

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, October 12, 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 4 Curt Smith, and Commissioner District 5 Kristine Zonka

Absent: Commissioner District 3 John Tobia

C. PLEDGE OF ALLEGIANCE

Commissioner Zonka led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the July 20, 2021 Regular, September 2, 2021 Zoning, and September 13, 2021 First Budget Hearing meeting minutes.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

E.1. Resolution recognizing the retirement of Patrick Woodard, Chief of Staff District 4

Chair Pritchett stated before starting the resolution for Patrick Woodard, she would like to recognize Marcia Newell in the audience; she misses her incredibly; and she would like to recognize the good that both Ms. Newell and Mr. Woodard have done for the County.

Commissioner Smith read aloud, and the Board adopted Resolution No. 21 142, recognizing the retirement of Patrick Woodard, District 4 Chief of Staff.

Mr. Woodard expressed his thanks to Commissioner Smith and to all the others he worked with over many years; he stated he would like to explain why he is now retired; Commissioner Smith and he planned on retiring in November 2022; he started having problems remembering what his friend's names were; he learned quickly that he had a large brain cancer tumor called Glioblastoma (GBM), it is a very bad cancer that will most probably create a short life for him; a few days later the tumor was removed, but GBM will always return; two days prior to surgery thousands of his friends prayed to the Lord for a successful surgery; the operation went great, but unfortunately because of his treatment he was required to retire from his job; and so far all is going well with his chemotherapy and radiation. He added he has a portable device to treat the cancer; it has been seven months since his surgery and he believes he is still doing very well; he would love to thank all of the people that have prayed for him; he is very grateful, regardless of the future; and he thanked Commissioner Smith, again, and all the others in his office. He mentioned loving the people he has met while working in Commissioner Smith's office; and may God bless them all.

Result: ADOPTED

Mover: Curt Smith

Second: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

E.2. Resolution recognizing September 15th - October 15th as Hispanic Heritage Month

Commissioner Zonka read aloud, and the Board adopted Resolution No. 21 143, recognizing September 15 - October 15, 2021, as Hispanic Heritage Month.

Samantha Nazario stated this is going to be a little hard for her because it is her first time in the Commission Room without Samuel C. Lopez; four years ago they came to the Board asking for help and Commissioner Smith was instrumental in helping them with their Puerto Rico Relief Fund; she thanked the Board on behalf of Mr. Lopez's children Samantha Bickman, Samuel D. Lopez, and Emmanuel Lopez, the board members, and the future board members; she mentioned her son is one of those many children that gave over 100 hours in a hangar, as Brevard County helped them send one million pounds of relief to Puerto Rico in 2017, and a relief effort like nothing else that has ever come out of this County; they kind of invented the wheel which was amazing to see how so many other relief efforts have gone and used the wheel that they made; and she knows that Mr. Lopez and Commissioner Smith had a very special friendship, he was their ally in the community, and the same way Commissioner Zonka has been for many years. She added she is newly acquainted with Chair Pritchett and Commissioner Lober; she is so grateful for the Board allowing them to receive the Resolution, even though Mr. Lopez is no longer with them; she expressed thanks on behalf of the Hispanic community, which is ever growing in Brevard, and is the new super majority thanks to the Census; and it is amazing to continue to work and partner with the Commission going forward on their new inclusive, diverse, and beautiful future with everything that Brevard County has to offer. She mentioned Mr. Lopez being missed and that he will never be forgotten; she showed a picture and stated he is with her today; she will always make sure that his legacy lives on in Brevard County; and she thanked the Board for supporting United Third Bridge (UTB) all these years.

Commissioner Zonka pointed out Mr. Lopez and she had known each other for years; they have not always agreed on things, but he always appreciated the efforts made in the partnership together, regardless of politics because the needs of the Hispanic community are nonpartisan; she appreciates Ms. Nazario's willingness to work, it is not always popular for a democrat and republican to work together; but she thinks they could be that example, that it shows that they can really get some good things done for the community. She thanked Ms. Nazario for all that she does; she stated Mr. Lopez would be proud; and she is very proud of everything that she does.

Ms. Nazario thanked Commissioner Zonka for being a great friend and an amazing ally; she noted she actually started her own non profit, inspired by Mr. Lopez, and funded by her son; it is called Cultural Community Connection; they will be out in the community bridging the gap and continuing to partner with UTB for Mr. Lopez's legacy to live on; and to bring something a little different to Brevard.

Result: ADOPTED

Mover: Kristine Zonka

Second: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.1. Contract amendment granting a time extension to the City of Titusville for a Save Our Indian River Lagoon Septic to Sewer Project (District 1)

The Board authorized the Chair to execute a time extension amendment to Contract No. SOIRL 19-109 for the City of Titusville, Zones A-G, Septic to Sewer Project.

Result: APPROVED

Mover: Bryan Lober

Seconders: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.2. Contract amendment granting a time extension to the City of Palm Bay for the Save Our Indian River Lagoon North Area Water Reclamation Facility Upgrade Project (District 3)

The Board authorized the Chair to execute a time extension amendment to Contract No. SOIRL 18 17 with the City of Palm Bay for the North Area Water Reclamation Facility Upgrade Project.

Result: APPROVED

Mover: Bryan Lober

Seconders: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

**F.4. Final Plat and Contract Approval, Re: Stadium Parkway - Segment E
Developer: The Viera Company District 4**

The Board granted final plat approval in accordance with Section 62 2841(i) and Section 62 2844; and approved and authorized the Chair to execute the final plat and Contract for Stadium Parkway, Segment E developer: The Viera Company, subject to minor engineering changes, and developer is responsible for obtaining all other necessary jurisdictional permits.

Result: APPROVED

Mover: Bryan Lober

Seconders: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.5. Final Plat and Contract Approval, Re: Pineda Boulevard West Extension / Segment E

Developer: The Viera Company District 4

The Board granted final plat approval in accordance with Section 62 2841(i) and Section 62 2844; and approved and authorized the Chair to execute the final plat and Contract for Pineda Boulevard West Extension, Segment E Developer: The Viera Company, subject to minor engineering changes, and developer is responsible for obtaining all other necessary jurisdictional permits.

Result: APPROVED

Mover: Bryan Lober
Seconders: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.6. Approval, Re: Donation of Drainage Easement from Michael Lodge for the Cherokee Avenue Drainage Improvement Project - District 1.

The Board approved and accepted the donation of a drainage easement from Michael Lodge for the Cherokee Avenue Drainage Improvement Project.

Result: APPROVED

Mover: Bryan Lober
Seconders: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.7. Approval, Re: Contract for Sale and Purchase and Addendum with Girl Scouts of Citrus Council, Inc. for the Zone T Sykes Creek Septic to Sewer Conversion Project- District 2.

The Board approved and authorized the Chair to execute the Contract for Sale and Purchase and Addendum with the Girl Scouts of Citrus Council, Inc. for the Zone T, Sykes Creek Septic to Sewer Conversion Project.

Result: APPROVED

Mover: Bryan Lober
Seconders: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.8. Approval, Re: Donation of Sanitary Sewer Easement from Casa Loma Estates Co-op, Inc., for the Lift Station T11 Driveway Improvement Plan- District 4.

The Board approved and accepted the Sanitary Sewer Easement from Casa Loma Estates Coop, Inc. for the Lift Station T11 Driveway Improvement Plan.

Result: APPROVED

Mover: Bryan Lober
Seconders: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.9. Approval, Re: Notice of Non-Acceptance of Deed of Easement for Sidewalk Purposes Conveyed to Brevard County from Coop Construction, Inc. - District 1

The Board approved and authorized the Chair to execute the Notice of Non acceptance of Deed of Easement for Sidewalk purposes conveyed to Brevard County from Coop Construction Inc.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.10. Approval Re: Permission to Authorize the Public Works Department Director to Select the Acquisition Approach for the Sea Ray Drive Bridge over Sykes Creek Replacement - District 2

The Board authorized Marc Bernath, Public Works Director, to select the most advantageous acquisition approach, design build or design bid build, for the Sea Ray Drive Bridge Replacement; approved the advertisement and award of any competitive solicitations needed for the selected acquisition approach, such as a design build firm or a design consultant and construction contractor, along with construction engineering inspection; authorized the County Manager, or his designee, to execute all contracts, contract related documents, and any necessary contract extensions, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.11. Request permission to terminate Lease Agreement with Jonathan Cecchi for access to approximately 128 acres adjacent to the South Central Wastewater Treatment Plant.

The Board approved terminating the Lease Agreement with Jonathan Cecchi for access to approximately 128 acres, adjacent to the South Central Wastewater Treatment Plant, for purposes of cattle grazing.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.12. Approval, Re: Annual Agreement between Brevard County Board of County Commissioners and Brevard County Health Department and the Associated Health Department Fee Resolution

The Board adopted Resolution No. 21 144, establishing and revising certain fees and charges for Brevard County Health Department and Health and Environmental Services, as authorized by the State of Florida Administrative Code or Policy; approved and authorized the Chair to execute the annual Agreement with the State of Florida, Department of Health for operation of

the Brevard County Health Department for Fiscal Year 2021 2022; and authorized the Chair and/or County Manager, or designee, to execute any future amendment or agreements, contingent upon approval of Risk Management and the County Attorney.

Result: ADOPTED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.14. Approval, Re: Budget Change Requests

The Board approved Budget Change Requests.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.15. Requisition of Fiscal Year 2022 Budget - Brevard County Sheriff's Office

The Board approved the requisition of one twelfth of the Fiscal Year 2022 budgeted funds at the first Board of County Commissioners' meeting in October 2021, and one sixth of the budget in January 2022, and equipment (capital) budget.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.16. Requisition of Fiscal Year 2022 Budget - Supervisor of Elections

The Board approved requisition of 25 percent of the Supervisor of Elections' Fiscal Year 2022 budgeted funds at the first Board meeting in October 2021, and 6.82 percent of the total budget each month thereafter.

Result: APPROVED

Mover: Bryan Lober

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.3. Approval of Extension Agreement for Development of Property in County-Owned Commerce Park in Titusville.

Commissioner Lober stated if it were in his district he would have a very strong opinion with respect to it; this is something which disproportionately impacts district 1; he has a couple of

thoughts and is willing to go whatever way Chair Pritchett wants; and he thinks the amount is awfully low and the fact that it is refundable...

Chair Pritchett asked if he is talking about holding the extra amount of time.

Commissioner Lober responded affirmatively; he stated he does not have a problem necessarily, but he thinks it may be better to have an incentive for them, namely to have some skin in the game by making it non refundable, or alternatively increasing the amount; the property is worth substantially more now, than even when it went into an agreement; he is not saying the primary motive is profit; selling it, the County would want to expand the industry there; but he thinks they have had a decent amount of time to do it. He advised he does not have a problem extending it, but he would like to either know it is going to happen or it is not going to happen; if Chair Pritchett is good with it though, as it is, he will move to support it; and it is whatever she wants since it is in her District.

Chair Pritchett advised when she first heard about it in a North Brevard Economic Development Zone board meeting, she heard it being hashed out, the things that caught her attention is they already fulfilled 75 percent more jobs than they were supposed to, in the first round; and there is already plans to go forward with the situation.

The Board adopted Resolution No. 21 145, approving an Extension Agreement permitting additional time for the development of approximately four acres of land in the County owned Spaceport Commerce Park, Titusville, by Trout Hunt Properties, LLC, for the construction of a new manufacturing facility for the company known as Paragon Plastics; and authorized the Chair to execute all documents in connection thereof.

Result: ADOPTED

Mover: Bryan Lober

Seconder: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

F.13. RESOLUTION RE: Approving a loan for the Titusville-Cocoa Airport Authority from Truist Bank

Commissioner Lober advised this Item is a little more fluid with him and he was kind of hoping to see what the Board thought with respect to this Item; the concern he has is they have the authority to appoint this group's directors, but they do not have the authority to remove them, even if they became axe murderers; he just has a concern with giving access to this amount of the credit line; he understands, and he is not questioning, they would not have any financial liability as a County, if it were to do this; and he is not necessarily thrilled with a group that the Board has that little control over and enabling them to borrow that much money, especially when he does not know what project or projects it is necessarily going to be used for, since it is a revolving line, and not necessarily an installment loan. He remarked if the Board is good with it, he will support it; it is something the Board does not have liability to; and he is not suggesting to go one way or the other, he just wanted to see where folks were at.

Chair Pritchett stated good and the most wonderful thing is she has Dawn Hannon, Certified Public Accountant, present to answer questions.

Commissioner Lober pointed out he sees Adam Bird as well.

Ms. Hannon advised she is a CPA and a consultant for the Titusville Cocoa (TICO) Airport Authority while they are in the process without a Chief Financial Officer; the attorney is here and she can answer some questions concerning the line credit; currently, the Airport Authority has a fixed loan that has a balance of over \$1.1 million; the interest rate on the loan is almost twice as much as the line of credit that they are proposing with Truist Bank; the interest rate would be much lower; currently, they are spending about \$175,000 a year for principal and interest on a loan that they have the money in the bank and could pay it off today; they choose to pay it off and the nature of the business is most of the projects are funded by Florida Department of Transportation (FDOT) or Federal Aviation Administration (FAA), they spend the money first and then send in the invoices to those two organizations who reimburse them; and they only need to borrow money for 30 to 60 days usually, depending on if additional documentation is needed. She added in the worst case scenario, the line of credit would cost them about \$18,000 to \$19,000 a year; and the current loan is costing them \$175,000 a year.

Chair Pritchett remarked she likes the way Ms. Hannon thinks.

Commissioner Lober stated this is partially in Chair Pritchett and his districts; this makes a lot of sense, but normally when he is trying to craft a solution to a problem, in this sort or another sort, he tries to keep the solution as narrowly tailored as he can to address the problem because the more wiggle room that exists, the more problems that can arise as a result of it; in terms of obtaining a lower interest rate than the current rate that they have is commendable; he appreciates the fact that folks are looking at that, it is a good thing, they should be, they are, and that is good to know; but typically, in his experience with businesses that are of substantial size, they just like individuals when they are looking at a fixed loan as opposed to a line of credit they generally have more favorable terms, in terms of interest rates on a fixed loan instead of a line of credit. He mentioned not having an issue if TICO wants to obtain a fixed loan, to potentially lower the interest rate, and the line of credit in an identical amount or a comparable amount to what is owed currently on that fixed loan where the interest rate is apparently double the industry standard at this point; he does not have an issue with it being used to repay that, but his concern is the open endedness of the line of credit; if there were some particulars that were ran by the Board on the front end, in terms of what the real anticipated uses are, if there are any, he might be inclined to support it; but he just does not know that he feels comfortable going with the line of credit route because once that is paid off the line of credit is still available. He remarked he does not know if he has the comfort level or what the thought process is, in terms of whether a fixed loan was discussed, and if so, whether the rates for whatever reason might have been worse, he cannot imagine but maybe they were; and he inquired if Ms. Hannon has any thought to that.

Ms. Hannon responded affirmatively; she stated the bank that gave them the terms on the line of credit is the same bank that they have the current loan with; SunTrust now is Truist, they merged with BB&T, and they are offering better rates; there is a history of banking with them; the loan is a 15 year note that approximately five years ago was renegotiated; she thinks Mr. Bird might be able to talk better about the reason a line of credit is necessary, for this type of organization because this organization generates enough revenue to support its operations; when they are doing fixed asset projects at \$2 to \$3 million and they are responsible to pay the vendors first, and then they get paid back; and they just need some money to borrow for a short period of time, and that is why they thought the line of credit was a better option so they are not paying interest on money they have not borrowed. She went on to say they should not have \$1.5 million borrowed at any time throughout the year, that is the maximum amount.

Commissioner Lober remarked he understood.

Ms. Hannon added the percentage that the Airport Authority is responsible for can be two percent or 20 percent, but is less than \$1 million; and they also generate revenue for the rents at the three airports, for hangars and airport storage that covers the percentage that the authority has to pay towards the projects.

Chair Pritchett inquired if she is now handling the finances for the airport.

Ms. Hannon responded affirmatively; and she stated she has come in as a consultant.

Chair Pritchett remarked that is very comforting because before when they had to make some changes, she looked over everything, and the amount of money that came in and went out was always shown to have the ability; she is very excited about the new management; she thinks they are going to be getting more grants coming in and provoking a lot more projects; she met the new guy they brought on and he is wonderful; she mentioned the conflict now is the ability about the \$400,000 delta with what they have; when they make these decisions, there has to be a board decision; and she asked if Ms. Hannon is making sure everything is legal and making sure all the finances are handled correctly.

Ms. Hannon replied affirmatively.

Chair Pritchett went on to say it is good to have a CPA doing this now; she inquired if Commissioner Lober has any further question; and she commented having a CPA gives her a lot of comfort there, because they do have a need for cash flow for a lot of these grants, so they get reimbursed; and she did recognize that herself.

Commissioner Lober responded he does have a couple of questions; he stated he is not trying to be negative with respect to this; he thinks things have improved substantially over the past several months, the situation there was basically untenable as it was, and he can say he has every confidence in Mr. Bird; he has not had the pleasure of interacting with Ms. Hannon in the past; but he does not have any reason to think that she is not doing the right thing, and the logic behind this makes a degree of sense to him. He mentioned in terms of ensuring everything is lawful, he has no doubt that with a CPA and an attorney on hand reviewing decisions, that things are going to be lawful; his concern though is that lawfulness is not the only variable that is the important variable, or is not the only important variable; there are degrees of risk tolerance, including with everything up to, and including redistricting that may be lawful but they may subject the entity to a greater degree of risk; whether it is good or bad, is a subjective question; but is not necessarily a question of lawfulness all the time. He added he is not trying to suggest anything to have Frank Abbate, County Manager, poach the employees, frankly he would be very upset if he were to do so; but the Valkaria Airport Manager has been absolutely exceptional, that the two sources of grant funding with matching dollars that consistently over perform or outperform are the beach renourishment dollars, where they get something like 9:1 with Army Corps of Engineers, and the grants that the Manager gets in Valkaria in north of 90 percent match between the FAA and FDOT many times. He pointed out he does not know if they have ever come to the Board asking to borrow \$1.5 million; he gets that this is a far smaller airport than the Titusville airport, but he is wondering what the Valkaria Manager has done to obtain what needs done on the front end and what TICO has done historically, to get some of those matches; he cannot imagine that this is their first time at the rodeo with these airports; he truly does not know what the answer is; but he is not dead set in voting for or against this, but is trying to get a better understanding of it.

Ms. Hannon advised with the new executive director at TICO, who has been there three months

and came from another airport, and then another airport, he has lots of experience; currently, they are having a strategic business plan, and they hired an individual to say here is what can happen at this airport; there is a huge amount of opportunity at this airport for growth, that simply has not been taken advantage of in her experience there, and there is a lot of opportunity; there is a new finance manager that started Monday, she has a Master's degree in accounting; and she is staying on at the airport until the finance manager feels comfortable, that she does not need to be there anymore. She went on to say with the new airport director, she knows, he plans to do some big changes, in terms of what is appropriate, but along with that the Spaceport License which is one of the few in country.

Commissioner Lober remarked very hard fought for.

Ms. Hannon reiterated there is big plans and they do not want to miss out on the plans, because they have a need for money for 30 or 60 days.

Commissioner Lober advised he will go with the Chair on this one, since it heavily impacts her district more than his; the only thing he would ask in supporting this is the Board to put in a request that they shop that around because brand loyalty is great when all else is equal, if they are charging the same as the next lowest, wonderful; but frankly, he is more concerned about the dollars that end up getting expended, than the name that is on the bill every month.

Ms. Hannon stated okay.

Commissioner Lober advised he will defer to the Chair, if she is good with it, he will be good with it as well; and he is much more comfortable with the folks that are at the helm now than he was previously.

Mr. Bird stated he is general counsel for TICO; he thinks the issue they are trying to resolve right now is the fact that they are paying for money they are not using, which when they have a line of credit will only drawdown when they need the money; it will be the matching dollars and allows them to bridge that gap between the 30 or 60 days, so they have that savings; the other thing it allows them to do is to be light on their feet, to the point about the amount one of things they wanted to be able to do was act quickly; a lot of these folks want to see site improvements and site planning, they are not prospecting by any stretch; but certainly they want to be able to move with the speed of business and there are a lot of other places they compete heavily for, including other spaceports. He added they are kind of an atypical borrower, which is why this ended up as a conventional loan three or four years ago; there are very few banks that have familiarity with airports and Federal entities that except Federal dollars; they are limited to the subset, but they did get a couple; and he thinks this was the most aggressive. He noted he appreciates the Boards diligence, those are the same questions that he asked; and he appreciates the Board's support.

Commissioner Smith reiterated he is happy these folks are onboard. He stated he long considered TICO to be a diamond in the rough; he especially had that driven home to him by Jeff Bezos; at one time he landed there and he was quite dismayed at the quality of that airport; he is the one who said what is wrong with the County, this could be such a shining star; with that in mind, he really went overboard with his two appointments, by spending a lot of time finding two people that he thought would be exceptional on that board, and along with the other people that are on there; he has every confidence; Steve Borowski, Valkaria Airport Manager, has been working closely with TICO for four or five months now, because he does know, and he has done such a terrific job down there; and he wanted that knowledge to be imparted firsthand to the new people. He added he has great confidence that there is going to be great

things coming from this airport and the people running it.

Chair Pritchett mentioned the Board is all very vested in TICO; and she thanked them all for all that they are doing.

Commissioner Lober advised not to forget Merritt Island's little strip, too.

The Board adopted Resolution No. 21 146, approving the issuance by TICO of a taxable revolving line of credit revenue note in a principal amount not in excess of \$1,500,000 to provide working capital in support of various airport projects; and approved the loan from Truist Bank pursuant to a Revolving Line of Credit Agreement in the principal amount not to exceed \$1,500,000 at any one time.

Result: ADOPTED

Mover: Bryan Lober

Seconded: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

G. Public Comments

Meeting went into Recess

Meeting Reconvened

Janet Shea stated she returned to Brevard County on September 30, 2018, and Commissioner Lober became a member of the Commission on September 20, 2018, right after she moved here, and she was very impressed by Commissioner Lober; she is a voter, she pays the Board's salary, she wants to be a part of Brevard County to make sure that all of the citizens are well taken care of, she enjoyed the part when it was said it felt necessary to reduce the Commissioner's pay of \$58,145 and to reduce it by \$8,231, and bringing the Board's salaries to a total \$49,914; however, that was not approved and it was put up for the vote to the taxpayers, but it never happened; and she thought that was very nice of him trying that. She added he wanted to give it back to the County and the reason that amount of \$49,914 was stated is because that was the County's Median Household Income back then; another comment made was he believed District 2 deserved a qualified candidate and he will not be a puppet for anyone, not be a yes person or a rubber stamper for endeavors of other Commissioners; his opponents were not attacked and he nominated Alton Edmond, to be on the Board of County Commissioners; however, that nomination was removed and stated that the climate of the current atmosphere in Brevard was not conducive at that time; and she was very disappointed. She mentioned being an educator and many of members of the Board are educators, and are well aware of systemic racism and how it affects the community; and the Board had the opportunity to diversify this Board, but it did not take it. She stated all of the faces looking back at her today, with the exception of recorders look just like her; they are not well represented in this County; the Board is also in charge of Sheriff, Wayne Ivey's budget; the Sheriff has not disclosed to previous Clerk, Scott Ellis, of what his line items are, what his budget is, and he refuses to state how he is spending the money; therefore, when he asked the Board for his 2022 budget, she would ask that the Board ask for his budget.

The Board recessed at 5:39 p.m. and reconvened at 5:40 p.m.

Terrence Thomas stated he came to talk about the shooting that took place and he is sure the

Board is aware of the shooting that took place in Melbourne, where a young man was killed, and the officer was getting pistol whipped, or whatever; and he is trying to figure out why the Board allowed the Sheriff of Brevard County to go out and do a fundraising thing on t-shirts about the death of the young man, saying on national television that this young man got what he deserved, and evil could never be dead enough. He continued to say the Board is a public figure and it is supposed to be very professional, he is trying to figure out how did this go about by allowing the Sheriff of Brevard County to make such a statement, and for him to disrespect the living family of this young man; then allowing its officer to kill two teenagers in Cocoa, that was in an area that the Sheriff's office had no business being in any way; it came to his knowledge today that the same office that did the shooting, is now deceased himself; and he wonders if he was drug tested after the shooting when those kids got killed. He remarked he thinks the Sheriff is out of control to be making shirts and getting money off of it; that is very disrespectful; what if he made a shirt to say okay, well, here is the beat down; he is sorry about the officer getting whooped and he is sorry about the killing of the young man; but if it would have been somebody else, the Sheriff would have covered it up and said okay, well, he was having mental issues. He asked the Board if it knew what he was saying; he stated come on man, that is not right; he thinks something should be done about it; and he thinks the Sheriff should be suspended or he owes the family of the young man a very deep apology.

Commissioner Lober advised he has a few thought as to some of what the Board heard in public comments, as far as Mr. Edmond's concern; he has known him since he became an attorney; he has been a friend of his for some years, he disagrees with him on a lot of political things, and agrees with him on some when it comes to firearm ownership with respect to the Second Amendment; he put him up for Community Action Board (CAB) and as far as not standing behind it, the bottom line was at the end of the day, right or wrong if he would have left that on, two things would have happened; it is not an either or, they both would have happened, the Sheriff would have been drug through the mud, and so would have Mr. Edmond's; he gets along with both of them; he does not benefit, nor does he see a benefit for either of them in having a discussion where there will be people despising the Sheriff on one side, and people that despise Mr. Edmond on the other side, by talking about how horrible each are which would not have done anything beneficial for anyone; he realized that and then he pulled the Item before it ever came to the Board and he put on Seeta Esmailbegui, who has done an excellent job for the CAB; it is his intention to reappoint Ms. Esmailbegui at the next meeting; and as far as diversity is concerned, and as far as Mr. Edmund's concern, he has had him cover cases for him prior to serving as a Commissioner, and he does not have any concern of his abilities or his intellect, and he is a fine individual insofar as his abilities of practicing law, but with respect to putting him up, there was just no benefit to anyone, it would have turned this into a circus where he would end up looking worse, and the Sheriff would end up looking worse, so two people that he gets along with would be battered for nothing. He remarked and respects the points Mr. Thomas brought up about suspending or ordering Sheriff Ivey to do something, but the Board does not have any ability to do that whatsoever, just as with the Clerk of Court, Tax Collector, or Property Appraiser; it is a totally separate autonomous office that is elected by the citizens of Brevard; if there is a concern, frankly, he would say either the Florida Department of Law Enforcement or the State Attorney's Office depending on the nature of the concern, might be a good basis to start, or even the Attorney General's Office; but, just as he does not want the Sheriff dictating to him, whether it is Sheriff Ivey, or someone else how the Board needs to conduct its business. He advised he does not know that it is appropriate for him to tell Sheriff Ivey, whether he agrees with what he has done or not, that he should or should not do something in a particular way; with respect to the budget concerns that were brought up by Ms. Shea, he will say that every time he has had a conversation with the Sheriff or with his internal staff who handles the budget, he has always gotten answers to it; the folks who have brought up specific questions for areas where they either did not get enough

information or want more information has never been a problem for him getting that information for them; he was never stonewalled or told no, they refuse to do it; but this request to have a line item budget, he does not care in the scheme of an organization nine digit budget of Brevard County Sheriff Office (BCSO), if he is buying Pilot or Bic brands of pens, or if he is buying Paper Mate or Sanford Brand pencils because it just does not matter to him; and he does not have the time to go into the minutia of determining whether paper fasteners are being bought at Sam's Club versus OfficeMax. He stated he has been satisfied with the level of transparency that the Sheriff has provided for what he has requested; and as far as asking for a line item budget, he just would encourage folks if there is a particular area of concern he would just ask them whatever the concern is, and not necessarily ask for something where it is broken down to a level of detail about how many sheets of paper or what the weight of the paper is, as he does not know that, that is reasonable for an organization that size. He went on to say he has never seen any other constitutional office provide that; he has never seen any other constitutional office or officer be asked for that; he agrees a lot with what the Sheriff does; he agrees with some of what he does; but it is an autonomous office where Sheriff Ivey has been elected a number of times by constituents here, overwhelmingly so, the vast majority if not all those times; and just because the Board does not take action one way or the other, with respect to it, it does not mean that it either condones, or in the opposite sense it opposes anything that he does or does not do. He pointed out the crime rate is lower and in that sense, he respects it but he does not know that the concerns are necessarily able to be addressed by this body. He appreciates Mr. Thomas bringing them up; he agrees with some of the concerns that have been identified; and he thinks they are valid.

Mr. Thomas asked if he thinks nothing should be done to the Sheriff for telling the family of the deceased young man on national television that he got exactly what he deserved. He stated the thing that he has a problem with is the Sheriff, the State Attorney, and the Cocoa Police Department guys that all come out and publicly shake hands, and having pictures of all them hanging out with each other, so when somebody goes to court how does he know that they all are not sitting down in the room and discussing all this, so they all can sit down over a drink about all this here.

Commissioner Lober concluded by saying he is not saying that something should or should not be done, he is just saying that this is not the Board that has the authority to do it; all he can do it give his subjective opinion as to whether he would have done something or not done something, or whether he would apologize or not apologize; but he reiterated the Board does not have the authority or a mechanism to do something, regardless of the way a majority of the Board here feels. He understands where Mr. Thomas is coming from, he thinks he is just in the wrong place, with respect to that authority.

Mr. Thomas asked where does he go; he remarked this is the County Commission, the one that is writing the check for him and paying him; and he asked if that is right.

Commissioner Lober responded they do not have a choice.

Commissioner Smith remarked this is a public forum.

Mr. Thomas replied he understands that, but they said he could come in and make a statement; he did that, so he is saying they did not bug him and say that his three minutes is up or however much time he had to talk was up, so if it is up he will go sit down.

Chair Pritchett mentioned Mr. Thomas has been very respectful; and she thanked him for his communication.

Commissioner Lober advised Mr. Thomas give him a call, as he would be happy to talk with him.

Chair Pritchett commented that it is sad when anybody dies; it has been a weird time with COVID 19; she thinks it has created great fear and division; it is going to take a long time to get trust back and to heal as a nation; she thinks all have got to get to a place where they respect one another and are honest; she stated there is definitely a need for law and order and parameters that all have to find a way to get back into a path of respecting each other and living within those parameters, so everybody here can live a safe life; but she did want to comment it is sad when anybody dies and that does touch her heart strongly.

Commissioner Zonka stated she does not want to keep going in circles with what Commissioner Lober said; the bottom line is he is an elected official and a constitutional officer; the Board has power over his budget, but if he brought the Board a budget and it was not approved he appeals to the State, and he gets the budget approved; the money that comes to the County, just goes to him; she is not going to try to debate the shooting that occurred; an officer was getting shot at and the video was pretty darn clear; should he have said those thing, that is up for public opinion; but if somebody is trying to shoot her family, her spouse, police officer or not, that is an evil act and it is unfortunate when anybody dies.

H.1. Petition to Vacate, Re: Public Utility & Drainage Easement- 300 Surf Spray Drive - “Catalina Isle Estates Unit 4” Plat Book 20, Page 47 - Merritt Island - Clark D. and Theresa A. Kugler - District 2

Chair Pritchett called for a public hearing to consider petition to vacate a public utility and drainage easement at 300 Surf Spray Drive, Catalina Isle Estates Unit 4, Plat Book 20, Page 47, Merritt Island, as petitioned by Clark D. and Theresa A. Kugler.

Marc Bernath, Public Works Director, stated this is a petition to vacate public utility and drainage easement at 300 Surf Spray Drive, Merritt Island, north of Highway 520; and it is requested that the Board conduct a public hearing to consider vacating part of a public utility and drainage easement, vacating a portion of a 15 foot wide public utility and drainage easement to allow for the construction of a proposed pool.

There being no comments heard, the Board adopted Resolution No. 21 147, vacating a portion of a public utility and drainage easement in Plat Catalina Isle Estates Unit 4 subdivision, Merritt Island, lying in Section 23, Township 24 South, Range 36 Ease, as petitioned by Clark D. and Theresa A. Kugler.

Result: ADOPTED

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

I.1. Recommendation of Legal Counsel Services for the Brevard County Charter Review Commission (CRC)

The Board accepted the recommendation of the Brevard County Charter Review Commission (CRC) to enter into a contract for Legal Services with Weiss Serota Helfman Cole and Bierman P.L.; authorized the Chair to execute a contract for services upon review by the County

Attorney's Office, Risk Management, and Purchasing Services; and authorized the Chair to execute any necessary contract amendments or extensions upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

Result: APPROVED

Mover: Bryan Lober

Seconded: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

I.2. Consideration and Approval of a Board Policy Relating to Commission District Office Annual Budgets

Commissioner Lober stated he has three things that he figured, if he really has to kind of boil it down to something concise that he wanted to focus on; these are just items to think of and he is not saying anyone would necessarily do this, but is something that if it were just approved as is, could be a problem; and if there is a Commissioner who is near the total of their office budget or if they wished to be under their budget by a more substantial figure than they are otherwise slated to be, they could simply ask senior staff to come to their district office that could be 20, 30, or 40 miles away from Viera, and having a slew of the highest compensated employees on the road with the opportunity cost of them driving instead of doing work, where it does not show up on their travel expenses.

Chair Pritchett interrupted by saying she quit doing that, she started coming down here to save all of that money.

Commissioner Lober remarked he is not criticizing any particular Commissioner, he does not know what the other folks do.

Chair Pritchett stated she wants him to know that she did that for the first few years because she wanted staff to drive up to her district, but now she drives down here to save all that money.

Commissioner Lober stated he did not mean to be critical one way or the other of her, or anyone else in particular; he did not think and he does not think that Commissioner Pritchett is the highest spending office by any means, but the point is, he thinks there are too many ways potentially to game this as it currently reads; the other concern that he has is if the first year numbers are looked at when any of the Commissioners took office, unless they kept the staff of their predecessor, it is going to look like they spent substantially more, and the office will have spent substantially more than they really did in the sense that they are paying out all of the accrued leave and all of the accrued time off, for a group of people having no say over hiring, retaining, or not retaining necessarily, if they did not want to remain there, if they decided to leave along with their Commissioner, and that is going to get attributed to them the way that this is written; and he does not know that someone who is coming in, say for whoever succeeds Commissioner Smith, ends up having a totally different staff, especially if folks have been there for a number of years if he kept some of the staff of his predecessor. He went on to say he does not know that it is fair to say to his successor he or she can only spend a microscopic fraction of what anyone else spends.

Chair Pritchett stated she feels Commissioner Lober is right on that; she wants to ask because when she set this up and talked with Jill Hayes, Budget Office Director, about it, that was not

supposed to be included in this amount; and she asked if they were not throwing in those things that there is no control over.

Ms. Hayes responded that is correct; she stated the leave payouts are actually paid for all County agencies, out of the general government; there is actually a separate line item in the general government budget to pay for leave payout; it was included in a report that was requested by a Commissioner who wanted to get an idea of what those amounts had been in the past; and the information was provided, but it is paid out of a separate budget.

Chair Pritchett mentioned knowing Commissioner Tobia brought it up.

Commissioner Lober advised there are other expenses too and he does not know because it is not clear to him based on the way that the Agenda Item appears, whether they would be included or not; he figured folks probably figure he may have been locked in a closet with a copier as a child, as punishment or something because he hates copier leases; any organization that he has ever been with, he has encouraged them not to lease copiers if they have the means of buying them, or borrowing money to buy them; it was seen when he threw a little bit of a stink over the plotter purchase that ended up saving quite a few dollars; but his predecessor wanted to have a leased copier, it is way more than what his office needs, it is overkill, and it is a big expense. He went on to say if it were up to him, and he has already told staff that he does not want to renew it, but that is something where it is getting attributed to his office's budget even though he never asked for it, he never wanted it, and frankly, he does not use it anywhere near as much as what a lot of people do.

Chair Pritchett asked if he could send it back.

Commissioner Lober replied there would be a buyout that would be involved in that and normally, part of the reason he does not like copier leases is because the buyouts are prohibited. He stated if they limited this to things that they actually have the ability to make a decision on, he is fine with that; but if it is something that is hanging over from a prior Commissioner, he does not know that it is fair to anyone to hold them responsible for what their predecessor did.

Chair Pritchett inquired if he has any others; she mentioned when this was done they tried to set up the controllable costs; she stated there are some things they cannot control like rent and electricity; these are things that she had noticed and she realized she had to kind of work it with the Board and she thought she probably needs to think this through better; she thinks they all have settled into a good place; and after looking at Commissioner Lober's budget, he is going to have a little bit of space.

Commissioner Lober remarked yes; and he stated he thinks he has always been the lowest, especially if taking out the payout his first year for his predecessor.

Chair Pritchett stated she is pretty comfortable, too, but she thought when the next Commission group comes in, they need to have something in place.

Commissioner Lober stated he is good with that; but he asked if they keep it as is, as proposed, he thinks they need to be flexible with folks when they come on board so they are not being punished for things when coming on board.

Chair Pritchett opined she thinks something like that may be a conversation; she stated Commissioner Lober still has a lot of room to maneuver and he is very responsible; all of the

Board is responsible; she does not think it would be this Board that would be anything with an issue; but she just thought moving forward it would be a smart thing to do, and they probably should have done this eight years ago.

The Board considered and approved the BCC Policy Titled: Commission District Office Annual Budget, including all necessary Budget Change Requests.

Commissioner Lober stated he would support Chair Pritchett either way on this; he could rent a private space and he is not trying to be critical for Commissioners who do rent private spaces, but he is proudly in the ugliest digs of probably any of the Commissioners; Commissioner Tobia may have some degree of competition, he has been to his office in the past; if rent wanted to be included as well in this, he is okay with that; if not, he is okay with that as well; and he is willing to go either way on that.

Chair Pritchett advised she would rather not just because they have to be set in place and when she first got in she had to get more local, and she moved into a nice place; it was kind of pricey, so she moved to a place that is County owned, so it is less; it is nice and she has a lower market up there; the rest of the Board will always be spending more than her district is; and she does not know if that is even fair to do.

Commissioner Lober remarked he will take her challenge; and he will move to approve it as well, as it is listed.

Commissioner Zonka commented about the rent with her office not being centrally located in her District, the County Manager at the time worked to find them the cheapest rent that was most central and easily accessible to the residents; they just did not have County space anywhere else, so they were sort of stuck and retrofitted a small space central to the District; but the Sheriff needed the space for Animal Services which made more sense since he had the rest of the building. She reiterated it put her more central and more accessible to the people she represents; she stated it was not actually convenient for where she was living, but it was more convenient to the highway into the District itself; and she is happy to support this the way it is.

Commissioner Smith inquired what problem is Chair Pritchett trying to solve.

Chair Pritchett responded she realized as they do budgets they really do not have to get permission to do anything and she thought they at least need to be accountable to each other, and should probably set a cap; if it goes over that cap the Board should start having discussions, as far as a Board; she feels non of the Commission is going to do this moving forward; and she does not think the next set of Commissioners will either.

Commissioner Smith advised he does not disagree and perhaps the incoming Commissioners should have a budget on their employees.

Chair Pritchett remarked this would do that, they cannot go above the cap being put in.

Commissioner Smith pointed out if someone is elected and says they are going to pay \$100,000 to their number one employee, but wants to pay two other employees the same.

Chair Pritchett stated now they do not get to.

Commissioner Lober stated they could pay one person \$100,000; he does something, not at that level but he has one employee who is substantially higher compensated than most of the other employees in the organization; but he has one less full-time employee, to allow him to do that. He added he is spending less overall, even though he has better compensated employees than the average bearer.

Commissioner Smith stated that is really where he is going, because the Commissioners are the bosses and they self-regulate.

Chair Pritchett inquired if they have a pool and they decided how they want it to be distributed between the office staff.

Commissioner Smith replied if the Board is good with that, he is good.

Commissioner Zonka advised everything is subject to public record.

Chair Pritchett remarked always.

Commissioner Lober stated he is flexible and if there is a new Commissioner who comes on board and has a legitimate expense they need to incur in settling in, he will do what he can to work with them; and he asked for them to try to be reasonable.

Result: APPROVED

Mover: Bryan Lober

Seconders: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

J.1. Approval of a letter request to the U.S. Army Corps of Engineers for a Section 206 study of the feasibility of an ecosystem restoration project at the 528 Causeway in the Banana River

Virginia Barker, Natural Resources Management Director, stated this is asking the Chair to sign a letter to the U.S. Army Corps of Engineers to conduct a feasibility study regarding the Highway 528 Causeway affects on water quality issues in the Banana River; this would look at the possibility of removing the earthen causeway if Florida Department of Transportation were to elevate the roadway, lengthening the bridge; the U.S. Army Corps of Engineers can investigate the extent to which the causeway supporting Highway 528 across the Banana River contributes to ongoing water quality issues, associated harmful algae blooms, consequential seagrass losses, and whether removal or modification of the causeway could be a significant part of ecosystem restoration for seagrass, fish, and marine life; the first \$100,000 of the initial investigations would be 100 percent Federally funded; if the feasibility study costs were to exceed \$100,000 then the County's cost would be 50 percent of the remaining feasibility costs; if a feasible project is found this puts the County in place to receive a 65 percent Federal cost share for the actual removal of the causeway and restoration; and it is consistent with a lot of other community support and Board action.

The Board approved the Chair to execute a Letter to the U.S. Army Corps of Engineers requesting a Section 206 Study of the Feasibility of an Ecosystem Restoration Project to remove the earthen causeway in the Banana River under Highway 528.

Result: APPROVED

Mover: Bryan Lober
Seconders: Curt Smith
Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

J.2. Submittal to Florida Department of Environmental Protection (FDEP) plan for eliminating nonbeneficial surface water discharge per 403.064(17), F.S.

Edward Fontanin, Utility Services Director, stated this is permission to submit three separate plans to Florida Department of Environmental Protection (FDEP) related to the new Florida Statute 403.064; the plans are specific for South Beaches Water Reclamation Facility, Barefoot Bay Water Reclamation Facility, and the South Central Water Reclamation Facility; in order to comply with requirements of the law; the total expenditure that is anticipated at today's rate is approximately \$63 million; submitting this plan prior to November 1, 2021, allows for getting the work completed by 2032; and not submitting by November 1, 2021, he is still required to comply with the law with a deadline of January 1, 2028.

The Board approved the Utility Services Department to submit a Non Beneficial Surface Water Discharge Elimination Plan of the South Beaches Water Reclamation Facility, Barefoot Bay Water Reclamation Facility, and the South Central Water Reclamation Facility to FDEP.

Result: APPROVED
Mover: Bryan Lober
Seconders: Kristine Zonka
Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

J.3. Legislative Intent and Permission to Advertise Amendments to Chapter 46 of the Brevard County Code, creating a new article, Article XI, entitled Landscape Irrigation

Virginia Barker, Natural Resources Management Director, stated this is consideration of options and providing legislative intent and permission to advertise amendments for the selected option to create a new article in Chapter 46 of the Brevard County Code, entitled Landscape Irrigation; the reason for this is the St. Johns River Water Management District (SJRWMD) board has approved updates to its Cost Share Program, that includes a requirement to be eligible to apply and receive its grants; the County must have landscape irrigation ordinance that is consistent with SJRWMD model ordinance; excess irrigation wastes freshwater and carries pollution to sensitive waterways, including the Indian River Lagoon; SJRWMD has established watering schedules to try to reduce excess use of freshwater, such as odd numbered addresses watering only on Wednesday and Saturday, and even numbered addresses on Thursday and Sunday; adoption of the model ordinance related to the enforcement provisions and penalties is not required; and the Board has options to either include the required language with enforcement, include it without enforcement, take no, or other Board direction.

Commissioner Lober stated for the benefit of the speakers when they come up, his inclination with respect to this is to go with option two; he thinks that puts the County in the best possible standpoint where it is not assuming any additional obligations or liability for that matter; and if someone wants to make a motion to that, he will support it.

Chair Pritchett advised she tends to agree with that right now.

Rick Heffelfinger stated he finds it really amazing how long this is; he thinks there is more in here than spending \$1 billion on a space program; he does not know if this is just trying to get the grant, which is fine for whatever needs done to get that money; he sees there are a lot of exemptions that basically put no teeth in this, other than if a person has a pump; he plans to use the exemption that says he is doing maintenance and he is running his circuits 20 minutes each; that is kind of a joke, he does not know if anybody else thinks that, but there are a lot of words in there and he does not know what the motivation was; it seems awfully silly to spend all that time to write an ordinance; and he asked if it is enforced, who is going to pay. He went on to ask if that is going to be the water police and how many of those are going to be hired; he mentioned there used to be water restriction whenever there was a drought; this is all the time; why not, when there are problems with water, all hold back; and he does not understand why this is going to be done full-time.

Commissioner Lober remarked the money is wanted and he would rather say it than not.

Mr. Heffelfinger stated he appreciates Commissioner Lober's honesty.

Nathan Slusher stated he disagrees with Mr. Heffelfinger; he does not believe the County should ever risk any rights for the citizens, even if it is just irrigation for the sake of money; he read through the enforcement and non enforcement portions; the enforcement portion kind of gets him, because it gives every law enforcement officer within this County the right to just stop and write tickets whenever they see sprinklers on; it also makes its possible for any citizen to go to jail for 60 days for watering their plants; he definitely thinks that one would not be acceptable; and he asked if there is a law without enforcement, what is the whole purpose of the law, just to be on the books. He mentioned Commissioner Lober kindly telling the purpose is the money, but he does not believe that it is okay to write more laws just to get more money;and it does not seem acceptable.

Commissioner Lober advised he will agree with Mr. Slusher halfway about his concerns of enforcement and with Mr. Heffelfinger about the water police.

The Board approved legislative intent and granted permission to advertise amendments to create a new article in Chapter 46 of the Brevard County Code, Article XI, entitled Landscape Irrigation; and approved Option 2, without enforcement provisions, leaving enforcement to the District.

Result: APPROVED

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

L.1. Frank Abbate, County Manager, Report

Frank Abbate, County Manager, stated at a prior Board meeting an Agreement for Sale of approximately 10 acres of property at the utilities facility at Viera, South Central to Florida Power and Light (FP&L), for the purpose of a substation; yesterday afternoon they received some information from FP&L for a specific request; and he is going to turn it over to John

Denninghoff, Assistant County Manager, to explain that a little bit more, and what that request was.

Mr. Denninghoff advised the request from FP&L was a time sensitive one; their request is effectively to be granted permission to do some land clearing, in accordance with their approved site plan which is pending the transaction to close on the property; currently the County owns the property, it has not closed yet, and their desire is to get the clearing done prior to November 1 and in time to comply with their permits regarding endangered species, specifically the Crested Caracara with its nesting season starting on November 1, and they cannot clear any time after that; and their request is to be able to do that. He went on to say staff has written a draft agreement that would allow them to do that, it protects the County, indemnifies it, requires them to comply with all permits, comply with not clearing anything more than what is permitted in the site plan that they have already have approval for, it prevents them from removing anything from the property until they own it, and he thinks the County has itself protected with all the typical, standard language in a typical sort of a contract; and he is asking to facilitate the construction of this needed substation, for the County Manager to be able to execute the agreement when it is prepared and approved by the County Attorney's Office and Risk Management, and then also to authorize FP&L to be able to apply for any remaining clearing permit that might be required, in accordance with their site plan.

Commissioner Smith stated he will make a motion to approve; this is something that is desperately needed; and the County needs to move this forward, otherwise, it is going to cost FP&L a lot of aggravation.

Commissioner Lober asked if the Board is okay with it because these things, frankly, if they have to come up in Board Reports, they have to come up; and he asked if staff could ask FP&L in the future to give the County more notice, for these things to not be done in Board Reports.

Chair Pritchett replied affirmatively; and she stated she got a last minute call on this and she told them it was okay to bring it up, so that is why she allowed them to do it.

The Board approved the request by FP&L and granted permission to perform time sensitive land clearing, in accordance with the site plan prior to final closing on 10.014 acres of County owned land, for Crested Caracara nesting season beginning November 1, 2021, for the FP&L Substation, Viera; authorized the County Manager to execute the agreement after the final language is approved by the County Attorney's Office and Risk Management; and authorized FP&L ability to apply for any remaining clearing permit that may be required, in accordance with the site plan.

Result: APPROVED

Mover: Curt Smith

Second: Kristine Zonka

Ayes: Pritchett, Lober, Smith, and Zonka

Absent: Tobia

L.4. Bryan Lober, Commissioner District 2, Report

Commissioner Lober stated he received a call yesterday from a gentleman who is a colleague of his representing a group; he does not know if it is the group that uses the Melbourne auditorium for gun shows or if it is the group that uses the Moose Lodge, Merritt Island, for gun shows, or if it is a separate group altogether, he does not know; he was told there was some

pushback or some lack of enthusiasm on the part of an individual staff member, with whom he spoke when applying to use the Viera Recreation Center for purposes of having a gun show; he does not want to put staff in a position to make policy decisions; he wants to make a motion at the next meeting and have the item on the agenda, and not do this in Board reports, as he mentioned with the last item; and he would like to authorize Parks and Recreation to rent out the Viera Recreation Center or any recreation center or any Parks and Recreation facility in District 2, provided they meet insurance requirements set by Risk Management, and provide law enforcement, in a manner equivalent to what the Melbourne Auditorium requires, assuming it is a comparable size venue.

Chair Pritchett inquired if this is something that is typically allowed.

Commissioner Lober responded he thinks it is something that has not gotten requested hardly at all.

Chair Pritchett reiterated is it something that is allowed.

Commissioner Lober deferred to Abigail Jorandby, Assistant County Attorney.

Attorney Jorandby responded they have not had this request at this particular location; one concern being looked into when they received this request is there is Federal legislation that any individual cannot have a firearm within 1,000 feet of a school; Viera High is very close to the building; she thinks it is actually within that 1,000 feet, that may actually nix that idea for that location; but as far as other locations, she is not sure if the Parks and Recreation Department has received any other requests.

Commissioner Lober advised if that is the case his motion will be in an abundance of caution to the extent lawful, or the extent permissible by applicable law, that way if it is not within the 1,000 feet they can do it, and if it is within 1,000 feet they can pick another location.

Commissioner Smith stated since it would be in his District, to bring it up at the next meeting, he would likely support it, providing that he confers with Attorney Jorandby.

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

Commissioner Zonka stated she came across a neat opinion piece in the Florida TODAY, which she normally does not read; Wayne Price did a great opinion piece about the Board being nicer to one another; COVID-19 has everybody on edge, mean, hard to deal with, everybody has an opinion, and everybody has made it so political that she wants all to keep that in mind; everybody is passionate of their opinion on one side or the other with

vaccination; she is proud to say Brevard's numbers are finally going down; just be patient, one person's opinion is just as important as the next even if he or she does not agree; be respectful of one another; do not listen to the politicians and do one's own research by reading the science and actual evidence based on medicine science, and make decisions based on that and what is good for their family; do not take it out on friends, because they do not agree one side or the other; and just be patient and kind with one another.

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

Chair Pritchett agreed with Vice Chair Zonka; she opined getting into an election season again, she is hoping people remember they are just people and to just be nice to each other; she stated she had a vaccine but she will fight for the right not to have one if a person does not want one; she does not know where this is all going with how angry people are getting, and it is not okay; they had the situation earlier, and it is sad when anybody dies, but she does not want to take away from the fact that there is a Sheriff who is doing a very good job with protection in

a very heated environment; a person may not agree with everything the Sheriff does, but he is doing a great job keeping everyone safe and he has a great heart; not everyone does everything that everybody agrees with, but they work together; and she just appreciates everything the Sheriff is doing.

Upon consensus of the Board, the meeting adjourned at 6:23 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

KRISTINE ZONKA, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA