it was a substantial change that was not included within the scope of what staff has advertised; he deferred to Commissioner Smith, since he has more of an interest in aquatics and boating than the rest of the Board; and he suggested if any of those things that were requested he wants to bring forward, he would be inclined to support

him on any or all of them, if those are concerns to him. He opined that since the suggestions would require re-advertising, what is before the Board would put the County in a far better place in his district and Commissioner Smith's than where the County is now; it would resolve some existing concerns; he would prefer the Board to go ahead and pass this; and the only question he had was for Mr. Calkins. He indicated that he received an email from a constituent, possibly from District 1, who was concerned about how the changes would potentially restrict how high above sea level docks could be built; he did not see that included in the changes; if it something that Mr. Calkins wants addressed in the future, just as the Board addresses some of the concerns that were raised in public comment, he is happy to do that; if this does not change that, he still wants to proceed with it; and he inquired from Mr. Calkins if that was something that has changed as a result of what has been proposed.

Mr. Calkins replied it is not; and he inquired if Commissioner Lober was referring to the email from Mr. Morelli.

Commissioner Lober answered yes.

Mr. Calkins explained that Mr. Morelli's concern was for docks specifically along the river; and he indicated it does not apply to this Ordinance.

Commissioner Lober moved to approve.

Commissioner Smith remarked that he also received the email from Mr. Morelli; he confirmed it was about the Indian River; he went on to say that the Mr. Reese raised some good issues; the 25-foot width is pertinent, because of the size of boats and the boat lifts that are used; he reasoned that there is some reason for Mr. Reese to be saying that; and he inquired from Mr. Calkins what his thoughts are about it.

Mr. Calkins reported that when his Department looked at this, it was asked to specifically look at projection and where the projection is measured from; staff did not see any issues with the actual percentage of the canal that the dock could take up; if the Board wants staff to look at that, it could approve Legislative Intent and adopt the Ordinance today; then staff could work on a revision, along with the other items that Mr. Reese brought up, and bring it back to the Board; those things would be the roof and the square footage, because those are things that they did not necessarily look at in their analysis, because it was not what they had direction to do; and he indicated that staff could definitely do that.

Commissioner Smith recapped by asking Mr. Calkins if the Board approves this today, then he can ask for legislative intent to revisit the roofs and the overall width.

Mr. Calkins responded affirmatively; and staff would look at the percentage of the projection, how the roof is measured landward and deducting from what is allowed over water, and then also look at the overall square feet of the dock limited to 500 square-feet.

Commissioner Lober modified the motion to have staff research the issues Commissioner Smith identified.

Commissioner Smith seconded.

There being no further comments or objections, the Board conducted the second public hearing and adopted Ordinance No. 21-09, amending Brevard County Code Chapter 62, Article VI Zoning Regulations, Section 62-2118, establishing measurement points for dock projection and

clear navigable zones between docks at residential properties; and directed staff to review the percentage of the projection, how a roof is measured landward and deducting from what is allowed over water, and the overall square footage of the dock limited to 500 square feet.

Result: APPROVED

Mover: Bryan Lober

Seconder: Curt Smith

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

H.5. Ordinance to consider an Ad Valorem Tax Abatement for Dark Storm Industries, LLC

The Chair called for a public hearing to consider an ordinance for an Ad Valorem Tax Abatement for Dark Storm Industries, LLC.

Katherine Wall, Assistant to the County Manager, stated this Item is requesting the Board to consider adopting an ordinance granting Economic Development Ad Valorem Exemption to Dark Storm Industries, LLC for 10 years and 100 percent of real and tangible personal property that is added to the tax roll; and she indicated that Mr. Edgar Campa-Palafox, from the Economic Development Commission (EDC) is present if the Board has any questions concerning this project.

Nathan Slusher reported that Titusville City Council had the same discussion at its last meeting on April 13 regarding the Dark Storm tax abatements; he pointed out that the same gentleman gave the same presentation there; he revealed that a question was brought up at the meeting when Councilman Robinson inquired of the 50 jobs that are coming to Titusville, how many of those jobs will be for Brevard County residents versus how many of those jobs will be transfers from New York; at that time, there was no answer for that question; and he requests the Board get the answer before making a decision.

Mr. Edgar Campa-Palafox, EDC Business Development Director, informed the Board he received the answer to the question that was addressed during the Titusville City Council meeting; his client mentioned that right now it was too early to estimate, but the best estimate is seven to 12 positions will actually come here; this depends on the final destination, since the client is still considering the Florida Panhandle; so that may be 10 to 12 positions, and the remaining 40 positions will be filled by Florida residents; and he highlighted that those seven to 12 positions relocating to the area will need to rent or acquire housing, so that will have an impact on the Space Coast, as well.

Commissioner Lober indicated he was looking at the attachment, the Ad Valorem Tax Abatement Job Creation Distribution Worksheet, and commented that Commissioner Tobia comes up with some good ideas or at least he agrees with parts of them; he noted that he liked part of an idea Commissioner Tobia came up with on this one; he observed, by looking at the lineup, that Dark Storm is not including any sort of a C-level position, president, or anyone who earns disproportionately or inordinately more than anyone else on the worksheet; and he requests the Board condition it, as was done with the prior item, on not averaging in a president, Chief Executive Officer (CEO), any high-level earner, or whoever that top person is who has ownership interest of the company, but it does not look like the company did that anyway.

Mr. Campa-Palafox asserted that the EDC verified that those positions are not included in that average; he explained the way it works, at least for this project, is the partners or C-level

executives, because of the Corporate structure, do not receive salaries from this venture; he confirmed that Commissioner Lober is correct; and C-level executives are not included in the average.

Commissioner Lober remarked that was perfect.

There being no further comments or objections, the Board adopted Ordinance No. 21-10, granting an economic development Ad Valorem exemption to Dark Storm Industries, LLC for 10 years at 100 percent of the real and tangible personal property that Dark Storm Industries, LLC, invests in Brevard County and is added to the County's property tax roll.

Result: APPROVED

Mover: Curt Smith

Seconder: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Zonka

Nay: Tobia

J.1. Waiver of Subdivision Perimeter Buffer, Re: Melbourne Beach Homes (21WV00003) (District 3)

Developer: Oceanfront D & M, LLC.

Tad Calkins, Planning and Development Director, stated Item, J.1., is a request for the Board to consider a waiver to Section of 62-2883(d) that requires a 15-foot perimeter buffer tract along the perimeter of a residential subdivision; and staff is happy to answer any questions the Board has.

Commissioner Tobia stated he had no issue with this, and he motioned to approve.

The Board approved the applicant's waiver request to Section 62-2883(d) that requires a 15-foot perimeter buffer tract along the perimeter of a residential subdivision.

Result: APPROVED

Mover: John Tobia

Seconder: Bryan Lober

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

J.2 Final Plat and Contract Approval, Re: Melbourne Beach Homes (20FM00011) (District 3)

Developer: Oceanfront D & M, LLC.

Tad Calkins, Planning and Development Director, reported this is a companion item, final plat; and he requested the Board approve the final plat and contract approval for the Melbourne Beach Homes plat.

The Board granted final plat approval; and authorized the Chair to sign the final plat and contract for Melbourne Beach Homes – Developer – Oceanfront D & M, LLC, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: APPROVED

Mover: John Tobia

Secunder: Bryan Lober

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

J.3. Relocation of Nonconforming Digital Billboard

Eden Bentley, County Attorney, stated this Item was brought forward by District Four; this is the billboard that is requested to be relocated from State Road (SR) 528 to Interstate (I)-95, just north of Wickham Road; this is a Clear Channel, non-conforming billboard; and she indicated Clear Channel has the option to request this relocation, but it is up to the discretion of the Board as to whether or not to approve it.

The Board approved relocation of digital billboard from SR 528 (Billboard Panel ID 005378) to I-95 near Wickham Road (Billboard Panel ID 005450); and authorized for the billboard at SR 528 be returned to static non-digital face or be removed permanently.

Result: APPROVED

Mover: Curt Smith

Secunder: Kristine Zonka

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

J.4. Approval of Resolution and Real Estate option contract for sale of property in County owned Commerce Park in Titusville.

Troy Post, North Brevard Economic Development Zone (NBEDZ) Director, reported this is another real estate transaction that involves Spaceport Commerce Park in Titusville; there is an offer from North American Properties, a real estate development company, that proposes to buy it for \$35,000 an acre, which is the price point that was established a few years ago by the Clayton Roper Market Evaluation Report; the company would like to enter into an option agreement to buy the property by providing a \$50,000 deposit to the County; it will have one year to seal a deal to construct a building and lease it to an aerospace manufacturer; if it decides to not exercise the option before the end of the 12-month period, the County would return \$45,000 of the \$50,000 deposit; and the County would keep the \$5,000, as an option fee, for allowing the company to have that property, under option, during that period of time. He added that the company would have the provision to extend the option for another 12 months; if it does not buy the property at the end of that period, the County would retain \$40,000 of the deposit, as a cost of the option fee, and remit \$10,000 back to the company; he explained this is a different type of real estate transaction; the Department is working with a real estate development company that would construct a building to lease to a company; NBEDZ will request, prior to closing, the lease company be identified; and it would be required to fill out an application for assistance from NBEDZ. He went on to say the application obtains information such as who the company is, what its market area is, and all the kind of information the Department uses to track businesses; it would also require the company to commit to the creation of 50 new jobs with an average annual wage of \$50,000; it would not include the C-level executives within the 50 new jobs or the salary average; and the other stipulation it has, which is standard in a lot of its deals, is at closing when the deed is provided to the buyer, there would be a time-period required for them to start their work on-site. He explained there has to be site preparation activities, such as: clearing and grading the site, and constructing a building footprint for at least a 25,000 square-foot building; this prevents somebody from merely buying the land and holding onto it indefinitely and not using it for the purpose that was intended; this offer first came up to the NBEDZ Board of Directors and went through negotiations; and now this package is presented to the Board for approval.

Chair Pritchett remarked she was satisfied with the project.

The Board adopted and executed Resolution No. 21-045, authorizing conveyance of real property interest in a parcel within Spaceport Commerce Park to NAP Florida, LLC; approved the Real Estate Option Contract permitting the sale of approximately 11.89 acres of industrial land in the County-owned Spaceport Commerce Park in Titusville for \$416,150 to the company known as NAP Florida, LLC; and authorized the Chair to execute all documents in connection thereof.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

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

**J.5. PLACEHOLDER re: Discussion Driftwood Escrow
District 2**

Commissioner Lober reported that he was approached by Driftwood Capital; it proposes to deposit \$75,000 with the County to have it use that money to pay for a legal, financial, and economic evaluation of a project dealing with the Westin property that will replace International Palms Resort in Cocoa Beach; the only costs the County will have is staff's time, with respect to obtaining the legal, financial, and economic evaluation; it will not cost the County anything to obtain those evaluations, because Driftwood is putting \$75,000 in deposit with the County; it will not even be in an Escrow account; and it will go straight to the County. He recommended whether the Board likes the project or whether it is concerned about what the County's involvement may or may not be down the road, his thought is this is going to give them three additional reports they can use, if for nothing else then to stir additional private investment in the area; if there is such a wonderful result that the County decides to put some stake or have some level of involvement, it will have done its due diligence with respect to helping them raise capital that will be transformative, not only for Cocoa Beach and District Two, but for Brevard County; and he does not see there being a down side to doing this. He requested the Board, regardless of what its thoughts are on the overall project, as it is or may end up evolving to become, to look at this for what it is and, most importantly, what it is not; it is not any sort of a grave cost to the County; he motioned to have the County Manager and/or the County Attorney execute the attached document and conduct, as appropriate, legal, financial, and economic evaluations in accordance with the terms of agreement; and he inquired if the County Manager had anything else to add.

Frank Abbate, County Manager, requested, in light of the terms that are in the agreement, that the Board approve the advertisement of a Request for Proposal (RFP) to obtain the economic analysis consultant and reduce the solicitation time from 21 to seven days; utilize a Selection and Negotiation Committee consisting of Kathy Wall, Assistant to the County Manager; Peter Cranis, Tourism Development Office Director; and Larry Lallo, Merritt Island Redevelopment Agency Director; authorize him to execute the resulting contract and contract amendment that may be necessary, upon review and approval of the County Attorney's Office and Risk Management; and authorize him to approve any necessary Budget Change Requests to pay for the various services that would be contemplated and are contemplated under the agreement.

Eden Bentley, County Attorney, inquired if the Board could authorize the Chair to sign the agreement.

Commissioner Tobia requested for the same deference that the Board provided Commissioner

Lober; he mentioned that he assumed the rest of the Board received this 19 page document when it arrived today, because that is when he received it; he suggested that while he is not necessarily against this project, he may be; and he mentioned that he has not had enough time to thoroughly review this document. He referred to Commissioner Lober's statement when he asserted there is no tax impact on the County; he advised if the Board goes about this in such a way that yields a certain result, he may have some reservations that may force him to vote against it; and after reading it, he revealed he has some questions. He inquired what is the Tourist Development Council's (TDC) stance on this; he noted he is not certain if the TDC has looked at this agreement; if it has, was a decision rendered that this is the right way to go or should this be off the table; and he stressed that he certainly does not want a company to spend \$75,000 and have the Board turn it down. He informed the Board this agreement contemplates a garage; he referenced to page 16 of 19 and inquired if the Westin facility has to build a garage or is this part of the convention center; in other words, there are two; he saw a rendering of the project, and there was just one parking structure; and he is not certain whether he wants the analysis to look at taxpayers footing the bill for the garage if that is something the management company has to do. He continued on to say the Board is looking at an \$80 million revenue bond; he pointed out it used the word "sufficient" on page 18 of 19; he wants the Board to examine if this is enough or is it too much; it is not outlined in the agreement; if the County has to do a RFP, why reduce it to seven days instead of 21; and would the Board not want a robust application pool to make a decision on. He expressed that he is not necessarily against this, and he might probably support this; he commented that this is not Commissioner Lober's doing, but it is unfair on staff to have to do this at the last second; this is not staff's fault; he is sure it is the other side; but it is also unfair for the Board to have to make a decision on how to proceed whether this is the right direction or not with no heads up. He recalled that he discussed the alcohol topic for a month and a half; there was an advertisement, and the Sheriff spoke on it; and he mentioned he thought he was the first one to give Chair Pritchett the ability to change her vote on that procedurally. He desires some answers from staff; he has had no opportunity to ask staff some of these questions; he asserted that if Commissioner Lober's motion does not pass, he requests to table this Item until the next meeting on May 4, 2021; and he inquired if Commissioner Lober has the answers.

Commissioner Lober stated there are two people in the assembly that represent the applicant.

Chair Pritchett inquired from Attorney Bentley if there is any costs to the County at all.

Attorney Bentley replied it will only require staff time; and all the expenses for the consultants will be paid by the developer.

Nelson Parker, Driftwood Development Partners Managing Director, informed the Board that there is still a lot of questions out there, which in due process, he is hoping to answer; he advised that the intent of the agreement is to allow a mechanism for them to continue to work with staff in order to do some further evaluation of the merits of this project and what is being discussed; he feels a lot of these answers will be brought to light with that; and he reiterated that is what they are trying to do.

Commissioner Tobia declared he is not opposed to asking questions, but he wants to make sure the Board asks the right questions; he inquired from Mr. Parker what is the rush; he noted that the documentation indicates it is a \$300 million project; he questioned why not ask for two weeks so that the Board can determine if it is asking the right questions; and he stressed that this is not just about the escrow. He reiterated that he just received this, and he spoke with staff yesterday; he declared it is inherently unfair to ask the Board to vote on something that is 19 pages long that was received immediately before the meeting; he pointed out that it is more

than just escrow; he highlighted the Scope of Services section for the private contractor; and he asserted that he has not had time to make a determination. He expressed that he is certain Mr. Parker would support the Board to put a hold on this for two weeks; and he inquired if Mr. Parker needs this absolutely immediately.

Mr. Parker replied he will support whatever the Board wants to do...

Commissioner Tobia informed the Board the applicant said he would support a two week..

Chair Pritchett asserted she was going to let Mr. Parker go ahead and finish speaking.

Mr. Parker reported this project they are working on is a big, complicated process; it has cost a lot of money to get to this point, and time is of the essence; even two weeks is going to be material if they have to wait two weeks to get an answer; they are looking for a conduit to move forward; there is going to be a lot of work to do with staff and various consultants to deliberate and determine the merits of the project; and he stated that two weeks, for them, will be impactful. He noted that they are looking to go before the TDC at some point and bring this back with a proposal to the Commission, shortly thereafter, which is really what their goal will be.

Commissioner Tobia inquired when Mr. Parker purchased this property.

Mr. Parker advised he thought it was purchased three years ago.

Commissioner Tobia remarked that Mr. Parker had it three years and any of that time he could have come to the Board with his proposal; he explained that he does not know if this is Mr. Parker's fault; he does not know whose fault it is, but he is certain it is not staff's fault; he reported that he spoke with staff at five o'clock, and this was not complete; he does not know if it is Mr. Parker's consultant's fault; and then to reduce the period of time to advertise it from 21 days to seven are also major concerns for him. He reiterated that he would like to move forward with this; he expressed he understands why Mr. Parker wants this done expeditiously, but Mr. Parker has had this project for three years and is thinking about investing \$200-\$300 million; he feels that Mr. Parker has not given the Board a material reason, other than it will cost more, when he has had every opportunity to bring this before the Board; and he inquired if there was a reason why Mr. Parker has not brought this to the Board in the last three years.

Mr. Parker stated in the last three years there have been a considerable amount of changes; they have been working very closely with the City of Cocoa Beach to attain their entitlements for the whole project, which took a considerable amount of time; they have been very successful in working closely with the City to get to this point, which allowed them to develop the project to where it is today; their goal is to get to the point where they can break ground in the fourth quarter of this year; and for that to happen, a lot of work needs to take place between now and then. He went on to say that every day is critical for them to be in a position to break ground, because it is a long project; he reported that it is probably a two and one half year construction cycle once they break ground; in order to bring to realization all the work they have been doing for the last, frankly, five years on this project, they are hopeful that the Board will support them to move forward; and he reiterated that it would just be for the Board to consider the merits of what they are trying to do and to weigh whether or not it is in the best interest of the County to support a project of this nature.

Commissioner Tobia declared they had the project for five years, purchased it three years ago, and blamed the City of Cocoa Beach for that; whether that is fair or unfair, he does not know;

he expressed he is disappointed with the burden it has placed on staff; he mentioned it did not come out of the District Office, even though Commissioner Lober is the one who brought it; and he asserted it was absolutely poorly done to put staff in the position to turn out stuff for a multi-million dollar corporation. He added that it is even worse to put staff in a position where they have to place lengthy documents in front of the Board that could enter the County into certain contracts without giving the Board an opportunity to look at the full scope; he requested the Board give him the same deference that it provided Commissioner Lober on the alcohol Item; he mentioned that Item had no financial impact on County residents, and this Item may have an impact in the long term; he would like the same deference paid toward him; and if the Board will not support that, he requests to wait the two weeks to get some of these questions answered by staff and table the Item until May 4, 2021.

Commissioner Smith concurred with Commissioner Tobia that they received this project at the last minute; he related it to what Nancy Pelosi said, "We have to pass it to find out what is in it."; he noted that he spent a lot of time reading it this morning, and he feels number three and four on page 18 sums up what he likes about it; he reported that it is allowing the County to get a review, an evaluation, and an analyzation done by the developer; and he indicated that he was briefed on this a couple weeks ago. He stated he recognized why time is of the essence for the developer; he explained that he was not going to tell Commissioner Tobia what he was told, because he is not certain if it is supposed to be made known to the public; he will leave that up to the developer; he reiterated that he understood why time is of the essence and why the developer rushed to give this to the Board; and it was mentioned to him, the developer did not have a full three years, because COVID-19 really slowed them down. He expressed that he is looking at this as transformative; he recalled back in the late 1960's, when he attended the University of Miami, Miami Beach was undergoing a Renaissance; it had numerous hotels that had been built in the 1920's, 1930's, and 1940's; the Fountainebleau Hotel had been built around six years before he moved there; and it was the big jewel of Miami Beach. He explained that all the big hotels came after that; the old hotels were bought up and knocked down; Eden Roc Hotel is the one he can think of, but there were many others; he looks at this hotel doing the same for Cocoa Beach; he advised it would be transformative; and he feels it would be the star jewel of Cocoa Beach and birth many large hotels in the process. He asserted it would bring unlimited opportunities for employment; it would bring untold amounts of Tourism Development Tax (TDT) money to the County through all the rentals; he mentioned he understood Commissioner Tobia's concern; he is comfortable with it; he asked a lot of questions as to what kind of risk the County has; and there is some, which would be in regards to the garage. He commented that there are also some upside benefits as well; there is another hotel that is thinking about reaching out to the County about building a large garage closer to the Port; there are a couple issues going on here; this, by no means, from what is being asked today, will require the County to put a stamp of approval and give the developer carte blanche; it is just allowing them to get to the next step; and time is of the essence.

Commissioner Tobia thanked Commissioner Smith; he reported he did not have that kind of in-depth conversation; and he indicated because of the Sunshine in the Government Act, he was not able to pick up the phone and call Commissioner Smith.

Commissioner Smith remarked that he cannot call him either.

Commissioner Tobia inquired of Commissioner Smith, since he knows about the garage, if the Westin Hotel will be required, if the Item does not pass, to provide those spaces there without the convention center; he explained that the County is going to have to look at it as that being part of it; the most important thing is he wants to make sure that the Board is asking the right questions; he stressed that if the Board asks the wrong questions and gets the wrong answers,

he does not want to have to go through this again; and that is a very fundamental question that he does not know the answer to.

Commissioner Smith replied that he does not want to answer for them.

Commissioner Tobia inquired if the answer should be directed to Mr. Calkins.

Mr. Parker stated he would be happy to answer his question; and he replied that Commissioner Tobia was correct.

Commissioner Tobia expressed that he imagines the County has zoning issues when it comes to spaces for hotels; and he inquired if he was wrong.

Mr. Parker replied that there is no question the hotel has to have parking; there would be dramatically less parking if a convention center was not going to be there; he reiterated the answer is yes, there has to be parking; yes, there has to be structured parking, given the size of the lot, to accommodate cars; and it would be a different configuration and a different garage size without a convention center.

Commissioner Tobia remarked that Mr. Parker had it broken down to 781 spaces in the documents provided; he pointed out that he did not know the percentage of parking spaces or what the calculation of parking space per room is; and he inquired what is the calculation.

Mr. Parker responded that it varies by code.

Commissioner Tobia stressed that is why he would like to ask Mr. Calkins what the code is.

Mr. Parker explained that code is a little different in his circumstances, because they are planned development on site, so it is not as applicable at strict code.

Chair Pritchett stated that Mr. Parker has to find out if this is a fit or if the County is even willing to do it; she informed him that when he comes back with a feasibility study, he has to get a 4:1 vote in favor of it; she informed him that it would be in his best interest to find out what the Commission will and will not pass; she stressed that this Item is not costing the County any money, and the Board is not approving the project today; and she indicated this is a little iota in the scheme of what he has to get through. She expressed what she will be looking for is if what he brings back to the Board causes any harm to the County; she will also be looking to see if it is a significant resource, as far as maybe alleviating some of the Ad Valorem taxes off the rest of the residents by provoking tourist taxation; she revealed she wished it was in District One, but Cocoa Beach needs a facelift; she thinks it will be healthy for it; and she pointed out that he had a big road to get through. She reiterated that she is going to be looking to see that the project will not hurt the County by the time the project will be complete; she does not want the County to end up with any additional burdens; she indicated that she received the documents this morning from Attorney Bentley; she had conversations this morning with the County Manager and the County Attorney about making sure the County would not be harmed by this either, and that the developer will pay the costs to do this; and she informed the Board that she will support the Item.

Commissioner Lober pointed out that he did not want to come across as one-sided with respect to this; he mentioned this is yet another Item that he agrees in part with Commissioner Tobia's comments, even if the end conclusion is not necessarily the same as his; he reported that he did not know the direction this was going to go in terms of every little point; he recalled he was

driving from a 2:00 p.m. commitment in Rockledge to get to a 3:30 p.m. appointment at his office in Merritt Island in the rain on a Bluetooth conference call with one of the developer's attorneys, the County Manager, and the County Attorney to try to get everything worked out; and he indicated that he was willing to push this forward, because he thinks it is a good thing for the area. He opined there really was no down side with respect to what is being asked today; he revealed it does get a little old, and it is not Driftwood specifically, when a lot of applicants drop off Items at the last minute on the dais; he certainly empathizes with Commissioner Tobia with respect to that; and it is not something he enjoys. He asserted he will understand if the Board wants to continue it or address it today; if other Items on this project come to pass, there will need to be some greater degree of specificity, in how it is articulated, as to why the Board is at the juncture it is at with respect to these things coming at the last minute; and he stressed that he will not push it today. He informed the Developer the frantic phone calls add to the Board's and staff's stress levels; he wants to see this happen, if it is at all feasible; and he reported that he wants to put everyone on notice, that if there is another Item like this, there needs to be further advanced notice, or alternatively, a very good and specific reason as to why it has not been provided.

Commissioner Zonka remarked that Mr. Parker's visit in her office brought to his attention that he has a lot of questions and concerns; she expressed that she is not concerned with taking a look at it; she suggested the developer count what kind of future support he will have from the Board before he spends \$75,000; she indicated she is happy to have the County staff look at it; but the current structure of the proposal gives her concern. She explained that she appreciates what the developer is trying to do; she acknowledged how great it will be for the area, but he is asking the Board to make an \$80 million commitment to one company; she noted that is not even putting out a RFP to see if anyone else can build a convention center less expensively; she believes that to be a valid question; and she stressed that she is not saying that there is no way she will support it. She informed him, that by what he proposed in her office, he cannot count on a District Five vote, at least for the way it is structured now; if he wants to have it looked at legally, she is fine with that, because he is paying the costs; she reiterated that she is not pleased with the \$80 million commitment and the years of commitment in order for the County to build a structure for a private entity; and she asserted that she wanted to let the Board know where she stands, because she does not want there to be any surprises later.

Commissioner Tobia stressed that he gave his word that he would support the proposal, but he should have specified that he does not want it shoved in his face two minutes before he has to vote on it; he remarked that ideally what Commissioner Smith said is correct; it is transformative, but he wants to make sure the Board asks the right questions, such as can others do it for less, so when the report comes back, he is ready to vote in the affirmative; and he indicated there may be more questions he would like to ask. He noted there may be some things that are not necessary, which will lower the scope to attract more applicants; it is very difficult for the Board to come up with recommendations when it receives last minute Items right before a three or four hour meeting; and he congratulated the Commissioners for not adding things in at the last minute to avoid making it difficult to make last minute determinations. He added that it is his fault for not clarifying that he wanted the ability to do his due diligence; he revealed that he has to stick to his word, but he wants everyone to understand that he has not had the full time to do his due diligence on reading this; and he explained that since Commissioner Smith said there is no impact, he will stick to his word and vote in the affirmative on this one.

The Board authorized the Chair, the County Manager, and the County Attorney to execute the Agreement regarding developer's deposit of funds to cover the County's costs for third party legal, economic, and financial analysis of the development of the Convention Center and

Parking Garage, and to conduct the legal and the financial evaluation, in the terms of the Agreement; authorized the advertisement of a Request for Proposal to obtain the economic management analysis; authorized the reduction of the solicitation time from 21 days to seven days; appointed the Selection and Negotiation Committee to consist of Kathy Wall, Assistant to County Manager, Peter Cranis, Tourism Development Office Director, and Larry Lallo, Merritt Island Redevelopment Agency Director; authorized the County Manager to execute any contract, or contract amendment as necessary, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing; authorized the County Manager to approve the necessary Budget Change Requests; and approved Driftwood to deposit \$75,000 with the County for use to pay for the legal, financial, and economic evaluation of a project dealing with the Westin property that would replace the International Palms, Cocoa Beach.

Result: APPROVED

Mover: Bryan Lober

Secunder: Curt Smith

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

L.1. Frank Abbate, County Manager

Frank Abbate, County Manager, stated he wanted to discuss Item, H.3., regarding the Fire Assessment; and he indicated there was a third area, under requested action, asking for authority for the Chair to sign the rate resolution subject to the changes at the 29 percent rate.

Commissioner Lober motioned to approve.

Commissioner Tobia inquired if this was just providing authority to the Chair to sign it

County Manager replied he wanted to make it very clear that it was 29 percent.

Commissioner Tobia expressed that those are two totally different things; he inquired if this is just giving the Chair authority to sign it and does not indicate a support of the rate increases.

County Manager responded by saying it is just the authority.

Commissioner Tobia thanked the County Manager for the clarification.

The Board approved the Chair to sign the Fire Assessment rate resolution, subject to the changes at the 29 percent rate.

Upon consensus of the Board, the meeting was adjourned at 12:44 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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

Result: APPROVED

Mover: Bryan Lober

Secunder: Curt Smith

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