

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, May 4, 2021

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:04 PM

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

B. INTENTIONALLY OMITTED

C. PLEDGE OF ALLEGIANCE: Commissioner Kristine Zonka, Vice Chair, District 5

Commissioner Zonka led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: December 22, 2020 Regular; January 12, 2021

The Board approved the December 22, 2020 and the January 12, 2021 regular meeting minutes.

Result: APPROVED

Mover: Curt Smith

Second: Kristine Zonka

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

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

E.1. Resolution acknowledging May 6th as A Day Of Prayer In Brevard County

Commissioner Smith read aloud, and the Board adopted Resolution No. 21-046, acknowledging May 6th as a Day of Prayer in Brevard County.

Loretta Dozier expressed her appreciation for the Resolution. She stated she is the founder of DOVE Bible Club which is an after school club that teaches character education based on the life of Jesus Christ; they will be in 35 schools come this fall; she thanks the Lord for that; if tells her that this County is a County of prayer; and what the Board is doing is a blessing for the people of this County. She announced this is the 70th year of prayer for America, for the nation, and for the leaders; and she is happy to be a part of that.

Pastor Evie stated may righteousness reign throughout the County, in all good things; they pray all the time for the Board as previous Pastor prayed for them; in the brochure there are many sites that range from businesses to churches, to government centers, where people will be gathered praying; and she gives God the glory for those who care about the Board, so when it does not see them, it does not mean that prayer does not gone on; and on that day they will be praying for this wonderful County and thanking God for all of his great blessings in this wonderful County.

Result: ADOPTED

Mover: Curt Smith

Second: Bryan Lober

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

E.2. Resolution recognizing Corrections Officers

Commissioner Lober read aloud, and the Board adopted Resolution No. 21-047, recognizing the Corrections Officers.

Sheriff Wayne Ivey, Brevard County Sheriff's Office (BCSO), stated the men and women that he works with have one of the most dangerous jobs in the profession; they work every day in

an environment that is not only, at times, unsafe, but it is certainly a time that their professionalism lends to making sure that those in their custody and care are taken care of, their well-being, and working on rehabilitation and everything else that goes into this job; these men and women put their lives on the line each and every day; and he is truly proud to get to wear the same uniform that they do, they do an amazing job for this County. He went on to say he would also like to credit, not only the Board, but the community; these officers are blessed that this is a community where each and every day, the citizens show them how much they love them and trust them; that means the world to all of the officers because that is not what is taking place all over the Country, but it is taking place in Brevard County; and they are truly blessed.

Chair Pritchett thanked the officers for all that they do; she noted she prays for all of the officers to be safe, have wisdom, and to be able to do their job; and she mentioned the officers are very supported by this Board and this County.

Result: ADOPTED

Mover: Bryan Lober

Secunder: Curt Smith

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

E.3. Resolution Proclaiming the week of May 2nd - 8th, 2021 as Children's Mental Health Awareness Week (D2)

Commissioner Lober read aloud, and the Board adopted Resolution No. 21-048, proclaiming the week of May 2 – 8, 2021 as Children's Mental Health Awareness Week.

Phil Scarpelli, Brevard Family Partnership, introduced Tracy Pellegrino; he stated this week is Children's Mental Health week, but this month is mental health awareness; he expressed his appreciation for acknowledging mental illness; he mentioned mental illness is near and dear to their mission in working with families that are at risk; quite frankly, the partnership they currently have with Brevard County government in their partnership and behavioral health grant is going to make a major impact in this society moving forward; and it is not just now, it is generational. He thanked the Board for its support and added it is not only the assessment diagnosis and treatment of mental illness, it is also about breaking the stigma; he encouraged everyone on the Board and in the community to join them in this mission together; and he expressed his appreciation again for the Resolution.

Result: ADOPTED

Mover: Bryan Lober

Secunder: Kristine Zonka

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

Items pulled from Consent

Chair Pritchett stated she had cards for F.10., F.26., and F.29., and she will pull those from consent.

F.1. Nandivada Multi-Use Stormwater Treatment Area Design Services. Wood Environmental and Infrastructure Solutions, Task Order No. 20-4615-002-DSR SOIRL

The Board executed and approved Task Order, No. 20-4615-002-DSR SOIRL, with Wood Environmental and Infrastructure Solutions for Nandivada Multi-Use Stormwater Treatment Area Design Services for \$185,964.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.2. Acceptance, Re: Binding Development Plan with HKH Tropical LP (District 2)

The Board executed Binding Development Plan with HKH Tropical LP, for property located at the Northeast corner of the Southeast one-fourth of the Southeast one-fourth, Section 22, Township 24 South, Range 36 East, Brevard County, Florida. Said Plan was recorded in OR/BK 9118/1903.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.3. Approval, Re: Donation of Sanitary Sewer Easement from 3101 Gannett Plaza Ave, LLC for Lift Station T08 Relocation/Reconstruction Project - District 4.

The Board approved and accepted Sanitary Sewer Easement from 3101 Gannett Plaza Avenue, LLC, located in Section 13, Township 26 South, Range 36 East, on the west of US Highway 1 in Rockledge, for Lift Station T08 Relocation/Reconstruction Project.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.4. Approval, Re: Dedication of Easements from: 1) The Cloisters Homeowners Association of Brevard, Inc., (2 easements), 2) Enio L. and Mildred Prieto (2 easements), and 3) Angel Marie Davis (1 easement) for the Avenida Drainage Improvement Project - District 5.

The Board approved and accepted the Drainage Easements and the Temporary Construction Easements located in Section 25, Township 27 South, Range 37 East, north of Riviera Boulevard, east of North Riverside Drive in Indialantic from The Cloisters Homeowners Association of Brevard, Inc., Enio L. and Mildred Prieto, and Angel Marie Davis for the Avenida Drainage Improvement Project.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.5. Approval, Re: Resolution and Easement in favor of Florida Power and Light Company for the South-Central Waste Water Treatment Plant- District 4.

The Board executed and adopted Resolution No. 21-049, authorizing the conveyance of real property interest by the County; and approved the Florida Power and Light Easement, located in Section 18, Township 26 South, Range 36 East, Charlie Corbeil Way in Viera.

Result: ADOPTED
Mover: Bryan Lober
Seconder: Curt Smith

F.6. Policies, Re: BCC-77, Vacating Public Access to Waterfront Property, BCC-81, Vacating County Roads, Right of Way, and Easements

The Board approved revising Policies, BCC-77, Vacating Public Access to Waterfront Property, and BCC-81, Vacating County Roads, Right-of-Way, and Easements.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.7. Approval, Re: Sidewalk and Drainage Easement from Andrew Gregori, Trustee of the Richard and Deborah Gregori Grantor Trust for the Gregori Construction Complex - District 1.

The Board approved and accepted the Sidewalk and Drainage Easement in Section 7, Township 21 South, Range 35 East, along the west side of the Old Dixie Highway, east of U.S. Highway 1 and south of Brockett Road in Titusville.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.8. Approval, Re: Assignment and Assumption Agreement and Temporary Construction Easement for The Viera Company Pineda Boulevard West Extension Project (Force Main)- District 4.

The Board executed and approved the Assignment and Assumption Agreement; and approved and accepted the Temporary Sanitary Sewer Easement, located in Section 17, 18, 20, 21, 28, Township 26 South, Range 36 East, for The Viera Company Pineda Boulevard West Extension Project (Force Main).

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.9. Approval Re: Amended and Restated Right-of-Way Use Agreement with the Iroquois South Homeowners' Association, Inc. - District 2

The Board executed and approved the Amended and Restated Right-of-Way Use Agreement with Iroquois South Homeowners' Association, Inc. to permit improvements to be installed and maintained in the Iroquois South subdivision.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.11. Confirmation, Re: New Members to Board of Directors of Golf Brevard, Inc. (District 3)

The Board confirmed John Reilly, Jr. and James Roberts to be the eighth and ninth Board members of Golf Brevard, Inc., for terms beginning July 1, 2021 and expiring on June 30, 2024.

Result: APPROVED
Mover: Bryan Lober
Seconder: Curt Smith

F.12. Approval, Re: Letter of Recommendation to the Space Coast Transportation Planning Organization and Follow-up Memorandum of Agreement for Coordinated Transportation Services in Brevard County

The Board approved the following actions to continue as the Community Transportation Coordinator for Brevard County: The Chair to submit a Letter to the Space Coast Transportation Planning Organization recommending Space Coast Area Transit to continue as

the Community Transportation Coordinator in Brevard County; and if selected, authorized the Chair to sign the Memorandum of Agreement with the Florida Commission for the Transportation Disadvantaged, upon County Attorney, Purchasing Office, and Risk Management approvals.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.13. Approval, Re: Authorizing Resolution, Grant Application, Certifications and Assurances, Execution of Follow-Up Grant Agreement for FY2021/SFY2022 Space Coast Area Transit Section 5310 Formula Grant with the Florida Department of Transportation

The Board approved the following actions for the FY2021/SFY2022 Section 5310 Formula Grant for enhanced mobility of seniors and individuals with disabilities with the FDOT in the amount of \$573,878:

- Authorized the Chair to sign the Authorizing Resolution No. 2021-050, FDOT Certifications and Assurances, and Form 424: Application for Federal Assistance;
- Authorized the use of FDOT Toll Revenue Credits;
- Authorized you to sign the Grant Application – Applicant Information, Applicant Eligibility, Grant Application Cover Letter, Transportation Plan Certification, Proposed Budget, Standard Lobbying Certification, Leasing Certification and the Certification of Equivalent Service;
- Authorized you, if necessary, to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approvals;
- Authorized you to execute any additional follow-up documentation, resolution, and amendments necessary to secure these funds; and
- Authorized the County Manager to execute any necessary Budget Change Requests.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.14. Acknowledge receipt of FY2019-2020 Redevelopment Agencies Annual Reports for the fiscal year ending September 30, 2020.

The Board acknowledged receipt of FY2019-2020 Redevelopment Agencies Annual Reports for the Fiscal Year ending September 30, 2020.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.15. FY2019-2020 Merritt Island Public Library Tax District Board Annual Report

The Board acknowledged receipt of the Fiscal Year 2019-2020 Merritt Island Public Library Tax District Annual Report.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.16. Request Approval to Accept the High Bid for Private Sale of Surplus Property 2021-2004345 and Authorization for Chair to Execute All Necessary Documents

(District 1)

The Board approved the sale of a surplus parcel 20G-34-41-16-70-16 Tax ID 2004345, located on Travis Street, Mims, pursuant to Florida Statute 125.35 (1)(a) by accepting the high bid received in the amount of \$10,000 from Bradley W. Hobbs; and authorized the Chair to execute all contracts and contract-related documents.

Result: APPROVED

Mover: Bryan Lober

Seconder: Curt Smith

F.17. Request to Waive Procurement Policy to Contract with Schenkel Schultz for Construction Administration Services for the New Emergency Operations Center (EOC)

The Board waived Procurement Policy (not requiring a competitive solicitation for construction administration services); authorized County staff to negotiate and draft a contract with Schenkel Schultz; authorized the County Manager to execute the resulting contract, contract amendments, and any contract extensions, as required, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: APPROVED

Mover: Bryan Lober

Seconder: Curt Smith

F.18. Permission to Develop and Advertise a Request for Qualifications (RFQ) for Construction Management Services for Construction of the New Emergency Operations Center (EOC)

The Board authorized the development and advertisement of an RFQ for Construction Management Services for the construction of the new EOC; approved the Selection and Negotiation Committee consisting of: John Scott, Emergency Management Director, Tim Lawry, Public Works Facilities Manager, and Allan Moros, Brevard County Sheriff's Office; authorized the County Manager to execute any resulting contracts, contract amendments, and contract extensions, as required, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: APPROVED

Mover: Bryan Lober

Seconder: Curt Smith

F.19. Permission to Develop and Advertise a Request for Qualifications (RFQ) for Attorney Services to Serve as Counsel for the Upcoming Charter Review Commission (CRC)

The Board authorized the development and advertisement of an RFQ for Attorney Services to serve as counsel for the Brevard County CRC; and approved the appointment of the CRC as the Selection Committee and Negotiation Committee in the solicitation process.

Result: APPROVED

Mover: Bryan Lober

Seconder: Curt Smith

F.20. Continuing Architectural/Engineering Design Consultant Services Agreements

Contract Amendments

The Board authorized the Chair to execute the Contract amendments for Continuing Architectural/Engineering Design Consultant Services Agreements.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.21. Interlocal Agreement with City of Cocoa to Utilize County Owned Fuel Sites

The Board authorized the development of an Interlocal Agreement between the County and City of Cocoa for use of County-owned fuel sites by official City of Cocoa vehicles; and authorized the Chair to execute the Interlocal Agreement upon review by the County Attorney's Office.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.22. Renewal of Annual Property Insurance Program Effective 6/1/2021

The Board authorized the Risk Manager to bind and secure placement of the County's Property insurance coverage with an effective date of June 1, 2021, at a premium not to exceed \$2,502,024.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.23. Approval to Advertise and Request for Proposals for the Technical SAP HANA Database Migration

The Board authorized the development and advertisement of a Request for Proposal (RFP) for SAP HANA Database Migration; approved the Selection and Negotiation Committee comprised of Lois Boisseau, Information Technology Assistant Director, Wally Phillips, Engineer III-Systems Administration Lead, and Pam Wallace, Special Projects Coordinator, Budget Office SAP Superuser; authorized the County Manager to execute the resulting contract(s) and contract-related documents upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve necessary Budget Change Requests, and to approve negotiated contract options.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.24. Resolution approving the issuance of multi-family housing revenue bonds by Brevard County Housing Finance Authority (Millennia Project)

The Board adopted Resolution No. 21-051, approving Brevard County Housing Finance (the "Authority") to increase the amount of multi-family housing revenue bonds from \$24,840,000 to \$32,340,000 to finance the acquisition, rehabilitation and development of Jupiter Ridge, Armstrong Glen, and Sandpoint Village (collectively "Millennia Project").

Result: ADOPTED

Mover: Bryan Lober

Seconded: Curt Smith

F.25. Resolution approving the issuance by Brevard County Health Facilities Authority of Refunding Revenue Bonds, Series 2021 (Buena Vida Estates Project)

The Board adopted Resolution No. 21-052, approving Brevard County Health Facilities Authority (the "Authority") to allow the issuance by the Authority of Tax Exempt Refunding Revenue Bonds, Series 2021, (Buena Vida Estates Project), to refund outstanding bonds and to finance the construction of 24 new independent living units, and other capital improvements.

Result: ADOPTED

Mover: Bryan Lober

Seconded: Curt Smith

F.27. Acknowledge Receipt, Re: Agreement Between CareerSource Brevard and Florida Department of Economic Opportunity

The Board authorized the legislative intent and granted permission to advertise an ordinance for the Board's meeting on May 18, 2021, that will create a Non-Ad Valorem Assessment, on real property sites of private for-profit and non-profit Hospitals, for the Medicaid Managed Care Hospital Direct Payment Program.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.28. Appointment(s) / Reappointment(s)

The Board appointed/reappointed Blaise Trettis to the Charter Review Commission and Nick Galluzzi to the Parks and Recreation South Service Sector Advisory Board with said appointments to expire on December 31, 2022.

Result: APPROVED

Mover: Bryan Lober

Seconded: Curt Smith

F.31. Recognizing the Essential Work and Contributions of County Employees During the COVID-19 Pandemic

The Board adopted Resolution No. 21-053, recognizing the essential work and contributions of County employees during the COVID-19 pandemic.

Result: ADOPTED

Mover: Bryan Lober

Seconded: Curt Smith

F.10. Approval, Re: American Rescue Plan Act of 2021 (ARPA) Emergency Rental Assistance funds from the United States Department of the Treasury (estimated allocation unknown at this time).

Terri Smith stated she is the Programs Director for Helps Community Initiatives (HCI) where hope thrives; the President and CEO is Bishop Martin L. Clark; he is also the pastor of Truth Revealed International Ministries, located in the City of Palm Bay for over 25 years; this year they have had the privilege of hosting the Palm Bay Cold Night Shelter; and they have extended that invitation again for the coming season in 2021/22. She continued by saying during this time they have realized that there is a disparity in direct services such as these for both the far north and the far south ends of the County which includes Palm Bay; she would ask that as the Board plans and considers how the funds will be distributed, that a more regional and community-based approach to offer direct services to those that are in need be

provided; and for the Board to consider utilizing one of the most unrecognized and under-used resources, the community-based organizations including the faith community, they are there to serve.

The Board authorized the County Manager to execute grant award terms (if required) for ARPA of 2021 Emergency Rental Assistance through the United States Department of the Treasury upon approval of Risk Management and the County Attorney's Office; authorized Housing and Human Services Director to act as the authorized official and complete the submission (electronically or otherwise) of the grant award terms, including financial institution details and any other required documents; authorized the Housing and Human Services Department as the agency to be responsible for the administration, oversight, implementation, and monitoring of the ARPA of 2021 Emergency Rental Assistance Program; authorized the County Manager or designee to execute future interlocal agreements, contracts, amendments, and/or modifications related to ARPA of 2021 Emergency Rental Assistance upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to approve all related Budget Change Requests.

Result: APPROVED

Mover: Bryan Lober

Second: Curt Smith

F.26. Legislative Intent and Permission to Advertise an Ordinance to Establish a Non-Ad Valorem Assessment for the Medicaid Managed Care Hospital Direct Payment Program.

Katherine Wall stated this is legislative intent and permission to advertise an ordinance establishing a non-ad valorem assessment on a property located on private for-profit and non-profit hospitals for Medicare-managed care in hospital districts.

Peter Carnesale stated he basically has two problems with this particular legislative intent; any time the County does an ad valorem or a non-ad valorem assessment it means that the County is charging somebody to do something; in this particular case it is creating a fund from Brevard County to manage over a Federal program that he does not understand; the other piece is that the County is looking at non-ad valorem as opposed to ad valorem; usually when talking about housing, that is an unfair practice; and when talking about hospitals, as in this case, then it is talking about charging the hospitals to do something that they will just pass on down in the bills. He noted not everybody in Brevard County has 100 percent coverage which means it is passing down part of that expense to the people who live in Brevard County.

Brian Fleming stated he is in attendance representing the Libertarian Party of Brevard County; they wanted to see Item F.26. removed from the Consent Agenda; this is not a subject that should be placed in a one vote consent agenda as the passing of this will constitute another possible tax burden on Brevard County residents; the tax burden that is being placed on Brevard residents is increasing at an unsustainable rate; recently this council voted to increase the Fire Assessment Tax by 33 percent; the State approved a tax on out-of-State internet purchases of six percent; gas prices have risen over 50 cents in four months; and burdening the residents with another tax affects all residents but especially people with fixed incomes and retirees. He noted while he understands that taxes are necessary, this is not considered to be good fiscal policy; if the Board includes the current policies that the Federal government is imposing, the financial situation for all levels is bleak at best; the upcoming rise in inflation due to uncontrolled printing and spending of money will come to bear, coupled with tax and spend policies of government, everyone will end up broke and unable to maintain a sustainable life in Brevard County; and his wish is that the Board move this out of Consent. He advised he would

like more information be placed on the website concerning ordinances; he asked how residents can ask valid questions or come with alternative possibilities if they do not understand or do not have the necessary information; he stated he knows his group talked about this in particular and it seems like the County would have some statistics to back it up before it starts advertising in the future, such as who it affects; he tried to read the ordinance which is in lawyer speak which is good for Commissioner Lober, but for a layman like himself it is hard to follow; if it says Medicaid it is Federal as far as he knows; and he reiterated if the County could put more information out there so when people come to the meetings they could actually have a grasp of what is going on; and he commented that would be great.

Nathan Slusher stated the Libertarian Party is requesting the Board to pull this Item from the Consent Agenda and deny it from ever moving forward; he had to get a quick history lesson on this from the Medicaid-managed care website; what he understands from their website is, in 2016, they changed their rules for how they accept payments and the State can pay them; and since the creation of the new rule of supplemental payment option, it turned out to be bad idea and was a financial loss for the care providers such as Health First, Parrish, et cetera. He went on to say the program proposed in the agenda from his understanding is the County is requesting to establish a new tax on the citizens to make up the difference that the hospitals are losing in this plan; the residents in unincorporated Brevard County should not carry the burden of the Federal government and neither should Brevard County businesses; and if the Federal government can send \$118 million in stimulus plans, they can fix any mistake that happened to the Medicaid Management Program.

Commissioner Lober advised this was not his Item it was put on the Agenda by the County Manager; he intends to support it; as far as some of the concerns that were brought up, he does not mean to be overly critical, but a lot of the questions could have been answered by people contacting their respective Commissioner or the County Manager's Office prior to the meeting; he thinks that a lot of the concerns that were expressed by the speakers frankly, do not apply with what it is the County is looking to put in place; and he asked if it is not overwhelmingly probable that the individuals who came up to speak, that they spent substantially more time driving to the meeting today than if this passes, has the likelihood of impacting them over the next 30 years.

Frank Abbate, County Manager, stated this has been requested by the hospital systems for this assessment because there is recent legislation that has passed, and is anticipated to be signed by the Governor, which will provide the hospitals the opportunity to pay the assessment; it will go to the State then to the Federal government and the Federal government will then reimburse; the hospitals would get a significantly higher portion than what they were currently receiving under Medicare; therefore they had asked the County to do this, no taxpayer will be asked to pay anything other than what the hospital is already paying and they will be reimbursed at a higher amount than what they are paying by the Medicare system; and that is why this is moving forward.

Commissioner Lober inquired if it is fair to say this will bring more money into Brevard County, namely to the hospital facilities or the hospital systems, but the money is not originating from Brevard County.

Mr. Abbate responded affirmatively.

The Board authorized legislative intent and granted permission to advertise an ordinance for the Board's meeting on May 18, 2021, that will create a Non-Ad Valorem Assessment, on real property sites of private for-profit and non-profit Hospitals, for the Medicaid Managed Care

Hospital Direct Payment Program.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

F.29. Repeal of Ordinance Establishing Farmton-Brevard Community Development District, Ordinance 2015-30

Eden Bentley, Count Attorney, stated this is the repeal of the Farmton-Brevard Community Development District (CDD) Ordinance, and the legislative intent to do that.

Peter Carnesale stated in this particular case it seems as though the County is taking apart or disbanding a CDD; by removing the ordinance that established it they are effectively making it disappear; and his basic question, being a supervisor of a CDD, is where do the assets of this CDD go when it is disassembled.

Chair Pritchett advised this is one being dissolved because they did something different and are trying to start a new development; he is welcome to call her office any time with stuff like this, she would provide him with all the information she has so he can feel comfortable with the things that come through in her District; and she knows all the other Commissioners will do that as well.

Mr. Carnesale stated this one is no where near where he is.

Chair Pritchett informed it is in the Scottsmoor area, but it is because they are doing something different; and it is really a good thing.

Mr. Carnesale mentioned he has a hard time saying that disbanding of a governmental entity is good versus bad depending upon what is happening to the assets.

Chair Pritchett explained there really were no assets yet; and she advised if he wants to call her office, she would be glad to fill him in on this unless the Board has any discussions.

The Board approved legislative intent and granted permission to advertise for an ordinance repealing Ordinance No. 2015-30

Result: APPROVED

Mover: Curt Smith

Second: Kristine Zonka

G. PUBLIC COMMENTS

Sandra Sullivan stated she has some good news; she received an email yesterday from U. S. Fish and Wildlife Service, Federal, regarding her concerns about the Patrick Air Force Base south base housing; they have found that Patrick did not do what they were supposed to do with what is called a section 7 consult under the Endangered and Threatened Species Act; this has to do with her concerns with sea turtles; that is great because it means that can be followed up on; and she also wanted to thank the Board. She showed the Board documentation and explained it was a Policy that is on the Municode from 1985 where in response to sea level rise and hurricanes, the Board was concerned about the movement of the dunes and the natural renourishment, the Board had some very great policies that would put the development further off; she showed a picture and explained this is lighting, the County is in Sea Turtle season so she wants people to be concerned about the lights on the beach; the State has come out with its new Sea Turtle Ordinance on lighting; and she would encourage

the County to look at it to adopt. She went on to show some pictures and explained they are of South Patrick Shores and this is what the County's Policy looks like in action; as shown, people can see a lot of greenery that is protecting the dune; in the other two photos, people can see the dune re-nourishing; she mentioned FEMA just updated its maps and that A1A is not a flood zone; however, down in Satellite Beach it is very much a flood zone along A1A; and she explained the reason for that is, like the County, when people walk along Satellite Beach it is all sea walls and hardening of the coast line, surprising the entire city. She mentioned the beaches are very eroded, they do not naturally regenerate, and they are very susceptible in a hurricane and now the Board can see in the FEMA map, that makes the coastline very susceptible; and she asked the Board to consider the idea that Virginia Barker actually put this in writing, regarding the concerns about the preserve that was put into an effective Ordinance, and work out interlocal agreements with the other municipalities to end it.

The Board granted Ms. Sullivan an additional 45 seconds to finish her thoughts.

Result: APPROVED

Mover: Bryan Lober

Secunder: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Nay: Tobia

PUBLIC COMMENTS

Sandra Sullivan continued by saying the State has prioritized \$1 billion in funding for resiliency; 30 years ago the same conversations are happening today; as was seen in the mid 2000's, the County had those hurricanes and a lot of damage; what happened was the City built even bigger buildings, more density, closer to the ocean exacerbating the problem; and that is why she believes Brevard needs a Countywide ordinance to protect the coastline. She mentioned another thing related is there is a hurricane deficiency right now from the Board's own reports and with the census data coming out they need a new updated report, because not only does this cause property damage but it endangers the lives of the residents on the barrier island because the County and the Eastern Central Regional Planning Council (ECRPC) had to determine that there is a deficiency to get everybody off the barrier island in the event of a hurricane that is fast moving.

H.1. Petition to Vacate, Re: Public Utility Easements - 946 & 948 Pecan Circle - "Barefoot Bay Unit Two Part Twelve" Plat Book 22, Page 79 - Barefoot Bay - Barry Southard and Valerie Gallo - District 3

Chair Pritchett called for public hearing on a petition to vacate a public utility easement for 946 and 948 Pelican Circle in Barefoot Bay.

Marc Bernath, Public Works Director, stated this is a petition to vacate a public utility easement for 946 and 948 Pecan Circle in Barefoot Bay; it is to allow a single-family home to be built between two lots; and there are no concerns from a flooding perspective or Utilities.

There being no further comments or objections, the Board adopted Resolution No. 21-054, vacating a portion of two public utility easements in "Barefoot Bay Unit Two, Part Twelve" Subdivision, Barefoot Bay, lying in Section 10, Township 30 South, Range 38 East with said Resolution recorded in ORBK 9126, Pages 1014 through 1018.

Result: ADOPTED

Mover: John Tobia

Secunder: Bryan Lober

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

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

Chair Pritchett called for public hearing for an ordinance amending Section 6-3, Brevard County Code of Ordinance, Hours of Sales; and amending the regulations on the Hours of Sale of Alcohol in Unincorporated Brevard County.

Commissioner Tobia stated this is the alcohol ordinance; nothing has changed since March 23; the Board voted unanimously at that time to move forward with the ordinance; since the last meeting he has not yet received any peer-reviewed data indicating that people leaving bars are endangering children at bus stops in those jurisdictions that do not have these time restrictions at a higher rate than those jurisdictions that do; and he moved to approve.

Nathan Slusher read a quote by Benjamin Franklin, "In wine there is wisdom and in beer there is freedom and in water, in water there is bacteria"; he stated as the Board moves to vote on the finalization of the removal of this legislation, he calls to question the safety of this decision; in this County will it push the limits to the final frontier; the Board sets the precedence for those who are both far and who are near; does this limit people and their future generations or do they dare be the ones who finally end this conversation; do people take the time to correct authoritative ordinance creations; do people remove the laws causing vendors frustrations; and do people stand up and encourage economic stimulation. He read, "At this moment the Board is setting the foundation of freedom and liberty during these times of exploration; the colonies people build on the moon and on Mars will replicate the governments at home, here in their own backyard; he asked will this Board hold to American principles of life, liberty, happiness, truth, and justice for all, or will in its decision for what tomorrow holds, will it fall; fear not of making the first leap around, for Brevard is made of leaders who will boldly launch off the ground; and the time has come to make the choice, will it hold on to the past or will freedom rejoice.

Chair Pritchett stated she is impressed that Mr. Slusher made all that rhyme.

Commissioner Lober mentioned the Board is obviously restricted in what it can communicate outside of meetings based on Sunshine; there are workarounds and exceptions sometimes, but he thought this would be best discussed at a meeting; to remind people in terms of what his counter-proposal was that gets the County in the direction of what he thinks a lot of folks are looking to go, whereas the current Policy precludes people from selling alcohol after 2:00 a.m. what he proposed the last time, before the BOCC was to extend that to 4:30 a.m. from 2:00 every day except for Friday and Saturday nights, where it would allow a free-for-all; to essentially allow people to get drunk or drink at peculiar hours to do so to respect their freedom to the greatest possible extent without endangering anyone on the roads; he had Rocket from his office research this issue; and the closest analogous situation that she was able to find was a Cape Coral Ordinance that extended the hours from 2:00 a.m. to 4:00 a.m. so not all the way to coincide with school bus traffic or children being taken to school, but it extended in Cape Coral, the hours of sale from 2:00 a.m. to 4:00 a.m. for a year as a pilot study and they found that DUI's and various infractions did go up. He continued by saying the fact of the matter is, they did decide to keep the extended hours, but limited the locations in which they took place, namely to locate them in certain commercial districts; the other thing worthy of noting is that Law Enforcement Costs apparently went up as well due to an increase in stops; he is not sure they were all criminal in nature, they may have been civil as well, but he thinks the safe middle ground is to put them from 2:00 a.m. to 4:30 a.m. except for Fridays and Saturdays to be

extended into the following days without limitation; and then Brevard can do what Cape Coral did and treat it as a pilot program and see how it goes. He advised if Brevard County does not experience the issues that Cape Coral did it can be expanded at that point; if the County is having those issues then it will have essentially done something to limit the impact and the fallout; and hopefully preclude children from getting injured or killed as a result of something that this Board wants to do as a trial. He mentioned he would support that or something close to that; and in an abundance of caution he is not inclined to support the full measure at this point of obliterating that requirement.

Commissioner Tobia stated this is, at best anecdotal; this is not peer-reviewed data; how these two jurisdictions are even compared based on the myriad of factors it brought forth really have no bearing to this whatsoever; he appreciates Commissioner Lober trying to find an answer to a problem that really did not exist until he brought it up prior; and lacking any data to support that he would like to move forward with the motion that is currently on the table.

Commissioner Smith stated he is at a disadvantage because he does not drink at bars and he does not drink at home; for him he looks at it like a market-driven thing; he does not see it making a whole lot of difference if a bar is open until 2:00 a.m., 4:00 a.m., or 4:30 a.m. because as a business owner, people are going to keep a bar, or a toy store open when they can get business in the door, simple as that; if these people can get business in the door at 6:00 a.m. they would open at 6:00 a.m.; that does not likely happen in most cases so people normally open their business between 8:00 a.m. and 9:00 a.m. and typically close between 5:00 p.m. and 10:00 p.m.; however drinking establishments are different because of the social aspect. He went on to say he can remember in his youth he used to go out at 10:00 at night, but now he is usually in bed by 10:00 p.m.; he really cannot say if this is good or bad he just does not see that there is a need to do it, but he does not see any harm to do it either; and if Commissioner Tobia thinks it is a worthwhile issue then he will support it.

Chair Pritchett noted she is going to support it and if Commissioner Lober keeps track on it and finds that there is any increased statistics, she will support him if he brings something back to start limiting times again.

Commissioner Lober stated he understands.

There being no further comments or objections, the Board adopted Ordinance No. 21-11, amending Section 6-3, Brevard County Code of Ordinance, Hours of Sales; and amending the regulations on the Hours of Sale of Alcohol in Unincorporated Brevard County.

Result: ADOPTED

Mover: John Tobia

Secunder: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Nay: Tobia

J.1. Approval, Re: Contract for Sale and Purchase from Bruce and Louise Whipple for 511 Hollywood Boulevard - District 3.

Marc Bernath, Public Works Director, stated this is seeking approval for the contract of sale and purchase from Bruce and Louise Whipple for 511 Hollywood Boulevard, located in District 3; they are requesting the Board approve and authorize the Chair to execute the contract and sale for purchase; and authorize the reimbursement of appraisal fees in the amount of \$500.

He continued by saying as the Board knows, Hollywood Boulevard is currently in design and they are looking, when the opportunity arises, to purchase homes at a much cheaper costs so they do not have to get into condemning them later; and here is a resident who has an appraisal and the County is looking to pay the appraised price.

Commissioner Tobia stated this widening project will greatly impact District 3 and District 5, therefore he thinks it is wise to move forward now instead of eminent domain in the future; and he certainly supports this action.

The Board executed and approved the Contract for Sale and Purchase; and authorized the reimbursement of appraisal fees in the amount of \$500 to the owner at closing.

Result: APPROVED

Mover: John Tobia

Secunder: Kristine Zonka

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

J.2. Approval, Re: TDC Marketing Funds for the 2021 Great Florida (Melbourne) Air Show

Commissioner Lober stated he would like to make a motion with respect to this Item to approve the amount of \$26,500 out of the \$67,500 that was requested, with the condition that it not be paid until the show actually takes place and the Blue Angels actually fly; and he does not contemplate that requirement applying if weather ends up forcing cancellation.

Peter Cranis, Tourist Development Office (TDO) Director, stated this is a Tourist Development Commission (TDC) grant seeking approval for \$67,500 for the Melbourne Air Show on the May 15 – 16; and he would be happy to answer any questions.

Commissioner Zonka stated she reviewed the TDC meeting and the five page memo from Commissioner Lober and if someone wanted to get into a big discussion about who is more deserving, what is a fair process, the Board can do that; she will just say that although she did not support the TDC blindly giving \$100,000 without even giving a reason why other than live streaming, she does not know how this Board could tell Melbourne no, when they have asked because that is what is fair; someone could argue the merits and she can go through each point of this memo on all the reasons why Commissioner Lober believes they do not deserve the money; she thinks it is almost absurd, to say the least; she does not know if anyone wants to go there; and she guesses it is up to the Board. She added she is sure Commissioner Lober will have a lot to say about it, however she would not have supported this had the vote been different for the other air show, because she does not think this was a good use of funds; the County has cultural grant applicants that require strict financial information in order to qualify for these grants and the County is just giving money to promoters; she is not comfortable with that; and she asked that in the future the TDC work on a policy vetting process, so there is a better process in place, rather than a Commissioner bringing an Item to the TDC for approval of a large sum of money for a big event. She noted she would much rather see there be a policy in place for those kinds of events that could be vetted through the TDC, that the Board is comfortable with.

Mr. Cranis added the TDC did give staff direction to develop a process, basically guidelines, for these major events, so that is something that it will be working on.

Chair Pritchett stated she thinks all of those things need to have parameters as well; she does

not necessarily agree with all the data they sent out; Commissioner Lober made a lot of great points the first time out; the reason she thinks she is going to support this is because everybody has been kind of trapped inside and she thinks this is going to be another one of those things that is really going to boost the constituents in a way that she thinks is very important at this time; and she advised she will be supporting this and maybe next year when it comes around the Board can take a look at what it will be doing with the parameters.

Commissioner Lober advised this will be a little different than his normal pitch; if the Board is going to allocate the \$67,500, he is not going to waste time going over it; it appears everyone on the Board that is going to look at the memo has looked at the memo; the Board has touched on the points, as far as not everyone agreeing with what was provided; when there is a detailed economic impact study, in retrospective that shows \$1.27 million, including non-tourism impact from a substantially similar recent show; to suggest that there is going to be a \$12 million economic impact is ludicrous; and if the Board does not believe him that is fine. He added this was not something that was included when it came before the TDC, but even the staff report indicates that staff believes they will have an economic impact of \$1.5 million; from \$1.27 million that he was basing it on from 2019, maybe that is CPI and he could see the \$1.5; he certainly trusts staff with that number; and he noted he did not coerce or suggest to them that they even run the numbers, they have done that on their own volition. He suggested the Board include a couple different items should it choose to believe \$12 million is even possible, which is a stretch to him; whatever the Board awards them, be it \$67,500 or whatever, that it be contingent on the show actually taking place and the Blue Angels flying; the other thing he would suggest is that it be done contingent upon them demonstrating that the level of economic impact is \$6 million after the fact, then maybe instead of cutting what is awarded in full, it is cut in half to make it a percentage of what it is that was demonstrated; and he thinks that would serve to limit what is put out there. He commented the TDC has taken a hit over 2020 and the fact is there are folks on the TDC who have proposed that the Board not grant any money to the Lagoon whatsoever this year or allocate any money in the budgeting process because the County is hurting so badly; this is an entity in which the County has never done business with, that wants the County to trust them; this is a way to give them the benefit of every doubt, even if it is extremely strong doubt, to allow them to prove him wrong in this case, by demonstrating that \$12 million impact; and he commented he would love to be wrong in this one but based on what he sees from staff, they do not think they are even in the ballpark. He reiterated his two suggestions are to make it contingent upon, not with-standing weather, with the air show actually taking place, the Blue Angels actually flying, and them demonstrating the \$12 million impact; and if they demonstrate less than that he would suggest the Board authorize staff to adjust proportionately what it is out of the \$67,500, or whatever the number is that it chooses to award.

Commissioner Tobia advised he voted against the \$100,000 appropriation for Cocoa Beach, but he will be voting for this one and that appears to be a little bit of an inconsistency; he thinks because the door has been opened and the same parameters that they offer for one event, the Board should offer the same to this one; he would have been comfortable with a different number but going with the wisdom of other folks in the TDC, he is going to support the \$67,500; he asked Mr. Cranis if he could explain the difference between the funds being transferred to the Cocoa Beach folks versus the Melbourne one; and if the same parameters would be in place for both, for example if Cocoa Beach would not have happened would there be anything different than the parameters set forth in the previous agreement.

Mr. Cranis stated the contract for the Cocoa Beach show was written in such a way that they were able to get their money in advance of the show occurring; and in this case they would have to either do a claw back clause or do it on reimbursement, if the Board chose.

Commissioner Tobia asked Mr. Cranis to repeat that one more time; and he asked if Mr. Cranis said Cocoa Beach received their money prior to the event.

Mr. Cranis responded affirmatively.

Commissioner Tobia inquired if the Board voted for this now, Melbourne would receive the money prior or post show.

Mr. Cranis advised that way it was stated, it would be prior.

Commissioner Tobia asked if it would be the exact same that the money was allocated, other than the fact that this went through a subcommittee, as well as the regular TDC; therefore, going through more steps than the other one.

Mr. Cranis responded affirmatively.

Commissioner Lober asked Mr. Cranis, to his understanding, had the County had a number of years in dealing with the individual entity that put on the Cocoa Beach Air Show, in which he has essentially met or exceeded the stated economic impact at substantially all of those events.

Mr. Cranis responded affirmatively, advising they had a very strong relationship with the event promoter; he is the same promoter that conducted the air shows at the Melbourne Airport in 2018 and 2019; and he received grants from the TDC as well.

Commissioner Lober inquired, based on his perspective and years in Tourism, if he believes it is realistic to expect a \$12 million estimated economic impact with respect to the show put on by someone with whom the County has not had any prior dealings.

Mr. Cranis responded no; he noted that he did the math on it and he came up with the \$1.5 million; he will stick by that unless there is some significant shift; they put a cap on the gate of 10,000 per day so that limits their upside potential; and he thinks the \$1.5 is more realistic.

Commissioner Lober asked Mr. Cranis if he could confirm that this show is at the Melbourne International Airport.

Mr. Cranis commented yes.

Commissioner Lober noted it is not a beachside location.

Mr. Cranis stated that is correct.

Commissioner Lober asked if Mr. Cranis thought it would be less turn out as a result of the location compared to if this was at Melbourne Beach.

Mr. Cranis responded yes, they are estimating 20,000 plus another 50 percent beyond that outside of the gate, but that would be substantially below where the Cocoa Beach show was, which he thinks was probably in excess of 40,000 when they finally get the numbers.

Commissioner Lober inquired if Mr. Cranis would say it is fair that this is not an apples to apples comparison, especially given the fact that the airport is getting 20 percent of the profits, as he understands it.

Mr. Cranis noted he is not aware of that but it is a substantially different show in that it is a gated and ticketed show, so people would have to purchase a ticket to get on the property to get into the viewing area; typically with those types of shows there are some people watching from the two or three mile radius outside of that; however, it would not generate the same kind of attendance as a beach show would.

Commissioner Zonka asked if there is a post-show Cocoa Beach Air Show review.

Mr. Cranis advised they will; they do not have the numbers yet, but it takes usually six to eight weeks before they get the actual data from the cellular company that they work with.

Commissioner Zonka inquired if the Cocoa Beach Air Show charged for some specialty VIP tickets and preferential seating and all that other stuff, correct.

Mr. Cranis responded affirmatively.

Commissioner Zonka advised those are quite expensive; she knows that in the memo and the promoter had touted being a non-profit and that sort of thing; in actuality there is two entities, a 501c(3) and then Brian Lilley Productions; not all monies through the air show go through the non-profit; if the Board is interested, since this issue got to be such a big deal before it came to the Board, the Internal Revenue Service (IRS) only has available the 990 from 2017 and this non-profit donated no money to any agency at all; the only monies given were to the owner or the organizer board president, which she thinks was a salary over \$80,000; and digging back further years it was the same case; the other two board members, Jerry Sanson and another board member did not get anything; but there were lots of listings, just no money given to any charities at all. She noted she does not have anything beyond 2017, so she does not know if that has ever been a claim; she is curious because that is something that is bragged upon as part of being a 501 or a non-profit; the promoter is still making money; she does not fault him for that, she just does not want this false perception that this is all for charity and the good of the people; she takes issue with that only because she thinks it is a gross misrepresentation of what agencies got what monies funneling through what; and for what it is worth, the Board can talk about what show is going to be better, but they are direct competitors and she knows the promoter from the Cocoa Beach show actually signed a contract with Melbourne to do their 2019 show, but then went back to the city council and asked for money. She advised the council sent them back to the Melbourne Airport Authority, who said no, so they had to cancel his contract; there is some bad blood or at least some history there that a lot of people may not know about; speaking with a council member today, she had questions about what happened in 2019; she does not want to be in the business of helping one and not helping the other; and she does not want to say who is better. She mentioned this agency can be faulted for being from California but they have done shows all over the place, 1,000 of them; they are not, not professionals, and having the Blue Angels here is a big deal; she would hope the Board could support this air show; and she commented this is not apples to apples. She stated the Board gave \$100,000 to a promoter that was basically rushed through the TDC without vetting; there was no real explanation as to what it was for except for live streaming; \$100,000 for live streaming is just bind-blowing to her; that would be a free service that the promoter provided to watch live; those are people that are not even here committing to Brevard County's tourism dollars; and she stated she does not think the Board should have given out the \$100,000 without accountability to begin with. She mentioned she is not going to pick apart other points to be made; she was sort of pushed into looking further and further and asking more questions because this became a much bigger issue than it needed to be; and the County should probably never be in the business of helping finance competitors for doing their shows; she

hopes they have a good show; she is thrilled Cocoa Beach had a great air show; but she does not want to get caught up in helping one competitor and not the other one.

Commissioner Smith asked Mr. Cranis if there is any reason to suspect there is a risk in giving money upfront to these people.

Mr. Cranis responded no, sir, he does not believe so.

Commissioner Smith continued by saying he finds it odd that it was brought up that it is a warning sign if the County gives them money up front, that it will never be seen again, there will not be an air show, and the Blue Angels are not going to show up; and he just wanted to get that out there. He went on to say Mr. Cranis and someone else mentioned ocean traffic watching people on the ocean; in years past when there were air shows in Melbourne, there were a lot of boats out in that river; he knows a lot of boaters and jet skiers and they are always looking for some place to go with their boat, some place cool and different; it is party central out there on that river when those planes are taking off; referencing the Blue Angles, they are a big draw; they are known all over the country, as is the Thunderbirds; there is going to be a lot of interest; it will be real interesting to see what kind of numbers they put up versus Cocoa with the Thunderbirds; and he would be real interested to see what the differences are, the monies that are spent and the promotions that are done by each. He added he will depend on the TDC for that because they pay attention to that kind of stuff.

Mr. Cranis stated he will provide a report.

Commissioner Smith noted he is going to support it, he does not see any reason not to; and he thinks it will be great for the community.

Cliff Graham stated he had a prepared statement he was going to read but after hearing discussion, he really thinks that everyone has a right; the airport really appreciates the Board's support; they are going to have a great air show; coming out of this pandemic, everyone is looking for community events like this to happen; the things he wanted to say is their objectives have always been to provide a special and remarkable event for the community, which includes a great demonstration team which they have with the Blue Angels; they wanted to show-case their airports unique capabilities and qualities; and they wanted to use this event as a tourism tool and promote the air show as a destination event. He added he believes the last to be especially important to play a role in the recovery of one of the economic pillars and that, of course, is tourism; it is true that the air show network is new to Brevard County; they have been working with them for about one and a half years; they were selected through a competitive Request for Proposal (RFP) process; they are a very professional company that has put on over 1,000 air shows in 40 states and four provinces in Canada; and they have a great line up, not just the Blue Angels, they have F-16s F-18s, P-51s and he believes a Corsair, so it will be a first class air show. He stated they would appreciate the Board's support.

Commissioner Smith asked if Mr. Graham said P-51s.

Mr. Graham responded affirmatively.

Commissioner Smith remarked those are older than he is.

Commissioner Lober stated the Board heard Commissioner Smith talk about whether or not there was a risk upfront; and he asked if Mr. Cranis recalls the TDC this past week, when he expressed concern over whether or not they had obtained a waiver from the FAA in order to

permit the team to fly in the reduced aerobatic box.

Mr. Cranis responded affirmatively.

Commissioner Lober asked if Mr. Cranis as he recalls, during that presentation, that he also mentioned the same month, this last month that the FAA in their communications to him described the situation as an issue.

Mr. Cranis responded yes.

Commissioner Lober commented what Mr. Cranis does not recall because this occurred after the TDC meeting, he followed up after Mr. Graham stated they have everything in place or that they actually have the waiver; that is not the impression that he got in a 15 or 20 minute phone conversation with the FAA, the same day; what he was told was they are well on their way, the application or the waiver, at least in the opinion or the understanding of the individual with whom he spoke, was that it required waiving the height above ground level to 500 feet, and that it is something that involved an application package in Washington, in addition to locally; and it was anticipated that they will probably get that, but it is not a guarantee. He noted it is obvious the Board could not have been aware of that because that conversation took place after the TDC meeting that evening; and it was after hours so it was shocking that a Federal worker gave him a call after being off the clock. He mentioned the Board heard amongst some misstatements that live streaming was the only reason the Board had awarded the money to the Cocoa Beach show; he does not think he has to rehash every reason that the Board did that unless someone wants him to; and he asked Mr. Cranis what value Brevard County gains from encouraging an event to be live-streamed in the fashion it was for the Cocoa Beach Air Show.

Mr. Cranis noted the live streaming provides some free advertising about the destination; it certainly was not the main reason why they went in that direction; but it is a good reason to say that they get some exposure from that.

Commissioner Lober commented as far as Mr. Lilley's financials, he has never heard of that until they were at the meeting, although a memo could have gone out beforehand instead of ambushing people during the meeting; he does not know if he has been divorced before, he does not know if he had defaulted on a loan in college, but he knows he has produced shows and delivered at least everything he had promised, over a long history in this County; hearing people vote for an item when they essentially shot down a more sure thing in the past for funding, causes him to question what the differences are with respect to the shows over and above what were already identified; and he asked Mr. Cranis if Mr. Lilley, his production company, or anyone affiliated with him give away any significant value worth of tickets to the employer of any of the Commissioners or any of the County staff.

Mr. Cranis advised he would not have any knowledge of that.

Commissioner Lober asked based on the slide show that was presented this past week at the TDC meeting, namely the slides indicating what they were doing for the community, that the proposal that the Board is now being asked to consider, involved a \$50,000 allocation of free general admission tickets to the direct employer of one of the Commissioners.

Mr. Cranis explained to his understanding they are giving 1,000 tickets on the Sunday of the event to healthcare workers; and he is not 100 percent sure, but he recalls something.

Commissioner Lober interjected but not healthcare workers at Parrish or Wuesthoff, just to Health First.

Mr. Cranis apologized but noted he was not sure about that.

Commissioner Lober noted if Mr. Graham wants to clarify that he would certainly invite him to do so; if this Board is going to start attacking people without them having the ability to be there to defend themselves, he can go in that direction, but he does not know that it is productive; and he will just leave it at that because it sounds like it is going to pass. He reiterated he has expressed his concerns with respect to the risk to the County, with the risk of the Blue Angels not flying, he never said they would not show up, but if the FAA says they do not have permission to fly, they are not going to fly; there is no downside, the Board knows that the ROI for this event is zero because it will certainly take place regardless of whether the County allocates a penny; and if the Board wants to assume the risk it can certainly not make it contingent, but he thinks there is a tremendous risk that is being taken. He continued by saying he hopes they get their waiver and that it is successful, but there is a definite risk there; as he stated, despite the statement made by Mr. Graham at the TDC meeting, and he does not recall verbatim what it was, but something to the effect that they have their waiver and when asked, based upon his communications with the FAA the same month, when he communicated with them, he questions the veracity of a lot of things that were said, especially from an entity that stands to make 20 percent of the profits here.

Chair Pritchett mentioned the Cocoa Beach Air Show was great; the County has not had the stats yet; she thinks moving forward, if the Board does this, she would like to do it, but that they do all the shows or do a clawback; she thinks that would be pretty smart; what she likes about this, and it was done with Cocoa Beach and it was said to do with Melbourne, it is a little bit equitable that way for all the Districts; and she likes that and the air shows too.

Commissioner Zonka asked if Mr. Cranis thought that the promoter who was given \$100,000 three weeks before the Air Show would have still done the air show without the County's financial support.

Mr. Cranis responded most likely.

Commissioner Zonka announced that was also criticized in the memo, so she wanted to bring that up; it was actually over and over again; and she asked Mr. Graham if they have all the FAA clearances or variants.

Mr. Graham advised they are in the process of getting all the FAA clearances, which is a completely normal situation for air shows; what they do have is the FAA, the Navy Blue Angels, the Air Show network, and the airport working collectively on the waivers and the aerobatic box; and all signs are that it is favorable. He reiterated it is completely normal not to have the waiver at this point.

Commissioner Zonka commented they would not allow the Blue Angels to fly if it was not safe.

Mr. Graham responded that is correct; and the Blue Angels would not be planning on coming if they did not think they could get a waiver or an approved aerobatic box.

Commissioner Zonka asked Mr. Cranis if there is an estimate on the economic impact to the beaches from this Melbourne event, since there was an estimate on the Melbourne one.

Mr. Cranis responded the original estimate was \$4.4 million, obviously once they get all the data they will go back and crunch the numbers to see if that was achieved or not.

Commissioner Zonka asked about the Melbourne numbers; and she stated she imagines some people will travel to the beach or be close to the beach for the Melbourne air show as well.

Mr. Cranis responded he certainly thinks any time there is a big event like that people are going to be staying at hotel properties all up and down the coast, as well as on the beach.

Commissioner Zonka advised she was not criticizing the promoter's financials, it was more the stage that was laid about the 501c(3) and helping the community when they clearly do not donate or at least they have not up until 2017; she asked Mr. Graham if she has been in communications with the airport, the air show, his board, or anything to do with the air show, or if she has any influence over him.

Mr. Graham responded no.

Commissioner Zonka commented she does not know the promoter, she has never spoken with to him, and she is not sure why they decided to give frontline workers 1,000 tickets; Health First happens to be the biggest employer in the County; she did not receive free tickets; and because they want to honor the frontline heroes, God love them.

Mr. Graham announced they did that because they are new to the community and they thought it was something good to do.

Commissioner Zonka stated she thinks it is awesome; they were not offered to her; if they were, she would not have taken them anyway; and there was definitely no conflict because she had the County Attorney check that out because she knew it would be an issue when this item came up, because it always gets personal when talking about certain things.

Commissioner Lober stated he will leave Mr. Graham alone so he is welcome to have a seat; he agrees 100 percent with something Mr. Graham said, that the FAA will not allow them to fly if it is not safe; that is exactly what the concern is; he is not saying that it is more likely than not, that they will not be allowed to fly; what Mr. Graham stated at the TDC meeting, and anyone can play the video, was that they have the waivers or the clearance necessary; he said he questions the veracity, and the very next two statements out of his mouth after that were, they are in the process of getting clearances; and either he was lying then or he is lying now, and he tends to believe what he is saying now because it matches what he was told by the FAA. He noted had he not followed up with the FAA to verify what he was saying to them at the TDC meeting, which was apparently a good thing to do because he acknowledged at this point, that was not true, and the Board would not have known that; therefore, over and above the misleading \$12 million estimate impact, the Board does not have to believe him, but if it does not believe him, then it is not believing staff either. He added that is an incredible exaggeration at best; he thinks it is dishonest and misleading; now the Board is hearing they do not have the waivers that they told the TDC prior to the TDC voting to approve it, that they had; and the Board can do what it will, but he has made his concerns clear and the reasons for them.

The Board approved the TDC's recommendation to approve \$67,500 in funding for the 2021 Great Florida (Melbourne) Air Show; authorized legislative findings that this is a special event that has as one of its main purposes the attraction of tourists and is promoted to tourists; and authorized the Tourist Development Office Director to negotiate and sign the necessary grant agreement, Budget Change Requests, and related documents to support the grants, upon

County Attorney and Risk Management approval.

Result: APPROVED

Mover: Curt Smith

Second: Kristine Zonka

Ayes: Pritchett, Tobia, Smith, and Zonka

Nay: Lober

J.3. Interlocal Agreement between the City of Melbourne, Olde Eau Gallie Riverfront Community Redevelopment Agency and Brevard County

Katherine Wall, Assistant to the County Manager, stated this is a request to adopt an interlocal agreement between the City of Melbourne, Olde Eau Gallie Riverfront Community Redevelopment Agency (CRA), and Brevard County; there are several provisions within this interlocal agreement that will change some of the things that the CRA does; it will limit the CRA to the ability to issue debt or contract for services beyond 12 months, except for debt for the sole project of the public parking garage in downtown Eau Gallie; the public parking garage will not exceed \$6.8 million, less the funding from within the trust fund, which is about \$583,000; the debt must be tax exempt; the parking garage is to be open to the public for a period of 50 years; there shall be no parking charge to the public; and 90 percent of the spaces must be reserved for the public. She noted the limit on CRA administrative costs and any unspent tax increment funds, if the CRA gets extended to September 30, 2038, will be used either to buy down the debt or return the money to the taxing Districts at the end of each Fiscal Year; and if the City and the CRA are able to satisfy the debt before the September 30, 2038 time period, the debt will be retired and the CRA will be terminated before September 30, 2038.

Commissioner Tobia stated he would like to thank staff and the City of Melbourne for placing a close on the final CRA agreement; it is nice in such a way that it will be providing parking at no cost; and he commented he wishes Cocoa Beach would have come to that resolution with the County, unfortunately, they are still bilking taxpayers not only through the CRA, but through a revenue source of more than \$500,000 every year.

Commissioner Lober stated he wants to make sure he is completely on the same page with where the CRA, not this particular property that is being discussed, but the CRA itself falls as far as the District offices; and he asked if this is a District 4 and 5 CRA, because he knows that District 3 was essentially taking the lead and dealing with Melbourne, but he was not clear on the boundaries down there because they are so far from D2. He mentioned if they are both fine with it he will support it as well.

The Board approved an Interlocal Agreement between the City of Melbourne, Olde Eau Gallie Riverfront CRA, and the County.

Result: APPROVED

Mover: John Tobia

Second: Curt Smith

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

J.4. Authorization To Execute Development Permit Applications for the Proposed FP&L Duran Substation in Viera

The Board authorized staff to execute Florida Department of Environmental Protection (FDEP) permit applications, and subsequent regulatory agency permit applications as needed to

facilitate development of the FP&L Duran Subdivision property in Viera as a prelude to potentially selling a portion of County Utilities property to FP&L for the substation.

Result: APPROVED

Mover: Bryan Lober

Second: Curt Smith

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

L.4. Bryan Lober, Commissioner District 2

Commissioner Lober advised he had a two-plus hour sit down with Courtney Barker, Mindy Gibson, and the lobbyist for Satellite Beach, down in Satellite Beach; it was partly a road trip to go look at a couple parks, Hightower and Pelican; with respect to some of the ongoing discussions that he presumes are taking place, but he does not know, between Commissioner Smith and the folks at Satellite Beach, the direction that he gave the folks at Satellite Beach in terms of his willingness or comfort level, would be essentially that if they want to have the County provide some additional revenue or resources to improve one or more parks in that particular City, that he would not be comfortable or inclined to be supportive of them coming out of either the County as a whole, namely the General Fund, or alternatively out of anything that directly comes from District 2; his doctrine is if something that occurs solely in one District and disproportionately impacts that District he tries to defer; his concern with this is that when the Board is taking about something that is precedent setting, he just wants to make sure because District 2 is in the process of looking at options to hand over Cherry Down Park to Cape Canaveral; and he does not know whether it is going to happen or not. He noted with Lori Wilson Park, they have been in discussions with Cocoa Beach on what hypothetically would need to take place to turn that one over to them; it is very concerning to him, not specific to Satellite Beach, but to any municipality where there are people who come from outside of that municipality using it, that it somehow disadvantages them or obligates them to pay more in order to access that park; certainly people in certain cities want things maintained at different standards; just as there is probably more tolerance in unincorporated District 1 on the far north end, where it is rural, to having nine inch high grass as opposed to District 4 in Viera having nine inch high grass; and he thinks people have different expectations, there is nothing wrong with that, but he thinks the expectations within Satellite Beach are probably closer akin to what there is in Viera in a sense that they do not want things that are oxidized or looking rough, and they do not look for that. He went on to say what he had expressed to them that would be okay for him, and he is just putting that out there for Commissioner Smith's benefit for future negotiations; if Commissioner Smith believes that it is in his District's best interest to prioritize adding resources to one or more parks that are either subleased or leased to a municipality, or that have a municipality managing them, regardless of actual ownership, if Commissioner Smith is inclined to take some of the District 4 Parks money and use it in a municipal park or a park managed by a municipality that is a County park, that is his decision and he will support whatever direction he wants to go with that; he just wants to make sure it is tied to the District given that the County is redistricting; and he does not know if Satellite Beach will be in his District, but he wanted to put this out there. He stated if Chair Pritchett or another Commissioner wanted to use Municipal Services Taxing Unit (MSTU) funding for Parks and Recreation to go to a park or one that is being leased, as far as he is concerned, that would be their prerogative; he is not going to interfere with that; however, it really needs to be coming out of that specific District's bucket, if it is something that specific Commissioner wants to make happen; he will try to be flexible to the degree that he can, but he just cannot have folks from District 2 subsidizing something, that in effect, is treated as a municipal park in another District; and he would not expect this Board to do that for him either.

Chair Pritchett inquired when the Board is going to hear anything on this park any time soon.

Commissioner Smith advised the ball is in the court of Satellite Beach.

Chair Pritchett noted she is having a meeting with them on Monday.

Commissioner Lober asked if she was doing the road trip too.

Chair Pritchett advised they are coming to her office; and she will be very interested in what they come with.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith stated he has a couple things; he gave the Board a letter that he wrote to the different House Representatives and State Senators; it is really self-explanatory; basically what they are trying to do with the Central Florida Expressway (CFX) Authority is buy State Road 528 to the Port; the reason he had that idea when he was Chair was because they have a whole lot more money than the County does; and they can do the improvements and expansions; and the County would benefit because it is in this County. He noted right now 528 is owned by CFX up to the County's border and the County owns it beyond that; what he is asking the Board to do is reach out to the representatives as well, and if so inclined, encourage them to reach out to Governor DeSantis because right now CFX is in discussions with the governor's office to do this exact thing; and Florida Department of Transportation (FDOT) is just digging their heels in and saying they do not want to play. He advised the Board needs to circumvent FDOT and go right to the Governor; and hopefully the representatives can do that. He asked Logan if he was ready with his picture of the helicopter; staff said they had it taken care of two weeks ago; he took a picture and where he is going with this is, the folks who brought the Vietnam helicopter, they were just gushing with thankfulness to the Board for making that happen; they said the response was phenomenal; some looked at it like an amusement ride, but there were also lots of men and women who were emotionally overcome to see this and have it bring back memories; and they wanted him to pass that along to the Board.

Commissioner Lober stated he has a couple points for the Board to think about; he would like to have a conversation with Commissioner Smith but unfortunately it has to be with sunshine; he does not oppose the concept of having CFX take over 528; however, he has a couple concerns that he thinks need to be looked into, or considered before the Board actually goes forward with really pushing any entity to effectuate that transfer. He continued by saying first, as he is sure the Board is well aware, both the IRL Council on which Commissioner Smith serves, also the Transportation Planning Organization (TPO) and believes the East Central Florida Planning Council and even possibly the Board of County Commissioners (BOCC) have put forward resolutions and made it known, by and large unanimously, that there are concerns with respect to the planned construction for 528, the widening and in particular its impact on the Lagoon with respect to water flow and impeding the movement of water; he would be concerned that CFX has a compatible vision with the Board's own and with those other entities on which Commissioner Smith and himself serve; and beyond that, the only other concern he has is what they would intend to do; and whether it would preclude them in the future from implementing additional tolls in Brevard County on that roadway. He noted it concerns him in particular because from his office window he can see a piece of 528 as it passes over State Road 3; there is a decent population density that relies on that road, especially with Port being at the far end of it; he just wants to make sure that even if it ends up with a better funded, nicer road they do not end up with a better funded, nicer road that cost tremendous more locally; if there are additional details that they are able to ascertain and bring back to the Commission he

would be very curious to hear what the plans are with respect to construction, namely widening; and also with respect to the possibility of tolling within Brevard County. He stated truth be told the impact on the water quality is more important of the two concerns; but they both apply; if they have good answers for those he would certainly do everything in his power to support Commissioner Smith and his efforts with respect to getting CFX to take it over; but if there is a concern that cannot be resolved on one of those fronts, he does not know if he can be on the same side with the Commissioner on this one.

Commissioner Smith mentioned he thought those were good questions that he can ask. He stated the bridges, the IRL council have been in conversations with FDOT to raise the bridge and eliminate the dirt part of the causeways so that whatever flow naturally occurs will occur, even though people know it is not much, something is better than nothing, which is what they have now; that is more of a question for FDOT than CFX; he does not want to venture to say that they will or will not impose tolls, but he can say as a CFX board member, they operate with tolls, they make sure their roads are pristine, that they are kept up-to-date, they add lanes when they have to, and he thinks most people would consider the roads they manage are done very, very, well; and if there is going to be a toll, he cannot imagine it being prohibitive, but he will find out.

Commissioner Lober stated if there is any mechanism by which the Board can restrict the worst case possibility on tolls so the County is not finding people having to pay \$6 to pass over the Indian River Lagoon (IRL) and \$7 to cross over the Banana River; and he would be a lot more comfortable if the Board could at least limit the downside if it is something that goes in the potential direction of tolls.

Commissioner Smith stated he cannot imagine it would be; they do a lot of studies before they impose tolls; he does not think the Board would find any tolls that they charge now, being excessive; they go out of their way to make it easy to use their roads; they have a first In the country, lending program at the Orlando International Airport; and when someone rents a car there they can either pay Alamo or Hertz an excessive amount for prepaid tolls or they can get one from CFX for free and receive discounts on the tolls as well.

Chair Pritchett noted Henry Minneboo told her when she got into office, if they charge tolls in the County, make sure the County gets some, because it is millions of dollars and these people will try to take those tolls; he said to make sure that whatever tolls are taken in Brevard County, stay in Brevard County; and she just wanted to throw that out to the rest of the Board. She added he provided that with severe warning, and said it is a lot of money.

Commissioner Smith advised he would find out, he will get some ideas on whether there will be tolls, and how much they will be.

Commissioner Lober expressed his appreciation.

Commissioner Smith went on to say if they are prohibitive, he would not be for it either; however, he thinks the benefit far outweighs any cost that the County is looking at, at least from his perspective; and if the toll goes to the CFX, they are managing and taking care of the roads.

Chair Pritchett commented that they spend it Brevard County.

Commissioner Smith commented that is what they are going to do.

Chair Pritchett noted she wants him to make sure on that because of what Mr. Minneboo was saying; and she advised Commissioner Smith to speak with Mr. Minneboo, he ran those tolls for a long time.

Commissioner Smith stated he has it.

Commissioner Lober stated to wear bug repellent because his house is in a particularly swampy area.

Commissioner Pritchett noted try not to say too much.

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

Chair Pritchett stated there was an email sent out to the Board about fluoride and it triggered something in her; she wanted to know the Board's appetite on this; Fluoride is in the water and it is terrible for people; when people go to the dentist they tell them to spit it out; and it is in the Mims water system. She continued by saying she talked to Eddie Fontanin, Utility Services Director, and he agreed he does not think it is a good thing to have in the water either; she would be ready to vote now, but she does not mind if the Board needs some time to think about it; however she wants to get the Fluoride out of the water system in North Brevard.

Mr. Fontanin noted he just wanted to make sure he was quoted correctly, the idea of Fluoride being in the water is an option, it is not a requirement.

Chair Pritchett agreed with Mr. Fontanin.

Mr. Fontanin went on to say the Environmental Protection Agency (EPA) does not require Fluoride; Fluoride does not function as a disinfectant of any kind and is really just an additive for the benefit of public health; in brief conversation he had with Chair Pritchett's aide, Nate, he was saying that the City of Melbourne just went through this and they basically treated it as a new business item to discuss at a Council meeting if the Chair wanted to go in that direction.

Chair Pritchett noted she would love to remove it; she buys the expensive filters and filters the fluoride out before she gets it; and she reiterated she understands if the Board needs more time, but she would like to remove it.

Commissioner Lober mentioned that to him it depends; he actually filters his water and it goes through a reverse osmosis membrane, total overkill; he has heard arguments for and against this; to him the science is a lot more important than subjective opinion; since District 2 does not have water controlled by the County, he really has not dug into the issue; and he inquired if this is solely within District 1.

Chair Pritchett responded it is North Brevard, Mims.

Commissioner Lober commented it is solely in Chair Pritchett's District and he will support whatever she wants to do.

Chair Pritchett advised Barefoot Bay removed it from the unincorporated areas.

Commissioner Lober reiterated he will do whatever Chair Pritchett wants to do, if she wants to do it tonight or down the road he will support it.

Chair Pritchett asked for a motion to work on removing the Fluoride from the North Brevard

water system.

Commissioner Lober made a motion.

Commissioner Zonka seconded for discussion; and she inquired if there are any concerns about it being removed because she has read studies on both.

Mr. Fontanin stated the component of Fluoride is a public health and his focus, as the Utilities Director, is to meet the clean water standards.

Commissioner Zonka asked again how he feels about it being in the water, and what is his opinion of Fluoride.

Mr. Fontanin commented there is a lot of science for and against it as Commissioner Lober had stated.

Commissioner Zonka advised back in the day it was encouraged to be put in the water.

Mr. Fontanin responded there used to be fluoride tablets.

Commissioner Zonka added drinking fluoridated water was done because she and her children were on well water.

Mr. Fontanin noted that Fluoride is naturally in well water. He commented most utilities add Fluoride, but when they stop doing that there is Fluoride naturally from the water, it is just not at a higher parts per million as it would normally be.

Commissioner Zonka responded she is fine with it.

Chair Pritchett advised it raises the risk for blood pressure, heart, it ages people quicker, and she does not let it in her body.

Commissioner Tobia stated major dental groups are in support of this; he does not know about it aging someone quicker; all he has is what the folks in the dental business advocate for; he does not know what the reason for advocating for it was, whether it was less cavities, that is probably a benefit; and Commissioner Zonka has more public health knowledge than he and he would go with her on this one.

The Board authorized Utility Services to start removing the Fluoride out of the North Brevard Water system.

Result: APPROVED

Mover: Bryan Lober

Seconded: Kristine Zonka

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

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

Chair Pritchett commented if Mr. Fontanin would start working on that it would be great.

Mr. Fontanin responded affirmatively.

Commissioner Smith asked if he missed something and if someone said Fluoride makes people age or be younger.

Chair Pritchett noted they did studies with people in India who have higher amounts of Fluoride in the water and they look a lot older than other demographics.

Commissioner Smith joked he had fluoride in his water his whole life, he is 97, and looks pretty good for his age.

Chair Pritchett commented Commissioner Smith does not look a day over 80.

Commissioner Lober stated if nothing more than an anecdotal story that he had heard, a professor in college who taught biomedical ethics, who was originally from Hong Kong had told him that the British fluorinated the heck out of the water to see what would happen, and used the people as guinea pigs; a couple of things happened; he said those people never had a cavity, but the downside was they had either throat or mouth cancer; but this was an extreme example and was possibly a high multiple that was put in the water.

Chair Pritchett stated what Commissioner Lober forgot to say was he had no teeth either.

Commissioner Lober noted this professor had all of his teeth at the time of the story.

Commissioner Smith interjected that is why he did not have any cavities.

Chair Pritchett adjourned the meeting.

Adjourn

Upon the consensus of the Board, the meeting adjourned at 6:44 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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