

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, July 6, 2021**

**5:00 PM**

**Regular**

**Commission Chambers**

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

Rollcall

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

**C. PLEDGE OF ALLEGIANCE: Commissioner Curt Smith, District 4**

Commissioner Smith led the assembly in the Pledge of Allegiance.

Commissioner Lober

Commissioner Lober requested a motion to be permitted to vote by phone.

The Board approved Commissioner Lober be permitted to vote per telephonic communication.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**Abstain:** Lober

**D. MINUTES FOR APPROVAL: February 18, 2021 Workshop; February 23, 2021 Regular; March 4, 2021 Zoning; March 23, 2021 Regular; April 6, 2021 Regular; April 15, 2021 Zoning; April 20, 2021 Regular; May 4, 2021 Regular**

The Board approved the February 23, March 23, April 6, April 20, and May 4, 2021 Regular meeting minutes, the February 18, 2021 Workshop minutes, and the March 4 and April 15, 2021 Zoning meeting minutes.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**E.1. Resolution recognizing the retirement of Chief Deputy and Undersheriff Douglas Waller**

Commissioner Zonka read aloud, and the Board adopted Resolution No. 21-078, honoring Chief Deputy and Under-Sheriff Douglas Waller on his retirement.

Chief Waller stated for nearly 35 years he has been blessed to work with some incredibly County Commissioners, County Manager, and County staff; he thinks he learned from one of the best, Tom Jenkins; it has been a wonderful ride; and he appreciates everything the Board has been able to afford to the Sheriff's Department. He commented he knows it is tough to sit in the Commissioner's seats and very few will ever sit in those chairs; they have difficult decisions to make; and it has been a pleasure to work with them all both professionally and personally. He noted he has a great team; they make him look good; and it is hard not to succeed when there are people like this circled around him.

**Result:** ADOPTED

**Mover:** Kristine Zonka

**Secunder:** Curt Smith

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

**F.5. Acceptance, Re: Binding Development Plan with Michael J. and Annette Costello (District 5)**

Commissioner Zonka disclosed that she received an email from Karen Shepherd in opposition and Ms. Shepherd will explain; and Ms. Shepherd also spoke with one of her staffers this afternoon.

Karen Shepherd expressed her appreciation to the Board for allowing her to speak once again on this issue; she stated she is not sure everything was adequately expressed at the Zoning meeting; for lack of knowing how to do this or how naive she is in the government system, she thought, when she began the process of figuring out what she could have done about the Code Enforcement and the violations, it was to go directly to the County; for eight months it has gone back and forth trying to figure out what was going on; before it came to that first hearing in April, she was told there was a motion for a zoning change; and she had no idea it had been being worked on because they were never told. She went on to say being naïve, she did not know she could go to Commissioner Zonka; she thought the avenue she chose to express her concerns was the appropriate one; she feels in that case, not everything was presented; she thinks a site visit would have been helpful and she knows the Board does not do that; and in reading the staff comments and the correct land use of what a zoning change would be and the parameters of that would be, she does not see a real positive for a zoning change. She noted she does not understand how that could happen in a residential area, not so much the zoning change but the commercial business that is going to happen there. She commented the Binding Development Plan (BDP) she received, only because she is calling and requesting what is happening, is very innocuous and very basic; it does not include the topics that were discussed; and her fear is what is going to happen if they ever move, what will happen there because of what is already happening is the clinics, the shows, the noise, and the music. She asked that the Board consider reading the staff comments and the use of the land.

Commissioner Zonka inquired if staff was comfortable with the BDP as it was discussed during the meeting, she knows the Planning and Development Director is, but she wants it for the record.

Tad Calkins, Planning and Development Director, stated he believes it captures all of the stipulations that the Board discussed in the motion, but there was some conversation that was not included in the motion.

Commissioner Zonka thanked Mr. Calkins for his response.

The Board approved and executed Binding Development Plan with Michael J. and Annette Costello. Said Plan was recorded in BK/PG 9183/684.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**Nay:** Lober

**F.21. Permission to authorize the Department Director to execute the attached**

**settlement offer from the Florida Department of Environmental Protection (FDEP)  
Re: Department of Environmental Protection v. Sarno Road Landfill.**

Nathan Slusher stated for those who do not know, Brevard County received a fine from the State of Florida Department of Environmental Protection for \$1,250; he knows the vote is to approve the settlement with the State to pay that fine; however, involved with that settlement is a plan for the Sarno Landfill that includes building two giant foggers, a 55-gallon drum chemical agent, and spraying them into the wind to prevent the mulch from smelling like mulch; the plan on page 302 of the Agenda packet is literally to Febreze the citizens; and he would like the Board to deny that one, not including that it has a recurring cost of \$1,250.

The Board authorized Solid Waste Management Director to execute the settlement offer with FDEP to resolve a compliance dispute regarding odors attributed to the vegetative waste processing operations at the Sarno Road Class III Landfill.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.28. Approval, Re: Permission to Develop and Advertise Competitive Solicitation for Transit Stop Cleaning and Maintenance Services**

Nathan Slusher stated this is for the Transit System advertisement for a maintenance of the bus stops; he wanted to provide a solution to possibly sell routes to maintenance companies; instead of costing the County more money it can possibly cost a lot less money if they were to get a portion of the revenue versus spending a lot of money to pay someone else to do it; there are a lot of routes and he thinks those routes could be sold to individual companies to take care of them without selling pieces of the actual bus department of 3-2-1 Transit; and that is all he has for today.

The Board authorized the development and advertisement of a Competitive Solicitation for Transit Stop Cleaning and Maintenance; authorized the County Manager to execute any and all resulting contracts and contract-related documents upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any and all Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.1. Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, FY 2021-2022 Detailed Work Plan Budget - Arthropod Control.**

The Board authorized the Chair to execute the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, FY 2021-2022 Detailed Work Plan Budget - Arthropod Control to qualify the Brevard Mosquito Control District as a State approved Mosquito Control Program.

**Result:** APPROVED

**Mover:** Curt Smith

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

**F.2. Save Our Indian River Lagoon Fish Kill Clean Up Coordination Contract Between Brevard County, Florida, and Keep Brevard Beautiful, Inc.**

The Board authorized the Chair to execute an Agreement with Keep Brevard Beautiful, Inc. to coordinate a fish kill clean up in the IRL in the event of a catastrophic die off event; authorized the County Manager to execute any future amendments, change orders, or extensions; and approved associated Budget Change Requests.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Secunder:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.3. Approval RE: Transportation Impact Fee Technical Advisory Committee for the Central Mainland Benefit District Project Funding Recommendation (Districts 1, 2, and 4)**

The Board approved the project funding recommendation in the amount of \$95,270, as prepared by the Technical Advisory Committee for the Central Mainland Benefit District on April 30, 2021; and authorized the Budget Office to execute a Budget Change Request necessary for implementing this appropriation.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Secunder:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.4. Acceptance, Re: Binding Development Plan with Robert Van Horn and Gerald K. Houck. (District 2)**

The Board approved and executed Binding Development Plan with Robert Van Horn and Gerald K. Houck. Said Plan was recorded in BK/PG 9183/614.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Secunder:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.6. Approval RE: Transportation Impact Fee Technical Advisory Committee North Mainland Benefit District Project Funding Recommendations (Districts 1 and 2)**

The Board approved the project funding recommendation in the amount of \$1,600,000, as prepared by the Technical Advisory Committee for the North Mainland Benefit District on June 8, 2021; and authorized the Budget Office to execute a Budget Change Request necessary for implementing this appropriation.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Secunder:** Bryan Lober

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

**F.7. Approval RE: Transportation Impact Fee Technical Advisory Committee for the Merritt Island/North Beaches Benefit District Project Funding Recommendations (Districts 2 and 4)**

The Board approved the project funding recommendation in the amount of \$115,000, as prepared by the Technical Advisory Committee for the Merritt Island/North Beaches Benefit District on June 14, 2021; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing this appropriation.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconded:** Bryan Lober

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

**F.8. Acceptance, Re: Binding Development Plan with SGS Cedar Lake, LLC (f.k.a. 5971 Cedar Lake Drive Revocable Trust and U.S. Hwy 1 Commercial Land Trust) (District 1)**

The Board approved and executed Binding Development Plan with SGS Cedar Lake, LLC (f.k.a. 5971 Cedar Lake Drive Revocable Trust and U.S. Highway 1 Commercial Land Trust). Said Plan was recorded in BK/PG 9183/695.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconded:** Bryan Lober

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

**F.9. Approval, Re: Warranty Deed from Pulte Home Company, LLC to Convey Tracts D and F of the Island Crossings Plat- District 2.**

The Board approved and accepted the Warranty Deed from Pulte Home Company, LLC to convey Tracts D and F of the Island Crossing Plat.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconded:** Bryan Lober

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

**F.10. Approval, Re: Resolution and Quit Claim Deed from Florida Department of Transportation Related to the Realignment Project on Wickham Road at Nasa Boulevard and Ellis Road- District 3.**

The Board adopted Resolution No. 21-079; and authorized and approved the Quit Claim Deed from FDOT, related to the Realignment Project on Wickham Road at Nasa Boulevard and Ellis Road.

**Result:** ADOPTED

**Mover:** Curt Smith

**Seconded:** Bryan Lober

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

**F.11. Approval, Re: Lift Station and Force Main Easements (3), Force Main Easement (1), Temporary Construction Easement (1) and Easement Maintenance Agreement with Health First, Inc. (1) for the Indian River Isles Septic to Sewer Project - District 4.**

The Board accepted the three Lift Station and Force Main Easements (3), the Force Main Easement (1), and the Temporary Construction Easement (1) for the Indian River Isles Septic to Sewer Project; and approved and authorized the Chair to execute the Easement Maintenance Agreement with Health First.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.12. Approval, Re: Resolution and Quit Claim Deed to the Town of Grant-Valkaria, per the Interlocal Agreement Dated July 24, 2012- District 3.**

The Board adopted Resolution No. 21-080, authorizing conveyance of real property interest by the County; and approved and authorized the Chair to execute the Quit Claim Deed to the Town of Grant-Valkaria per the Interlocal Agreement dated July 24, 2012.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.13. Approval Re: Utility Easement from The School Board of Brevard County, Florida, for the C01 Lift Station Rehabilitation Project - District 2.**

The Board approved and accepted the Utility Easement from the Brevard County School Board for the C01 Lift Station Rehabilitation Project.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.14. Approval, Re: Sidewalk Easement, Drainage Easement and Temporary Drainage Easement from The Viera Company and A. Duda and Sons, Inc. for the Pineda Boulevard-Lake Andrew Drive Interchange Project - District 4.**

The Board approved and accepted the Sidewalk Easement, Drainage Easement, and Temporary Drainage Easement from The Viera Company and A. Duda and Sons, Inc. for the Pineda Boulevard-Lake Andrew Drive Interchange Project.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.15. Approval, Re: Sanitary Sewer Easement from WCI Communities, LLC for the**

**Bridgewater North Amenity Center Project- District 4.**

The Board approved and accepted the Sanitary Sewer Easement from WCI Communities, LLC, for the Bridgewater North Amenity Center Project.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.16. Approval, Re: Donation of Reuse Line Easement from DD Lake Andrew 11.64, LLC for the Viera Town Center III Multi-Family Site Project- District 4.**

The Board approved and accepted the Reuse Line Easement from DD Lake Andrew 11.64, LLC for the Viera Town Center III Multi-Family Site Project.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.17. Approval, Re: 1) Donation of Permanent Right of Way, Drainage and Utility Easement Agreement and Drainage Easement from Monica Ellis, and 2) Donation of Warranty Deed and Drainage Easement from Angie E. and Jeffrey C. Hampton for Bevis Ditch Drainage Maintenance - District 2.**

The Board approved and executed the Permanent Right-of-Way, Drainage, and Utility Easement Agreement; approved and accepted the Drainage Easement from Monica Ellis; and approved and accepted the Warranty Deed and Drainage Easement from Angie E. and Jeffrey C. Hampton for the Bevis Ditch Drainage Maintenance.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.18. Approval, Re: Donation of Sidewalk and Drainage Easement and Quit Claim Deed from Boniface Chrysler Dodge, Inc., for the Boniface Hiers Chrysler Dodge Ram Jeep Dealership Project-Cocoa-District 1.**

The Board approved and accepted the Sidewalk and Drainage Easement and Quit Claim Deed from Boniface Chrysler Dodge, Inc., for the Boniface Hiers Chrysler Dodge Ram Jeep Dealership Project, Cocoa.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.19. Approval Re: Local Agency Program Supplemental Agreement No. 1 and Resolution with the State of Florida Department of Transportation for the Construction and Construction Engineering and Inspection Services for John**



**Rodes Boulevard from State Road 518 (West Eau Gallie Boulevard) to Aurora Road, FPN 441449-1-58/68-01- District 5**

The Board adopted Resolution No. 21-081, authorizing the execution of the LAP Supplemental Agreement No. 1; approved and authorized the Chair to execute the LAP Supplemental Agreement No. 1 with FDOT for the construction and CEI Services for John Rodes Boulevard from State Road 518, West Eau Gallie Boulevard, to Aurora Road, FPN 441449-1-58/68-01; and approved any necessary associated Budget Change Requests.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.22. Approval of License Agreement with Florida Power & Light and Brevard County for Reuse and Force Main Line at the Port St. John Wastewater Treatment Plant**

The Board approved a License Agreement with FPL for reuse and force main line at the Port St. John Wastewater Treatment Plant.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.23. Assignment of Agreement between Board of County Commissioners, Reiss Engineering, Inc., and CHA Consulting, Inc.**

The Board approved and authorized the Chair to execute the Assignment of Agreement between the BOCC, Reiss Engineering, Inc., and CHA Consulting, Inc.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.24. North Riverside Drive PVC Force Main Replacement - Negotiated Amount of Change Orders for Project/Contract Close-out**

The Board approved the negotiated Change Order amount to RIC-MAN Construction Florida, Inc. (RMCF) for the North Riverside Drive PVC Force Main Replacement Project, Bid Number B-5-19-100, as part of the Contract close-out for this project.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**F.25. Approval Re: Commercial Account Right of Entry Agreement by and between Brevard County Board of County Commissioners and Charter Communications Operating, LLC for the installation of Wi-Fi infrastructure at Howard E. Futch Memorial Park at Paradise Beach. (District 3)**

The Board approved, accepted, and authorized the Chair to execute the Commercial Account Right of Entry Agreement from Charter Communications Operating, LLC, allowing for the installation of Wi-Fi infrastructure at Howard E. Futch Memorial Park at Paradise Beach.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**F.26. Approval, Re: After-the-Fact Ratification of a change order for the emergency repair / replacement of thirty-six wooden pilings at the Space View Park dock, Titusville, FL.**

The Board approved an After-the-Fact Change Order to Rush Construction for the emergency repair or replacement of thirty-six wooden pilings at the Space View Park dock in Titusville.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**F.27. Approval, re: Funding recommendations for listed FY 2021-2022 Sport Events Grant Applications, approve additional grant award for out of cycle applicant FY20-21.**

The Board approved funding the following FY 2021-2022 Sports Grant Applications, as well as making the necessary legislative findings: Space Coast Showdown Soccer Tournament (10/14/2021-10/19/2021) \$18,080, Cocoa Beach Half Marathon and 10k (10/31/2021) \$10,712.50, Space Coast Cup Soccer Tournament (11/06/2021-11/07/2021) \$12,990.00, Softball Magazine Senior Softball Camp (11/18/2021-11/20/2021) \$3,620, Florida Marathon Weekend (02/12/2022-02/13/2022) \$15,242.50, Moon Golf Invitational (02/19/2022-02/22/2022) \$6,270, Beach 'n Boards Festival (03/10/2022-03/13/2022) \$17,580, Softball Magazine Spring Training (Week 1: 03/10/2022-03/12/2022, Week 2: 03/17/2022-03/19/2022) \$12,090, and American Cancer Society Gateway to Space 5k and 10k (03/19/2022) \$5,992.50; approved the funding of an out of cycle FY 2020-2021 Sports Grant Application and made necessary legislative findings for the AAU Primary National Championships and AAU Club Championships (07/12/2021-07/16/2021) \$15,000; made legislative findings that Tourist Development Tax (TDT) funds are authorized for each grant pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a of the Brevard County Code of Ordinances, because each grant supports an activity or event which has, as one of its main purposes, the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside of Brevard County; and authorized Tourism Development Office Director to negotiate and sign all necessary grant agreements and related documents to support the grants.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**Nay:** Tobia

**F.29. Request Board Delegation: Memorandum of Understanding with the Department of Highway Safety Motor Vehicle Data and the Office of the State Courts Administrator.**

The Board authorized the County Manager, or his designee, to execute the OSCA Judicial Inquiry System (JIS)-DHSMV Access Annual Certification Statement and the JIS Inter-Agency Agreement on behalf of Brevard County.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.30. Approval of Administration and Collection Cost for Business Tax Receipts - July 1, 2021 to June 30, 2022**

The Board approved the proposed cost, as submitted by the Tax Collector, for administration and collection of County Business Tax Receipts.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.31. Approval of Budget Change Requests**

The Board approved the Budget Change Requests (BCR).

**Result:** APPROVED

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.32. Permission to Reject All Bids Received in Response to B-6-21-64 / Front End Wheel Loader**

The Board authorized Purchasing Services to reject all bids submitted for B-6-21-64; and authorized Central Services Director to purchase equipment utilizing the Florida Sheriff's Association (FSA) Bid FSA-20-EQU-180.0.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconder:** Bryan Lober

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

**F.33. Conveyance of property acquired by tax escheatment deed to municipalities; City of Palm Bay (District 3).**

The Board adopted Resolution No. 21-082, conveying property acquired by tax escheatment deed to the jurisdictional municipality; and authorized the Chair to execute County deeds to convey two properties, located at 2590 Southover Drive NE Palm Bay, FL 32905 and Port Malabar Unit 40 Tract A, acquired by tax escheatment deed to the jurisdictional municipality as required by Section 197.592(3), Florida Statutes, upon review and approval by the County

Attorney's Office.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**F.34. Group Medicare Advantage and Group Medicare Pharmacy EGWP**

The Board approved the Employee Benefits Insurance Advisory Committee's (EBIAC) recommendations, Medicare Advantage Plan: United Health Care and Humana, and Group Pharmacy EGWP: Humana; and authorized Human Resources Director to execute all documents necessary to bind the coverage effective, January 1, 2022 through December 31, 2022, with the option to extend the Agreements(s) for an additional four, (4), one (1) year terms upon mutual agreement of both parties.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**F.35. In re: National Prescription Opioid Litigation - Approval to Vote in Favor of the Purdue Bankruptcy Restructuring Plan; Request Approval for Staff to Pursue Interlocal Agreements with Cities pursuant to the State of Florida's Memorandum of Understanding**

The Board authorized outside Counsel to vote in favor of the Purdue Bankruptcy Restructuring Plan; and authorized the County Attorney's Office to pursue interlocal agreements with Cities, pursuant to the State of Florida's Memorandum of Understanding's Qualified County standard.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**F.36. Confirmation of Terry A. Jordan as Transit Services Director.**

The Board confirmed the appointment of Terry A. Jordan as Director of the Brevard County Transit Services Department.

**Result:** APPROVED

**Mover:** Curt Smith

**Secunder:** Bryan Lober

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

**F.37. Resolution Modifying the Delegated Authority to the City of Melbourne and the Olde Eau Gallie Riverfront Community Redevelopment Agency**

The Board adopted Resolution No. 21-083, modifying the delegation of Community Redevelopment Agency powers to the City of Melbourne, and thereby the Olde Eau Gallie Riverfront Community Redevelopment Agency.

**Result:** ADOPTED

**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.38. Legislative intent and permission to advertise an Ordinance rescinding selected companies' economic development ad valorem tax exemptions**

The Board approved legislative intent and granted permission to advertise an ordinance rescinding Economic Development Tax Exemption for selected companies, NewSpace Center, LLC and Project Rainbow, that no longer qualify for the County's Economic Development Ad Valorem Program.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.39. Appointment(s) / Reappointment(s)**

The Board appointed/reappointed Alexander Rumsey to the Investment Committee, with said term to expire July 6, 2022; Dawn Causey Davis to the Community Action Board, with said term to expire December 31, 2022; Henry Minneboo to the Redistricting Committee, with said term to expire December 31, 2021; Dale Young to the Board of Adjustment, with said term to expire December 31, 2021; and William Huffman to the Board of Adjustment, with said term to expire December 31, 2022.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.40. Approval, re: Agreement Affirming the Local Workforce Development Board One-Stop Operator and Workforce Services provider**

The Board approved and authorized the Chair to sign the Agreement, confirming C2 Global Professional Services, LLC (C2 GPS) as the designated One-Stop Operator for the Local Workforce Development Board (LWDB) Area.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Second:** Bryan Lober  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.41. Permission to Advertise Public Hearing to consider application for the 2022 Edward Byrne Memorial Justice Assistance Grants**

The Board granted permission to advertise a public hearing to consider the two 2022 Edward Byrne Memorial Justice Assistance Grant Applications.

**Result:** APPROVED  
**Mover:** Curt Smith  
**Second:** Bryan Lober

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

**F.42. Legislative Intent and Permission to Advertise an Ordinance Amending the Brevard County Code of Ordinances at Chapter 62, Article VI, Zoning Regulations, at Division 7 in order to amend the general development standards for setbacks for wireless telecommunications facilities.**

The Board granted legislative intent and permission to advertise an ordinance amending the Brevard County Code of Ordinances at Chapter 62, Article VI, Zoning Regulations, at Division 7, in order to amend the general development standards for setbacks for wireless telecommunications facilities.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**G. PUBLIC COMMENTS**

Dwight Seigler stated he is there concerning the water in East Mims; the decision was made to remove the fluoride without a public hearing from the community; Chair Pritchett had a meeting two weeks ago; it seems like the majority of the people there wanted the fluoride back in the water; they were told there was going to be a ballot in the July water bill; no one explained how that process will work, who handles the ballots, and who is counting the ballots; and he also understands that one ballot comes to the home, but there could be eight people in the home but only one person can vote. He added everybody in the house drinks the water but there is only one vote per house; then there has to be a supermajority to pass it; it is very confusing and no one really knows what is going on; all they really know is one person decided to remove the fluoride, and that person does not even drink it; there was someone from Satellite Beach who did a presentation on how bad the fluoride is; and there is fluoride in the water in Satellite Beach and he thinks that person should be in Satellite Beach trying to remove it there. He mentioned Chair Pritchett went to the City of Titusville City Council meeting trying to get them to vote to remove the fluoride from the Titusville water; they voted unanimously to keep it; he asked if this a Board that is elected by the people, to represent the people, but decided to turn it into a dictatorship; he noted that could be just the start of it; there are Commissioners who just decide to make up their own mind, regardless of what the people want, they can go against it; and he asked the Board to reconsider placing the fluoride back into the water. He noted if the Board wants to have a hearing or whatever to decide if the people want to take it out, then it should go that route, but do not go ahead of the people and remove it, then come back and say the people have to vote to get it back in; the Board knows it is not fair; and he asked that it does the right thing.

Janine Shelby stated she is in attendance with a group from Snug Harbor; they have been working with the County about the fire safety issues there; she understands that Commissioner Lober has things almost resolved; they are really looking forward to hearing what the resolution is so they may not have to come back next month; and they wanted to thank the Board and County staff who have worked on this.

Commissioner Lober stated he appreciates her for coming out to a meeting to express her thoughts, as most people would not do that; as far as what is being worked on now, he is just waiting for the go ahead from the other party to publicize the progress that has been made thus far; Pat Voltaire who is one of the higher ups in Brevard County Fire Rescue, Matt Wallace,

Director of Public Safety, and Chief Mark Schollmeyer, Director of Brevard County Fire Rescue, have all been very helpful in trying to get something in the works that will hopefully lower the Insurance Services Office (ISO) rating; to what degree he cannot say; he does not think anyone locally can tell the precise impact, but the goal is to do something that will get the community more reasonable insurance rates for those currently at ISO 10; and there is also a fallback solution that is being worked on, should the first solution not pan out for any reason. He added he is hopeful that the first one will because it is a good, proper solution that he thinks more people will be happy with; the fallback solution is a little less elegant than that; he was hoping to have answers by today or even last week; unfortunately, he is at the mercy of the other party; and there have been a couple sticking points, in particular the two things that are, he believes putting him on hold for the go-ahead to publicize, there was initially a concern involving some unionized personnel for the other party and making sure they had the opportunity to go ahead and have a part to play with respect to negotiating the Union's involvement and the other part that was holding things up was the specific language of a release and a hold harmless indemnification agreement. He went on to say there was a question as to whether the initial language that was suggested by the other party would be retrospective in nature meaning that they would be indemnified going back in time rather than just from the time that they accept this agreement and pick up the additional coverage area; he is fairly confident that the union issue has been worked out and essentially resolved; that is new a of the past several days; the issue with the contract language, he believes that is going back and forth between the County Attorney's Office and the other entity right now; he is hoping there will be some good news any day now; he is hoping maybe even this week; and as soon as he gets some finality to go-ahead and publicize exactly where they are he would be very much inclined and very happy to bring them and the others who live in Snug Harbor up to speed with exactly what is taking place, what the back and forth has been, where they are going from there, and what can be expected in terms of what the ISO may change toward. He expressed his appreciation for Ms. Shelby coming out.

Matthew Meeker stated he lives at Crescent Beach Club Condo which is not in Snug Harbor but it is in South Cocoa Beach; when he first started carrying insurance there, the rate was very minimal, \$300; since that time it has gone up considerably approaching \$1,000; when he calls to check on quotes, several are saying they will not even write it; when he explores that further they say it is not wind, flood, or anything else, it is the fire service; that is when he found the group exploring the situation; and he appreciates Commissioner Lober expressing that that is going to be covered. He continued by saying he hopes that not only does it cover fire personnel and other emergency response personnel, but that there is also significant infrastructure that needs to be taken care of with fire hydrants, waterline, culverts, bridges, and et cetera, because he feels like not only is it simply saving dollars and cents, it could potentially be a life safety factor; while Cocoa Beach says they will respond and that they will typically be the first responders, if there were multiple incidents and they were responding to those that pay their taxes directly, would it be then falling back to Brevard County; that is a concern of his; and he really feels like life safety is pretty important on that issue, so he hopes the Board will address it; and if it comes to the full Board he hopes it will support it. He added he hopes the Board will look at this throughout the County and see other areas that have an ISO of 10, where Cocoa Beach currently has an ISO of two.

Commissioner Lober stated he wants to be honest so there is no sort of false hopes, expectations, or overly high expectations with respect to what is in the works at this point; the specific agreement he is talking about would provide for coverage, something akin to an auto aid agreement in the area being discussed; in and of itself it does not result in any changes to the infrastructure; having spoken with Chief Schollmeyer and Matthew Wallace, who is the Public Safety Director, over both Emergency Management and Brevard County Fire Rescue,

they do have plans and there is money budgeted to do some infrastructure improvements in the area of Snug Harbor; to what degree things will change, he could provide more specifics once they are totally formulated; however, as far as the agreement he is talking about, it does not include infrastructure; as far as changing who responds, nothing in the agreement will cause Cocoa Beach not to be able to respond; up to this point, they have as a courtesy, and he is talking about the rank and file of the officers, the folks that are actually Cocoa Beach Fire Department employers, not City employees, they as a courtesy have extended coverage to the County just as the County, as a courtesy, cover some of their calls for service within Cocoa Beach, not because they are obligated to, but because it is the right thing to do; and unless Cocoa Beach decides unilaterally to stop performing that function, there is nothing in what is being proposed that will change it so that they cannot show up. He reiterated Cocoa Beach has done that as a courtesy, but that is not to say they could not stop instantaneously today, tomorrow, or sometime in the future from doing that, but the agreement that is being contemplated does not preclude them from continuing to respond, just as there is no reason for the County not to respond to them as a courtesy; and he will provide more information as it becomes available, he just wanted to clarify those few little points at the outset.

Michael Bross stated on behalf of his clients, Eric Obloy, Amanda Obloy, and Bambino Corporation, there has been ongoing litigation for many years regarding the property that is located at 165 Gator; there is an Obloy Family Ranch there and there has been lots of problems involving liens, foreclosures, and various other Code Enforcement violations, allegedly, and he is trying to resolve this; they have submitted proposals to the County Attorney and he believes that Eden Bentley, County Attorney, is familiar with this situation. He continued by saying May 19, 2021 there was documentation to allow a foreclosure action; the firm of Michael Bross and Brian Savey have been fighting this litigation; there is ongoing, tremendous amounts of litigation, and he has a proposed settlement agreement that he is asking the Board to look at; it has come to his attention that the County Attorneys have approached the Board, but there has been no resolution, no action on it; and this is his attempt to spur some sort of action upon either a settlement or the Board to tell him to just finish in the potential trials that are upcoming in the Circuit Court. He noted he is trying to avoid that by entering into a settlement agreement whereby the defendants in this case wish to give the County \$100,000 and 20 acres of land of the 40 acres that are owned by his client; in exchange they are asking that the Board vacate any and all liens, Code Enforcements, and any and all other situations that the County and the defendants have put into a situation where it is all resolved; he has copies of the settlement agreement to provide to the Board; he knows there will not be a resolution today but he appreciates the opportunity to come forward; the defendants in this case have a lot of defenses that can be litigated, but even if all of the liens were accurate and all of the liens were owed by his client, the property was appraised, according to the County Attorney, at about \$490,000; the most the Board can get is 35 percent and \$172,000; and that was in the complaint that the County filed against his client. He noted his client is willing to give \$100,000, instead of the \$172,000, is the most the County can get, even if all the liens are prosecuted on behalf of the County, the most the County can receive is 35 percent of the assessed value of the amount of \$490,000; they are giving a reasonable and fair offer to settle this matter, 20 acres and \$100,000; and they asked that the Board look at the proposal and let him know where it stands so it can hopefully be arbitrated without spending time, litigation, money, and expense.

Commissioner Tobia inquired if the settlement agreement is any different than the one he handed the County Attorney previously.

Mr. Bross asked if Commissioner Tobia means in the last few weeks; and he noted it is the same or similar, but if he is talking about years ago, it is much different than proposals that



were made.

Commissioner Tobia clarified that Mr. Bross has provided this to the County Attorney.

Mr. Bross responded in the affirmative.

Commissioner Tobia inquired if Mr. Bross is now asking for four people to make a decision without direction of their attorney.

Mr. Bross responded no.

Commissioner Tobia asked why then he is presenting it to the Board when he already presented it to the Board's attorney.

Mr. Bross communicated that his concern is possibly the attorneys are so busy after the COVID-19 situation and what is ongoing.

Commissioner Tobia advised Mr. Bross can rest assured that the County Attorney does a dang good job and is in communication with the entire Board; he is more than welcome to come to the Board on things, but this is going to fall on deaf ears; and this is a legal matter and it definitely needs to, in his opinion, go through the County Attorney and not come to the Board.

Mr. Bross commented that one of the County Attorneys suggested that he do this.

Commissioner Tobia explained he is telling him from now on not to do this; he appreciates that; and he highly doubts that Attorney Bentley would suggest anything of the sort.

Commissioner Lober commented based on what Mr. Bross said, he believes this is substantially similar, if not identical to the Item that was brought up at the very last meeting before the break, in which Attorney Bentley, himself, and Chair Pritchett recommended against pursuing this; he does not know what was ambiguous with that with respect to the amount of the lien and discussion; he would encourage anyone who has any degree of empathy, compassion, or sympathy for the Obloys, to speak to any of their adjoining property owners; he has been out there himself on multiple occasions; he has spoken with people, he has had people in his office crying over what has taken place there; and the bottom line is that every penny in liens, every penny in fines has been absolutely earned to the fullest extent and if Mr. Obloy is looking to resolve this he will make it very easy, there has been one very simple way to resolve this, pay what he owes. He continued on to say the Board will leave him alone and he can go about doing what he needs to do; he should not torture people from his property, get into a position where he owes the County hundreds of thousands of dollars for being a miscreant, and then come to the Board saying he will offer a reasonable settlement offer; he should not have done it in the first place and if he conducts himself so poorly that he has found himself in that situation due to his own poor choices, he should pay what he owes to resolve it; and it is that simple. He went on by saying there has been some vacillation, on a potential buyer's side on a real estate transaction, involving that property as to exactly where the Board is; he has listened to Attorney Bentley independently and he shares her opinion; he thinks the Board would be absolutely not only making a mistake on its own end with respect to considering what has been put forth with the Board with the terms included therein, but he thinks it would be doing a tremendous disservice to all of the adjoining and nearby property owners that have for years suffered as result of this individual; this particular property and the individuals there are high on his list of problem children in his District; depending on the day, they are number one; and he advised Mr. Bross that he does not normally use the language,

but he can go tell his client to pound sand. He noted he has respect for Mr. Bross and his practice, however, with respect to this client, his advice, once again, would be to pound sand.

Dr. Angela McNeight stated she is the current president of the Brevard County Dental Society; she is also a Brevard County native and a practicing Orthodontist in Brevard; she has three offices located in Viera, Merritt Island, and Suntree; she stands before the Board representing the 163 dentist from across the County that are part of the Brevard County Dental Society; they support community water fluoridation; and she mentioned the Society put together a tremendous panel on the 21st of June at the Mims community conversation that included medical, dental, public health, water experts, and other professionals who explained the science, research, efficacy, and safety of community water fluoridation. She went on to say they all explained that community water fluoridation is 100 percent safe; the Board has the daunting task of being charged with protecting the health of the entire County; the Board may not have fully understood what it was voting on back in May, but now it has more information from State and County Health Departments, the CDC, local medical professionals, and nearly every health institution in the United States; and she asked that the Board please put the Mims community water fluoridation back on the Agenda or take it to Workshop to be able to hear these same professionals that the Mims community was able to hear. She noted she would urge the Board to make the right decision and bring fluoridation back to the Mims drinking water, the Mims residents have already been too long without it.

Lisa Mosier stated she is in attendance to discuss how the County Commissioners had to open up a can of worm without being mindful of what Chair Pritchett was asking, about looking into the removal of Fluoride in Mims at the end of the meeting on May 4; because of the attitude towards the north end, Chair Pritchett took it to mean that she had the right to remove fluoride from the water without resident input and any notice; she wonders how the Board would have reacted if she would have asked about the Cocoa water, since that covers different Districts and more people; and many people are still unaware that the fluoride was taken out of their water because they either do not read the newspaper, are not on social media, have not received their ballot yet, or their July water bill. She went on to say in June when she received her water bill, it just stated that there was going to be a meeting; there was nothing that stated it was already removed; many years ago the residents in Mims were given the opportunity to vote whether they wanted to add fluoride to their water to the recommended amount; overwhelmingly, 70 percent said yes; in fact, looking at the statistics, over 73 percent of the water in the United States has fluoride in it; and in the State of Florida, in a large area up in the panhandle, that does not have fluoride in it, the third graders with the highest concentration of cavities, is in the same area. She noted she is not sure why the Mims residents are being forced to vote to have the fluoride put back in the water; she is a realtor and in all of her 20 years of business she has never had one buyer ask her if there was fluoride in the water where they were purchasing a home because they were concerned, they only ask how high the bill will be; now because of the action of the District Commissioner the residents have to vote again; she continues to say that she has made a mistake and she understands that, but the residents have to make up their own minds, it is their decision; and she asked why they are being told it has to be a supermajority. She noted the Commissioners are voted in with just a majority vote; she inquired who is receiving the votes and counting the votes; these are questions that need to be answered; many residents that she has talked to would rather have the fluoride put back in immediately; then after some discussion, be a vote to have it removed; the sign of a strong leader is someone who made a mistake and admit they made it; and she inquired if all of the Commissioners are going to admit they made a mistake and that they will do the best for all the residents of Brevard County before they make a decision.

Dr. Jim Antoon stated he is a Dentist Periodontist in Rockledge and he practiced in Titusville

some years ago; he was one of the leaders who brought fluoride to Mims: he spoke at Brevard Community College in Titusville before Commissioners, at a workshop type event; it was decided thereafter, at a regular Board meeting to go to vote and it was overwhelmingly voted for fluoride in the water in Mims; and he is also a leader in organized dentistry with respect to Missions of Mercy and advocacy for dental care for those under served and who cannot afford it or cannot get to the dentist for various reasons. He noted he did a workshop mission in Orlando two years ago and they served 2,000 people; they do that in Brevard County as well, the Space Coast Health Alliance sponsors them, and Brevard Community College hosts them; and he wishes that the Board would attend one of those events. He advised Dr. Maria Stahl mentioned at the Mims meeting that the 32754 area code had seen a significant drop in decay after fluoridation occurred; he asked the Board to keep that in mind as it is consistent with every study that has ever been done; he recognizes that there have been a few studies that involve humans, some animals receiving a lethal dose unfortunately, and opinion pieces that ate against fluoride; they also understand that there are thousands upon thousands of studies that show the overwhelming preponderance of evidence supporting community water fluoridation; and it also shows it to be beneficial and safe; and that is why the scientific dental and medical communities are supportive. He advised in 2021 the Center for Disease Control (CDC) sent a letter to Titusville saying that community water fluoridation was absolutely beneficial and safe in supporting it; they do not make those decisions lightly; that is why some of the organizations that support it were mentioned earlier and he is going to mention a few others; the Obstetrics and Gynecology Academy supports community water fluoridation; the American family of physicians supports community water fluoridation; the American Academy of Pediatrics supports community water fluoridation; the American Nurses Association supports community water fluoridation; and one of the authors of a study that was quoted in Mims and may be quoted here, one of the anti-articles. He commented Angela Martinez-Myers came out publicly and said while she supports the data, she does not support the conclusions of that study, and she continues to support community water fluoridation; he thinks that is important; and he asked the Board to revisit its decision because he thinks it is important for the health of those in Mims.

Dr. Kevin Hachmeister stated he is the Dental Director at Brevard Health Alliance and prior to that he was the Dental Director at the Brevard County Health Department; he has worked in public health for 15 years and they serve under served and uninsured patients, and patients on Medicaid; there is a huge population of under served patients in Brevard County; and the worst under served community is Mims. He added the Board could not have selected a worse place to remove the water fluoridation than Mims. He went on to say he wants to make sure the patients he sees everyday have a voice; he is concerned about this ballot; and he reiterated he is concerned about these people because they did not have a voice on May 4.

Daniel Murphy stated he has come before the Board due to public safety concerns, though the problem resides in District 2, he believes the people need all of the Board's help to resolve the problem; for over 30 years he has personally had to live with inadequate fire protection in the unincorporated area of South Cocoa Beach; the Board recently requested to increase fire protection taxes, even though he does not get adequate fire protection; the County Fire Station 62 is seven miles and 12 minutes away resulting in an ISO rating of 10; it is not good and not acceptable for the taxes that people are paying; himself and his neighbors have increased homeowners insurance and some have had policies cancelled due to this poor ISO rating; and what they need is a Mutual Auto-Aid Agreement with the City of Cocoa Beach and the County Fire agencies. He continued by saying the City of Cocoa Beach graciously proposed an arrangement for 40 percent of the fire taxes, everything that they pay on that slip that is received in November, they would provide adequate fire service, an Auto-Aid Agreement resulting in 60 percent that the County still gets to keep; Commissioner Lober is quite

knowledgeable of this arrangement, but for some reason will not accept it; he reiterated this is an Auto-Aid Agreement that he has researched for several years now; he mentioned Cocoa Beach will respond, but it takes a phone call; when he calls 9-1-1, it goes to Satellite Beach, and someone there has to make the decision if they want help or not or if they will do it on their own; and Auto-Aid Agreement will go to Cocoa Beach and both firehouses will show up, and that is seven miles and 12 minutes away. He pointed out that this is a County problem not a problem with the City of Cocoa Beach; they generously offered to help the County residents; the County now needs to take the next step and please accept their offer, lives and property are at stake; and each day this gets kicked down the road someone's life may be at stake.

Commissioner Lober stated there were a couple things he took note of during Mr. Murphy's comments; first, he referred to, once using the word graciously and another time using a similar word, Cocoa Beach's offer; it is not for some unknown reason that he has not been supportive of it; he will be very explicit as he has been with those folks who have reached out to his office and asked him about this, the bottom line is that there is a vast majority of cities within Brevard County sharing Auto-Aid Agreements with Brevard County for Fire Rescue; there is a very specific reason that Snug Harbor is the one and only area that he is aware of in his District that has had this particular problem with an ISO rating of 10, the lowest of possible ratings for longer than he has been alive, and the reason is simple, they are looking for a City benefit without paying the City taxes; and that is the position that has been relayed to him unofficially, from some of the people in Cocoa Beach. He added they offered to annex the area to apply the City millages across the board in Snug Harbor and the people in Snug Harbor do not want to pay the City millage in exchange for city services; it is still, from his understanding, available; he thinks Cocoa Beach would still be willing to annex the area; and that is the short of that. He advised he has done the math and what Cocoa Beach is proposing to charge per call, and he is talking about an average number of calls that has been almost identical year after year for nearly half a decade, it would amount to about \$10,000 per call, not per fire but per call that they would have to respond to; if the smoke detector is tied in to cause a response automatically, the math is \$10,000 or more each time they respond to a fire; if the County did that, and this is the reason that, not just him but staff, will not put it on as an Agenda Item, is because it is objectively unreasonable; what they are asking for from Brevard County is so much more than what any other municipality has ever gotten in an Auto-Aid Agreement, that it would in all likelihood, and staff has expressed this very concern directly to him, all of the municipalities with whom the County already has Auto-Aid Agreements could come back to the trough as soon as those agreements expired figuring they had found another cash cow and that is a concern; and that the presidential aspect of paying what amounts to an extortion fee to one city would cause a ripple throughout all of the municipalities that the County deals with on Auto-Aid Agreements. He went on to say the City of Cocoa Beach, and he would encourage each Commissioner to reach out to the County Manager and ask about the lack of reasonableness of Cocoa Beach's offer; he thinks the County Manager understands, he has been with the County for decades, and he is on record as having said that he has offered Cocoa Beach more than any other Commissioner of which he is aware of in his three decades or so in Brevard County; and to suggest that he has been unreasonable with them is ridiculous. He noted he has driven out to Cocoa Beach and had meetings with their Mayor and their City Manager; he has had them come to his office; at first the roadblock, according to them, was it would drop their ISO rating from a two; in fact there was some concern that even if they were to be reevaluated right now, that the existing boundaries would cause them to be below a two, and potentially adding an area that is ISO 10 would drop them; his response to them was keeping everything else steady, he recognizes that is a realistic concern and that they should not have to face to have a good detailed punishment, but if he could commit to them, he would have to do his due diligence to make sure that he can deliver on it before he offers it up, but if he can submit that the County will reach or exceed the existing ISO in Cocoa Beach, would

they then enter into an Agreement with the County; he went so far as to say, what if the County offered additional lifeguards throughout the City, what if an additional fire medic was placed in the station, or what if the County brought a ladder truck there; he teams up with solution after solution that would frankly leave them better off and the bottom line is it all comes back to the fact that there is a group of individuals who want a City service but do not want to pay the City taxes for that; and as he stated before, there are two solutions in the works, neither of which involves the City of Cocoa Beach because they have been objectively unreasonable in what they have been willing to offer. He stated there is nothing generous by any stretch of the imagination in what the offer is; there is nothing magnanimous in it; no matter how many people come to express their frustration, it is not going to make the process go any faster; he is at the point where both himself and County staff can do nothing to accelerate this beyond the pace at which it is going; as he said earlier he is hoping to have an answer sometime very soon, perhaps as soon as this week; and as soon as he knows he will publicize it, but the chance that it is going to be something with Cocoa Beach is slim to none. He commented the last thing he will say on the matter is, even if he were convinced that if the County paid what amounts to an extortion fee from Cocoa Beach, he does not think he could get two other Commissioners to support it; if one of the other four Commissioners asked him to support something like that in their District he would say absolutely not; he does not want any of the other cities with whom the County shares Auto-Aid Agreements to come back and essentially ruin the County in the reasonable expectation that if they are willing to do it for one then the County should do it for all; he is hoping for good news in a few days; but he cannot do anything with the City of Cocoa Beach given the position they have made very clear.

#### PUBLIC COMMENT (CONTINUED)

Z Aydinel stated he would like to discuss contractor licensing; he and a lot of other people are confused; they have been down this road several times through the years with licensing; he has been able to pack this room, but out of courtesy he came alone; he has the same list in his pocket that the board sent to everybody who lost their license that day and he chose not to; his question is, whose idea was this and why.

Chair Pritchett noted this is Mr. Aydinel's opportunity for public comment and most likely someone will get back with him later, but this is his chance to speak to the Board right now.

M. Aydinel noted this is what happened on May 17, if he was contracted to paint someone's house and they gave him 50 percent deposit and he did not show up, he could have been arrested, today they cannot; the Board did that to all of the public residents of Brevard County, all of the people they are sworn to protect; the Board took that away from them; and he asked what the Board was going to do to protect the people.

Chair Pritchett asked if Mr. Aydinel was finished.

Mr. Aydinel responded he is not done, but he wants the Board to answer his questions.

Chair Pritchett advised the Board is not going to do a back and forth; but he is welcome to give the Board his questions.

Mr. Aydinel commented if the Board is not going to do back and forth it should send an email ahead of time so people can be there to talk about it. He went on to say the Board needs to make some corrective action; he thinks the decision was done in haste with lack of due diligence; Commissioner Smith was sitting in that same chair, none of the Board was there May 3, 2016; the Board needs to watch that video; the Sheriff's Department and many contractors came out there and played with them; the Sheriff's Department sent people out there from their

special crime unit who said if this is done it takes away the ability to prosecute anybody who frauds people; and then Commissioner Smith stopped and corrected himself, everybody corrected themselves, and everybody was protected. He added it is now six years later and it has been done, so this needs to be corrected; everything this Board does can be undone; it is not about whether he needs a license to paint, just like a County Commissioner does not need a license, there are no guardrails there; anybody can paint and anybody can be a County Commissioner; however, there needs to be corrective action; and he would like a Commissioner to get back with him on his questions, in writing.

Commissioner Tobia advised he is the one who brought that forward; it is ridiculous to need a license to paint something that a six or eight year old has no problem doing; if Mr. Aydinel is going to get a little more into this, he will find that State Legislature also thought that this was just as ridiculous as the Board did; and the Board did that prior to the State taking that action. He mentioned he thinks that is 18 months down the road; he understand that the license is something that protects him and allows him to charge more for a certain action; Mr. Aydinel's legal advice is a little off; if he signed a contract and he then does not fulfill that contract there are certain steps that could be taken whether he is a licensed contractor or not; he is aware of that, although he is not an attorney; there are stipulations when it comes to a contract; and he appreciates him showing up and voicing his comments, but as a Commissioner he does not feel comfortable protecting his rights to paint at an artificially high rate because he holds a license to paint.

Mr. Aydinel advised this is not about him painting it is about the Board doing what it did to the public.

Chair Pritchett asked Mr. Aydinel to call Commissioner Tobia's office tomorrow.

Mr. Aydinel noted he has no use for Commissioner Tobia.

Kariane Cerato stated she is there about the Snug Harbor fire issues; she was there on April 20 when the Board passed the increase in the taxes of 28 percent; at that time she was not for nor against, she was in favor of doing an audit to see where the money is going; the information she received from Mayor Malik was that their fire taxes equates to about \$650,000 per year; her house was built in 1962, so imagine the amount of money that has been collected all these years and they are still in an ISO 10 out of 10; that is unacceptable; and she wanted to thank Commissioner Lober because the last two emails he got back to her really quick, and she hopes this goes through. She mentioned but in the case that this does not go through, that is another discussion she would hope to have with him because she thinks he needs to redirect this conversation with Cocoa Beach; she understands there seems to be a lot of bad blood for many years, and she is not sure what that is but she can tell it is there on both parts; she has an email from Mayor Malik that he sent to Commissioner Lober and Public Safety Director, Colonel Matthew Wallace, and the \$10,000 per call that Commissioner Lober is referring to, the amount of money Cocoa Beach is asking for is approximately \$250,000 and they receive about 165 calls per year that they respond to; that equals to a little bit more than \$10,000 per call as he stated; however that \$10,000 is not per call, it is to increase, there is not enough fire hydrants, there is not enough pressure, the infrastructure in the area, it is basically to get them up to par with every other neighborhood; they have received the short end of the stick; and this needs to stop. She noted she hopes this goes through but if it does not they will come back every month and continue emailing to make sure that something does happen because this is unacceptable.

Commissioner Lober stated he thinks it is very nice to have an email from one party without

having any sort of rebuttal, forwarded to the other party; if it was an email that he was copied on, the chances are astronomically high that he responded to it; there were emails that came either from the Mayor or the City Manager of Cocoa Beach, that were sent to individuals that he was not copied on, which is rather convenient because it does not give him the opportunity to represent the other side; as far as the 165 calls per year, and he is providing his best understanding and if he is incorrect he apologizes, but he does not think 165 calls is what is being talked about; that is not the full volume of 9-1-1 calls that are being made; people need to keep in mind that regardless of whether an Auto Aid Agreement exists with Cocoa Beach or any other entity, or if they build a fire station there, the number of 9-1-1 calls is by a large not going to be the number of fire calls, they are medical calls, police calls, and other calls that go to 9-1-1 that have nothing to do with a structure fire or anything a fire fighter would be responding to; and he believes that number is closer to 25 calls per year as opposed to 165 calls per year, at least closer to that than it is to the 165, as far as to the Auto-Aid Agreement would actually have their people covering. He went on to say in terms of looking at the overall costs for the fire Municipal Services Taxing Unit (MSTU), it is not just that the only cost is as to the MSTU, it is putting out additional firefighters; looking at the fact, and they are talking about roughly 25 calls per year, calls that they are already responding to, what their argument was was they needed to add at least three additional uniformed Cocoa Beach firefighters or Fire Medics in order to accommodate or account for the additional area; to respond to 25 calls that they are already responding to, they thought that it would be appropriate for the County to pay to cover their costs in recruiting, training, retaining, or whatever for three additional Cocoa Beach fire fighters or Fire Medics; and he believes that would be the one and only place in Brevard County, and he does not know of any other County in Florida where County millage would be used to pay for uniformed City employees; all of it comes back, everyone is welcome to come back to every meeting and come to his office every day if they would like to, but the bottom line is it does not make him more inclined to go with an unreasonable agreement; and he would suggest that before anyone comes back to propose something that will never in a million years happen, that they run it by the other individual Commissioners separately to determine if they have any willingness whatsoever to go along with it because he is not going to ruin the County or District 2 by accepting an unreasonable offer that, frankly, even staff that has no dog in the fight, recognizes as being absolutely unreasonable. He noted it is far and away more onerous of the County than anything else that any other municipality has even proposed; he is hopeful that one or the other option he has brought forth is going to work out; he thinks he provided Ms. Cerato a response by email, a little more detail of the second option which he is at much greater liberty to discuss; but again it comes back to there are reasonable and there are unreasonable offers; he is pursuing one that appears to be reasonable, but not through Cocoa Beach; and if that does not pan out, he would like for her to run by the other Commissioner's willingness, because if there are five out of five saying no, then it provides an idea in terms of where their time is best spent.

Dominic Scafetta stated unfortunately he is there to talk about Cocoa Beach fire; he thanked Commissioner Lober for everything he has been doing to try to help those in Snug Harbor; he thinks the Board needs to keep a couple thing in mind with his proposed solutions, and that is what will the ISO rating ultimately be; he has been working on this since August 2019 when his insurance was dropped; in September 2019 he was there addressing this with the Board; Commissioner Lober met with him in November 2019 and he has been waiting patiently for almost two years now; and it sounds like he may be close to getting something, but the Board must keep a couple things in mind. He continued by saying one, he thinks that the costs are unreasonable from Cocoa Beach, and from the people's perspective it seems extremely reasonable because they are paying \$650,000 in taxes and Cocoa Beach is asking for \$250,000; the second thing is, and he is hoping that Commissioner Lober's solution is going to work out, but the Board also has to look at the cost of that solution versus what the people are

paying today versus what Cocoa Beach has offered; the Board must also look at the ISO rating that they will end up with, with all the different options that are on the table; if things go well, and he hopes they do, everything will work out good, the price will be lower, the ISO rating will be lower, and everybody will be happy; but he does not think the County can just arbitrarily take all the options off the table. He added on February 9, he actually met with Cocoa Beach Mayor, the City Manager, and Matt Wallace; they said three or four times unequivocally that they have no interest in annexing the area; it was also stated in the letter that one of his colleagues received from the Mayor, so that is not really true; they are not interested in annexing Snug Harbor; and he reiterated from the people's perspective, the costs seem reasonable and he does not think anything should be taken off the table until there is a better result in hand. He expressed his appreciation to Commissioner Lober for all that he is doing, and noted they all have their fingers crossed.

Commissioner Lober commented he hopes all of this will be moot at the end of the day; he thinks if he could move forward with either of the two options he discussed, that Snug Harbor will be in a far better spot; he asked that Mr. Scafetta keep his fingers crossed, and he will do the same; and he has good indications, but he just does not want to over promise and under deliver on something that he is not absolutely certain about.

Dr. Yoshita Patel stated she owns Viera Pediatric Dentistry and she lives in District 4; she has a master's in public health and community dentistry and she is a board-certified pediatric dentist; she is disappointed in how the removal of fluoride from the Mims water service was conducted and continues to be managed; the Commissioners all have an important role within the County and it is to represent all of the citizens of Brevard County, Florida; many of the Board noted at the time of the vote that the issue does not affect their constituents, but it does; there are no dentists in Mims, so this affects a lot of them; and the majority of the Board also noted after the vote that they did not know what they were voting for, they thought they were voting for something else like the discussion of the fluoridation; how can a major decision for a community be so unclear; and if it was unclear does it not make sense to revisit it. She went on to say, the Board Members are all highly educated, very intelligent people and they were not sure themselves about the fluoride; she asked how the lay public is supposed to make an informed decision, because many of them do not have internet, they do not have basic needs, they rely on the professional input to make those decisions; science is changing daily and professional organizations review those changes annually, to take all new information into account; those changes are reflected in their professional guidelines; and the arguments against fluoride are decades old but they have continually been dispelled; and she asked why major organizations in favor of children's health recommend something that is bad for children. She stated every credible medical organization also supports community water fluoridation; for the approximately 70 studies that are against fluoride, 7,000 are for it; the utility company brings the water to the faucet but it is a personal choice whether to ingest it or not; her job is to treat cavities, but also to do her very best to prevent them; today she is attempting to advocate for the children of Mims; whatever the outcome, this Board is setting the precedent; and this has put into question something that is good for the health of the children, the community, her patients, and all those who have the privilege of being served from community water fluoridation; and the Board is involved in this decision. She added she hopes the Board finds its sense of personal responsibility to take this upon itself to revisit the process and do right by its constituents; she would suggest the Board Members learn more about the importance of fluoride by taking the subject to a workshop and understand why so many national and international organizations are for water fluoridation; .001 percent of dental professionals are against fluoride; listen to the other 99.99 percent, who include many of the Board's constituents and supporters; they serve the under served and treat the teeth of those who do not have the privilege of care; and now they do not have the privilege the rest of the people in the County



have, for community water fluoridation. She continued to say she hopes the Board will revisit this.

Sandra Sullivan stated the community's heart goes out to the tragedy of Surf Side which undoubtedly is going to result in changes on the coastal areas; Brevard is one of the counties that does not have the 40-year recertification; the State, for their own coastal development, is moving in the direction of SLIP Studies which is sea level impact project studies on building construction; for the barrier island, the water table is at three feet in the fall with higher river levels; and this has implications with sea level rise. She noted Governor DeSantis has equally prioritized evacuation off of the barrier island under resiliency planning. She went on to say she wants to talk about Hightower and how it relates to this; it was documented as being the second highest nesting beach in North America; after speaking with a marine biologist, the Hightower nesting is down 36 percent since being under Satellite Beach management; while it is not her idea, there are a lot of reasons to propose County, State, and Federal moving forward cooperatively to create a new refuge for Pelican Hightower and area, Space Coast Refuge, or if Department of Defense (DOD) would participate in partnership with their beaches, Space Force Refuge; they certainly need Public Relations (PR) with the escalating polyfluoroalkyl substances (PFAS) controversy; and she would like to remind the Board, and it is in the document going around, of the legal opinion from the County Attorney's Office determining that the sky bridge, as restricted access to the restrictive covenant of the County deed, is intended as a public beach park, commercial use, and application now is with the St. Johns River Water Management District and plans are still with the sky bridge. She continued by saying the State Florida Communities Trust (FCT) Agreement was for the protection of the adjacent conservative land and has a specific clause on adjacent agreement; it required a cap in moving density by the County as part of that agreement; that was to protect lives in the event of a hurricane for evacuation, a bottleneck on Pineda Causeway; she has submitted the plans and information about the water table; and she wants the Board to think about what happened at Surfside and being on a barrier island where the water table is very high, even in the pond in her backyard which overflows in the fall, and it is only two feet deep.

John Niland stated he is there to talk about fluoride, what it is, and why there is such big controversy; one of the reasons for the controversy is that people do not talk honestly about the fluoride; contrary to popular belief, fluoride is not an essential nutrient nor is it a vitamin; contrary to popular belief, people do not get cavities because there is a fluoride deficiency in the body; no disease, not even tooth decay, is caused by a fluoride deficiency; the fluoride that is put into public water systems is a chemical, a medication, a drug; the U.S. Food and Drug Administration (FDA) recognizes that fluoride's official designation is a new unapproved drug when it is used to prevent a disease; and the truth is, people do not add fluoride to the public water system to treat the water it is being added to medicate people. He continued by saying the public water system is being used as a delivery vehicle for a drug; if that were not crazy enough, think about this, every year tons and tons of this drug are dumped into the public water systems, but less than one percent goes to the intended use; 99 percent of the fluoride that is put in the water, is not being drunk by people; dogs drink it, cats drink it, clothes and dishes are washed in it, the lawns are watered with it, and eventually all of it goes back into the waterways; now that is crazy; fluoride is the only chemical added to the water supply for the purpose of medical treatment; and in this country, people believe in and practice informed consent, doctors have a sworn duty to inform their patients of both positive and negative aspects of any medication that they are prescribing. He noted it is the patient who decides if they want to use a drug; no matter how well intended the elected officials, nor the next door neighbor, do not have the right to force other residents to ingest a medication; tooth decay is neither contagious nor life-threatening; and to continue this practice he just cannot understand that.

#### **H.1. Petition to Vacate, Re: Public Utility and Drainage Easement - 83 Mohican Way -**

**“Sunnyland Beach” Plat Book 23, Page 46 - Melbourne Beach - Julio A. Henriques - District 3**

Chair Pritchett called for a public hearing on a request by Julio A. Henriques for a petition to vacate a public utility and drainage easement located at 83 Mohican Way, Melbourne Beach.

Marc Bernath, Public Works Director, stated this is a public utility and drainage easement for 83 Mohican Way, Sunnyland Beach; it is located in Melbourne Beach and was requested by Julio A. Henriques; and the request is to vacate a five-foot wide public utility and drainage easement to allow for an existing pool enclosure to be replaced.

Commissioner Tobia advised he has no concerns.

There being no further comments or objections, the Board adopted Resolution No. 21-084, vacating a portion of a public utility and drainage easement in “Sunnyland Beach” Subdivision, lying in Section 25, Township 29 South, Range 38 East, as petitioned by Julio A. Henriques.

**Result:** ADOPTED

**Mover:** John Tobia

**Secunder:** Bryan Lober

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

**H.2. Petition to Vacate, Re: General Purpose Easement - Per Official Records Book 6697, Page 2309, lying in Section 23, Township 29 South, Range 37 East - Town of Grant-Valkaria - District 3**

Chair Pritchett called for a public hearing on a request by the Town of Grant-Valkaria for a petition to vacate a general purpose easement lying in Section 23, Township 29 South, Range 37 East in the Town of Grant-Valkaria.

Marc Bernath, Public Works Director, stated this is tied to Consent Agenda Item F.12., a Resolution and Quit Claim Deed; this is a general purpose easement to be vacated; and this is to ensure the County notified appropriately and met the terms.

Commissioner Tobia advised he has no concerns.

There being no further comments or objections, the Board adopted Resolution No. 21-085, vacating a general purpose easement per Official Records Book 6697, Page 2309, lying in Section 23, Township 29 South, Range 37 East, as petitioned by the Town of Grant-Valkaria.

**Result:** ADOPTED

**Mover:** John Tobia

**Secunder:** Bryan Lober

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

**H.3. Public Hearing: RE: Fiscal Year 2021-2022 Brevard County HOME Investment Partnerships Program Consortium One Year Annual Action Plan**

Chair Pritchett called for a public hearing on Fiscal Year 2021/2022 Brevard County HOME Investment Partnership Program Consortium one-year Annual Action Plan.

Ian Golden, Housing and Human Services Director, stated this is the first public hearing for the Annual Action Plan that is required by HUD to complete this; it is a report on their previous

outcomes for the prior year as well as a plan for the coming year.

The Board conducted the public hearing, as required by the United States Department of Housing and Urban Development, for the purpose of receiving public comments on the strategies set forth in the HOME Investment Partnerships Program and Community Development Block Grant Annual Action Plan.

#### **H.4. Public Hearing Re: Intersection Signalization Construction Contract for N. Wickham Road at Deer Lakes Drive and Meeting Lane - District 4**

Chair Pritchett called for a public hearing on the intersection signalization construction contract for North Wickham Road at Deer Lakes Drive and Meeting Lane.

Marc Bernath, Public Works Director, stated this is a public hearing for the intersection signalization of construction contract for North Wickham Road at Deer Lakes Drive; it is located in District 4; it was previously delayed until this particular meeting; and he understands that either Mr. Knox or someone from his firm will be requesting that it be deferred again.

Nathan Melon stated he is requesting a continuance until a future meeting as they are still attempting to negotiate some prices.

There being no further comments or objections, the Board continued the public hearing for intersection signalization construction contract for North Wickham Road at Deer Lakes Drive and Meeting Lane to the August 24, 2021, Board meeting.

**Result:** APPROVED

**Mover:** Kristine Zonka

**Seconder:** Curt Smith

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

#### **I.1. County Attorney Recruitment**

Jerry Visco, Human Resources Director, stated this is the next step in the recruitment process for the next County Attorney; the Board has received all the background information that had been put together last month; he is just looking for a decision this evening on whether the Board would like to interview all six of the short-listed candidates or something less than all six of the short list of candidates; and schedules have been set up where staff can accommodate interviews on July 15 for all six candidates, if that is the Board's direction.

Commissioner Lober stated he would like to interview all six; he knows that he is taking a little more of their time than his colleagues, but he is interested; he knows three of them; he has dealt with them in varying degrees; he does not know three of the candidates, and he does not want to cut the options short at this point; and he is hopeful, even if some people do not want to take the time to interview them themselves, that they will at least give those that do want to interview all six the opportunity to do so.

Commissioner Smith noted he would like to interview all six candidates also.

Chair Pritchett advised she thinks all the Board Members are going to interview all six candidates.

Mr. Visco advised all six candidates have responded and will be available on July 15, so he will see everyone then.

The Board reached consensus directing the Human Resources Director to schedule the six candidates for interviews to be conducted at the Government Center, Viera, on July 15, 2021.

**J.1. Request for temporary reduction in rent payments RE: Complex Cafes at the Brevard County Government Center - Viera and the Harry T. & Harriette V. Moore Justice Center**

Frank Abbate, County Manager, stated this Item is for the Complex Café; they are looking to get a further forbearance of the rent they were paying during the course of the pandemic; they were not paying rent because of the pandemic and the level of business that was occurring; there was an assignment back in February; part of that agreement was they would start paying rent effective July 1; and the new owner has asked for a six-month extension of that period of time and the owner was told staff would bring it back for Board consideration, moving it from \$1,200 to \$600, if the Board is interested in doing that for a six month period. He advised the owner had not applied for, nor did he get, any of the business disruption Coronavirus Aid, Relief, and Economic Security (CARES) money.

Commissioner Tobia asked if Mr. Powers is available because he has some questions.

Chair Pritchett inquired if Mr. Powers is in attendance. She stated it makes it tough when someone is not there.

Commissioner Tobia noted he has a bunch of concerns dealing with this; it is his understanding that Mr. Powers has paid zero rent to date; and he wanted to find out a little more.

Chair Pritchett inquired if Commissioner Tobia wanted to table it.

Commissioner Tobia stated he would have no problem with it being brought back, but he thinks he should pay the contractual rate of the rent until such time as he decides to come before the Board.

Commissioner Lober stated based on what Commissioner Tobia just mentioned, he would be happy to continue it, but if he has to vote today, he is going to vote against it, however, that does not mean that he would not potentially be supportive of it at the subsequent meeting; but in deference to Commissioner Tobia's concern, if he has to vote today, it will be no.

Mr. Abbate stated he wanted to clarify that Complex Café did pay the rent for the month of July since the Board had not taken action yet.

Commissioner Smith inquired when Mr. Powers purchased the business.

Mr. Abbate noted it was in February or March of 2021.

Commissioner Smith commented he is sort of on the fence with this; he feels bad for the guy, he is a businessman and has invested money and purchased this business; and he has not had an opportunity to make any money off of it, or get his money back; the other side of the coin is when someone buys a business they go in with their eyes open and he thinks the County cut him a nice break by providing six months of free rent; the questions comes whether this Board wants to give him a break and make it half, stick to the full amount, or do not give him anything; and that is the question before the Board at this point.

Commissioner Zonka asked if Mr. Powers applied for any type of assistance to the County.

Mr. Abbate noted he would not have; the prior owner did not; the current owner was not within the time frame that he could have applied; however, the prior owner did not apply for the small business grant, h was told about it but he did not apply.

Commissioner Zonka stated she thinks they provide a good service to the employees so they do not have to leave work to grab a quick bite to eat; she knows the people who are swamped with work are the ones who use it more than he public; she is okay to revisit and is a little surprised that the owners are not in attendance; she really does not take issue with it; and she would just ask that he be there at the next meeting because she is not comfortable approving it without questions being answered.

Mr. Abbate advised he knows the Facilities staff did tell him last week that this would be occurring on July 6, and he believes the gentleman would be out of town on the July 4th weekend and he was not back in town yet.

Commissioner Zonka commented she figured he probably had a valid reason, because why would he not come for something like that; she thinks the Board has demonstrated that it wants to help people out; she would suggest that the Board not continue past the end of the year, if this does come back; however, that can be discussed when it comes back at the next meeting.

Chair Pritchett noted she agrees.

The Board tabled the request from Steven Powers, owner and operator of the Cafés located at the Harry T. and Harriette V. Moore Justice Center and the Brevard County Government Center, Viera, for temporary reduction in rent payments from \$1,200 down to \$600 through December 31, 2021.

**Result:** APPROVED

**Mover:** Bryan Lober

**Secunder:** Curt Smith

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

L.2. Eden Bentley, County Attorney

Eden Bentley, County Attorney, stated last Friday she provided the Board with the Obloy settlement offer; she believes this is the same offer his attorney handed out today; she saw some differences in font but that was about it; she had not received any indication that there was any interest in the offer, on the part of Board Members; and accordingly, she will take no action unless other direction is provided the Board.

L.4. Bryan Lober, Commissioner District 2

Commissioner Lober thanked the Board for its patience as he has not had to appear telephonically before; and he expressed his personal thanks to Chair Pritchett for her kind words regarding the situation that is causing his absence.

Chair Pritchett advised she is still praying for the little fella.

L.5. John Tobia, Commissioner District 3

Commissioner Tobia stated he has a couple things; to be clear, he is asking for no action this evening, he just wanted to give an opportunity to the Board to address this stuff for the coming weeks because he plans to place it on the agenda that is coming up; the first is the American Rescue Plan Act; he issued a memorandum a couple of months ago about sectioning off the

funds; obviously some things have changed since then and the Board has skimmed \$8.6 million off the top to lower the fire fee; and certainly the Board has made indication that a good chunk of this money should go to utilities and he agrees. He continued by saying instead of sectioning off the full \$58 million, there is now \$50 million; he has two options which are just starting places; if the Board were to dedicate \$35 million, that would leave approximately \$3 million; he knows some Commissioners have mentioned they would have some ideas where this money could be better spent; or \$40 million and leaving each Commissioner's discretion meeting certain guidelines set out by the American Rescue Plan; and those are a couple options as the Board moves forward to get the discussion going. He went on to say the second is an issue that had previously been brought up and because he loses many times, he tries not to bring the same things back, but Property Assessed Clean Energy (PACE) Program was something that was brought to the Board; there were a whole bunch of issues with it Statewide; the Board allowed that to take place; unfortunately, he has spoken with the Tax Collector and he has emails with the numerous issues that have been brought up because of the PACE program; the PACE program is an Obama-era funding mechanism that is tied to a person's property; there are numerous people Statewide, and now in the County, who will be unfortunately losing their house because of this program; the State has taken action to expand this program so unfortunately, this problem has not only gotten worse since 2017, there was one account, to today where there are more than 600; while it sounds good, it is worth the Board's time and he knows it is one-sided but there is a John Oliver piece on just how crazy this funding mechanism is; and unfortunately, there are numerous people that have been taken advantage of by it. He noted he would glad to send the Commissioners the link to it; he asked that the Board look at the people who have been directly affected by this in Brevard County and negatively impacted; he would encourage the Board members to read the emails from the Tax Collector and speak with her directly; he will be bringing that up for consideration; even though the State has allowed for expansion of this, the Board allowed for that mechanism to happen; and this Board has the ability to say they do not think this is the direction the tax payers should be going when as many folks are losing their houses or will continue to lose their houses because of that. He commented if the Board wants to continue with it, that is fine, but he has some data that has been collected since and unfortunately, it is not too positive; and he reiterated that is from the Tax Collector, not himself.

Commissioner Smith noted he is looking forward to looking at the information because when this was first proposed four or five years ago, neither the Property Appraiser nor the Tax Collector were in favor of it; they had predicted what he mentioned would occur; he does not know how bad it is; people can always point to a couple things that did not go well; however, if this is the general gist that it is not going well, and people are using this for monies that they cannot keep their hands off and then squander it to the point they lose their house or are going to lose their house, he thinks it is worthy of revisiting.

L.6. Curt Smith, Commissioner District 4

Commissioner Smith stated he missed the Board members, he had a great month, and he did a lot of really cool things.

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

Commissioner Zonka noted usually during this month downtime they are actually busier sometimes in her office; this was actually a month of being able to take some much needed vacation; she stated she just wanted to congratulate Terry Jordan; she thinks he is going to do a great job with Transit; she is really excited; he took time to meet with her in the office because he heard she was a big friend of Transit; and she looks forward to working with him.

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

Chair Pritchett stated she wanted to let everyone know that she had the community meeting;

she wants everyone to understand that the Board voted to remove fluoride out of the water; she thinks she has heard from enough residents that did not want it, but just in case she missed it, she thought it was wise to get a survey out to the community and find out because she does want to represent them, they are her number one priority; she thought it would be good to have this meeting and they had a wonderful presentation from a lot of wonderful people bringing some good information; and she learned something at the meeting as well. She mentioned the survey is for her; she sent it out because she wants to see if she is missing the community; she is surprised she is already being accused of messing with the survey results, of course she is not doing that; she has it going to each household, they are placing their address down, everybody that pays a water bill is going to give her information back; it will be supermajority because that is how it was done the first time; he had 70 percent results come back in; she thinks the numbers were a little off on that because when she saw them it was actually 49.5 percent; she thinks it is a good thing to do; and if there is an overwhelming result of people wanting it back in, then she will come to the Board and talk about it. She advised so far she is watching the responses on Face Book and they are pretty strong about not wanting it; but she cannot tell on Face Book or at these meetings; at the Mims meeting she had 250 to 300 people show up and only 20 of them were Mims residents; it is really hard to figure this out; she stated the Mims people do not have any trouble getting ahold of her; she probably should have done the survey first, but she is doing it now; and she has a feeling that is where it is going to land. She went on to say she has a couple of concerns; she is convinced that it causes a lot of other physical problems from reading data; she believes it is very good for teeth, but that is her personally; her one vote would be no, but it is up to everybody else to vote how they feel as well and she respects that; when people and doctors say there is a 100 percent chance that this will not hurt people, science can always change and she thinks there should always be a margin; everything comes with a risk; when she hears that, it always concerns her; everything in this life can cause problems if it is too much of anything; and she also has a problem, if fluoride is safe or not, doing a mass medication on the community. She announced if this was fluoridized salt this would not even be a discussion; the people do not get a choice when it is placed in the water, people have to take it; with water and air, people do not have a choice they have to have it for life; even if there are systems to try to avoid it, people still make coffee with it or something; the fact that someone takes away choice from anybody, if the Board is voting on this as a Commission, she would never vote yes to place fluoride in water because she is taking away someone's rights; she would never vote yes on mandatory COVID vaccines; she thinks there is a mass problem with vitamin D deficiencies but she is not going to vote to put vitamin D in the water either; she just does not think that is the right avenue to put the fluoride in; and she wants to bring up one thing, and it is a little sensitive. She explained someone told her they got a letter from Dr. Stahl, sending to all the dentists and businesses, saying that she as a Commissioner was going to a Titusville City Council Meeting on a certain date and told them to show up and fight it; she never called or asked her, it was never her plan, and she is really bothered that someone here that is assigned from the Governor, took it upon herself to do that; and that probably bothers her more than the cruise.

Adjourn

Upon the consensus of the Board, the meeting adjourned at 6:43 p.m.

ATTEST:

\_\_\_\_\_  
RACHEL M. SADOFF, CLERK

\_\_\_\_\_  
RITA PRITCHETT, CHAIR

July 6, 2021

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA