

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, July 19, 2022**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:02 AM**

Rollcall

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

**C. PLEDGE OF ALLEGIANCE: Commissioner Rita Pritchett, District 1**

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL: May 3, 2022 Regular; July 5, 2022 Special**

The Board approved the May 3, 2022 Regular meeting minutes and the July 5, 2022 Special meeting minutes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

**E.1. Resolution acknowledging Amateur Radio Operators during the 2022 Atlantic Hurricane Season - District 4**

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-062, recognizing Amateur Radio Operators during the 2022 Atlantic Hurricane Season.

Andrea Young expressed her appreciation for the Resolution.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

**E.2. Resolution acknowledging Pretrial, Probation and Parole Supervision Week - District 4**

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-063, acknowledging and recognizing Pretrial, Probation, and Parole Supervision Week.

A representative expressed her appreciation of the Resolution; she made a shout out to all her community partners, and introduced the Department of Corrections employees; she added there is also County probation, pretrial, their re-entry partners, and federal probation; and she noted they are all one big team in Brevard County.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

**E.3. Resolution Proclaiming the Month of August 2022 as National Breastfeeding Month - District 1**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 22-064, proclaiming

the month of August 2022 as National Breastfeeding Month.

Jamie Lewis stated she is the nutrition program director for WIC program in Brevard County. She went on to say how invaluable breastfeeding is at this time with the national formula shortage and how much they appreciate the Board's support.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

**F. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section F.)**

Commissioner Tobia asked to pull Item F.5., approval of funding recommendations for Fiscal Year 2022-2023 sports event grant; and Chair Zonka advised there is a card for Item F.1., resolution and State cost-share request.

**F.2. Approval, Re: Temporary Drainage Easement from A. Duda and Sons, Inc. and The Viera Company for the Stadium Parkway Segment E Infrastructure Improvements- District 4.**

The Board approved and accepted the Temporary Drainage Easement from A. Duda and Sons, Inc. and The Viera Company for the Stadium Parkway Segment E Infrastructure Improvements.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.3. Approval Re: Second Amendment to Interlocal Agreement Regarding St. Johns Heritage Parkway Intersection and Babcock Street - Districts 3 and 5**

The Board executed and approved the Second Amendment to Interlocal Agreement Regarding St. Johns Heritage Parkway Intersection and Babcock Street providing for the third extension to October 27, 2022, for the City of Palm Bay to complete the right-of-way acquisition for the Phase 3; and authorized the County Manager to grant subsequent time extensions if requested by the City.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.4. Approval RE: Ratification of Emergency Purchase Order for Repair to Minton Road Bridge over the Tillman Canal - District 5**

The Board approved the Emergency Purchase Order authorized by the County Manager for the repair to the Minton Road Bridge over Tillman Canal via after-the-fact ratification; and authorized any necessary Budget Change Requests associated with this action.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.6. Approval, Re: Authorizing Resolution, Grant Application and Execution of Follow-up Grant Agreement for SFY 2023 Florida Commission for the**

### **Transportation Disadvantaged Trip & Equipment Grant**

The Board approved the following actions for the Trip and Equipment Grant from the Florida Commission for the Transportation Disadvantaged in the amount of \$1,568,076:

- authorized the Chair to sign the Adopted Authorizing Resolution No. 22-065;
- authorized the Chair to sign the Grant Application;
- authorized the Chair to execute the Grant Agreement, contingent upon County Attorney, Central Services, and Risk Management approval;
- authorized you to execute any additional follow-up documentation, resolutions, and amendments necessary to secure these funds; and
- authorized the County Manager to execute necessary Budget Change Requests.

**Result:** ADOPTED

**Mover:** Curt Smith

**Second:** John Tobia

**F.7. Acknowledging receipt of FY 2020-2021 Audited Annual Financial Statements, ended September 30, 2021, from the Melbourne-Tillman Water Control District.**

The Board accepted the FY 2020-2021 Audited Annual Financial Statements, ended September 30, 2021, from the Melbourne-Tillman Water Control District.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.8. FY 2023 Proposed Budgets for Community Development Districts**

The Board acknowledged receipt of the FY 2023 Proposed Budgets for the following Community Development Districts: Baytree Community Development District, Heritage Isle at Viera Community Development District, Montecito Community Development District, Tranquility Community Development District, and Viera East Community Development District.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.9. Certification of Local Option Gas Tax (LOGT) Percentages Allocations**

The Board certified the revenue percentage allocation and authorized the Clerk's Finance Department to submit the allocations to the Florida Department of Revenue (DOR) to establish the allocations for the upcoming year.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.10. Approval Re: Budget Change Requests**

The Board reviewed and approved the Budget Change Requests as submitted.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.14. Precinct Boundaries - Altered and Added (Chapter 101.001(1) F.S.)**

The Board approved the revised precinct boundaries due to annexations by the City of Melbourne.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.15. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

**F.1. Brevard County Shore Protection Beach Projects: Resolution and State Cost-Share Request**

Amanda Elmore, Natural Resources Management Assistant Director, stated this Item is a Resolution that is required as part of the Grant Application for up to \$2.3 million of State cost-share for the restoration projects; there is a five year funding request table; and this is just for Fiscal year 2023/2024 for construction in the south beaches and continues monitoring in the mid, north, and south reach.

Sandra Sullivan stated people love Brevard County beaches and the sand renourishment aspect is so important, but there is an area that she would request a modification for the mid reach area; that area has historically for 7.6 miles, been restricted from beach nourishment only dune renourishment because of the sensitivity of the near shore reef; in the abstract she has from the Florida Department of Emergency Management (FDOEM) report, it states a very cautious approach to the nourishment project, which may impinge on the area is suggested; the mid-reach is a 7.6 mile stretch through Satellite Beach was not restored historically because of environmental concerns; that portion of the coast has a hard rocky bottom, designated by State and Federal Fish and Wildlife Agencies as an essential fish habitat; and when it comes to these living reefs, not rocks, they are significant to the Indian River Lagoon, and protect sea turtles, fish, there is a hatchery for Pompano, one of the significant recreational and commercial fish of the nation, along with snook, tarpon, black drum, and red fish. She noted what concerns her, when she goes back on records, a report from the Natural Resources Director states she would address rock, reef, and pediments through evaluating options and selecting a preferred alternative to the Satellite Beach area; rock, reef, and pediments are protected by Federal and State laws, in other words, finding a loophole to circumvent those laws, which is exactly what was done; an artificial reef was placed approximately 12 miles south; she showed pictures of what the natural reef looks like, and what the artificial reef looks like; and she advised it was not even placed in the same zone, this was not placed in the near shore, it was placed in the intermediate. She continued on by saying the documents say that if this fails to perform, then no more sand renourishment will be done in this area; this is the third year monitoring there; she showed the Board pictures explaining one photo does not look like the other with macro-algae; she commented Brevard County is the largest sea turtle nesting area in the world because of these reefs as a food source and shelter; when one looks at the report that the Board is approving, the mid reach is getting much higher amounts of sand; and she showed another photo explaining this is what it looked like the last time in 2020. She shared that she has been attending these meetings for four years and has vehemently said this should not be done; and the Bureau of Ocean Energy (BOEM) by the Corp of engineers says it impacts sea turtles for three years.

Virginia Barker, Natural Resources Management Director, stated the Federal project to build and maintain the dunes along that shore line with very narrow beach is in order to minimize the impact to those rock reefs that are essential fish habitat; the project design went through full National Environmental Policy Act (NEPA) coordination with all the Federal agencies; part of this funding request is continued monitoring of the performance of those reefs; everything is in compliance with the permit conditions; they have built five acres of reef in order to mitigate for up to three acres, or 3.1 acres of potential habitat; and the reason why they mitigated at a higher than a one-to-one ratio is because when one creates a man-made mitigation system it is never expected to perform at 100 percent the same as the natural system that was impacted. She explained the way the agencies deal with that for any kind of development that has environmental impacts is by mitigating at a greater than one-to-one ratio; and she noted they have done that and the system continues to perform in compliance with the permits.

The Board adopted Resolution No. 22-066, supporting the Brevard County Shore Protection Project; approved State grant cost-share funding, matched by local option tourist tax that is dedicated to the Beach Improvement Fund for shore protection projects; authorized the County Manager, with County Attorney, Risk Management, and Purchasing Services approval, to advertise and award projects, execute contracts, amendments and task or change orders, as required and in excess of \$100,000, to secure State grant funds and accomplish work under State grants; and authorized necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

**F.5. Approval, Re: Funding recommendations for FY 2022-2023 Sport Events Grant**

Peter Cranis, Tourism Development Office Executive Director, stated this is nine sports grants for the cycle one of next year in the amount of \$94,252.

Commissioner Tobia stated he thinks Mr. Cranis will get repetitive on this one, but he wants to give him the opportunity to do that; and he asked Mr. Cranis in regards to the Cocoa Beach half-marathon, if it was approved by the Tourist Development Commission (TDC).

Mr. Cranis responded affirmatively.

Commissioner Tobia asked Mr. Cranis if this is a one-year grant.

Mr. Cranis responded affirmatively.

Commissioner Tobia asked if this grant is paid prior or if it is reimbursable.

Mr. Cranis responded all these grants are reimbursable.

Commissioner Tobia advised Mr. Cranis is trying to cut him off at the pass; he commented he is going to do a couple more so they can pick up a pattern; and he inquired if the Space Coast soccer tournament was approved by the TDC.

Mr. Cranis again responded affirmatively.

Commissioner Tobia, inquired if this is a one year or a 30 year grant.

Mr. Cranis advised it is a one-year grant.

Commissioner Tobia continued by asking if this grant is prior to, or reimbursable.

Mr. Cranis replied it is reimbursable.

Commissioner Tobia asked if the ACS Gateway to Space Race was approved by the TDC.

Mr. Cranis responded once again in the affirmative.

Commissioner Tobia inquired if it is a one-year grant.

Mr. Cranis replied, yes.

Commissioner Tobia inquired if the grant is paid prior to or if it is reimbursable.

Mr. Cranis stated it is reimbursable.

Commissioner Tobia stated he appreciates Mr. Cranis answering all of his questions; he informed the Board he still has to vote no; however, he does appreciate the fact that these are only one-year grants that are reimbursable, and that they all received a unanimous approval; and he asked Mr. Cranis if that is fair to say for all of the nine events.

Mr. Cranis responded affirmatively.

The Board of County Commissioners, in regular session on July 19, 2022, approved funding the following FY 2022-2023 Sports Grant applications:

1. Cocoa Beach Half Marathon (10/15/2022–10/16/2022) \$13,076.25;
2. Space Coast Cup Soccer Tournament (11/11/2022-11/13/2022) \$12,675.00;
3. Softball Magazine Senior Softball Camp (11/16/2022-11/19/2022) \$3,725.00;
4. Florida Marathon Weekend (2/11/2023-2/12/2023) \$14,895.00;
5. Moon Golf Invitational (2/19/2023-2/21/2023) \$5,841.00;
6. Space Coast Showdown Soccer Tournament (3/2/2023-3/6/2023) \$15,750.00;
7. Beach 'n Boards Festival (3/8/2023-3/12/2023) \$17,160.00;
8. ACS Gateway to Space Race (3/11/2023) \$5,310.00;
9. Softball Magazine Spring Training (3/15/2023-3/18/2023) \$5,820.00;

Further, based on the facts specified, approved the Board make the following legislative finding by approving each grant listed above: Tourist Development Tax 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 Brevard County; approved authority for Tourism Development Director to negotiate and sign all necessary agreements and related documents upon County Attorney, Risk Management, and Central Services approval; and authorized the County Manager to execute necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Rita Pritchett

## **G. PUBLIC COMMENTS**

Commissioner Smith stated since there are so many cards, he would like to make a motion that the Board change the time limit to two minutes.

Commissioner Tobia inquired how many cards there are and for which item.

Chair Zonka advised there are four Public Comment cards, seven for Item H, two for Item J.3., two for Item J.6, and 29 for Item I.1.

Commissioner Tobia stated that's about \$1 million per card; and he thinks they should get the full time if that is a million dollars per card, but that is just his opinion.

The Board approved changing the time limit for speaking to two minutes.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

**Nay:** Tobia

## PUBLIC COMMENTS

Clint Wilson stated he is with RDI Aquatics; he has been trying to get money from Save Our Indian River Lagoon (SOIRL) to start a program aerating the canals because the canal is man-made and it is going to take a man-made solution to correct it; he has fought tooth and nail to hear a bunch of gibberish that he does not care for; this is just to notice the Board that he has made a video that he will be getting out to the citizens of Brevard County because the black tape that the County has getting into this mess, the hoops everybody has to jump through to get money from SOIRL, and that is one-half of a billion dollars with most of it going to infrastructure, and he does not agree with it; some infrastructure is fine, but not one-half of a billion dollars; and he noted his video is just his opinion. He noted there are 600,000 people who live in this County and he intends to make sure that everybody sees it; when the Board sees the video or an email from RDI, he does not want anyone to say they were blindsided; he wants everybody to see the video because next week it will be coming out on his website, QR codes and everything else; he is trying to get something done on the river, and they say the money is spent, no matter who he talks to; they say it's all being spent on the river; however, it is being spent on a waste-treatment plants, sewer connections, retention ponds, media that throw in the retention ponds, and it is just not proper. He continued by saying everyday regular people that he has talked to are deceived as they thought the money was going to the river; he talked to SOIRL and they said it is going to the river by means of a sewer drain or waste treatment plant; he reiterated he does not agree with it; he wants everyone to know there is a video coming out; he will be sending an email to the Board to look at it; and he does not want the Board to say it was blindsided.

Marcus Herman stated he is a 50-plus year resident of Merritt Island, a business owner, and currently the Chairman of the Merritt Island Redevelopment Agency (MIRA); about a week ago he had sent the Board Members all an email expressing his concerns and thoughts about a lack of representation for District 2; he is in attendance because he thought he should make his comments public and let the Board see the face upon the request; in his email he stated that he believed the Board should consider placing on hold all policies and ordinances specific to District 2 unless of course, those issues were related to safety or health of its constituents. He added he would like to clarify his position a little bit; if this Board is going to vote a no change



on an item in District 2, he sees no reason to hold that up, it is not going to make a difference in how things have currently been operating in District 2; if the vote is going to be a yes vote and it can have an adverse effect on District 2, he would respectfully request that the Board table said vote until District 2 has a proper representation; and he feels this should be done on any given subject that may come before the Board for the next few months until there is a District 2 Commissioner in place. He noted he wants to make it clear that this not an effort to hold up any one project or Agenda Item, it is more to create a fair and balanced representation for the constituents of District 2, and he appreciates the Board's consideration.

Sandra Sullivan stated she would like to talk about health and safety; of course the County has fire and police and that is great, but it has come to her attention that there is, for the Grand Canal project, under the Save Our Indian River Lagoon (SOIRL), a third subcontractor that has been let go; she has been told that there is no subcontractor currently doing interstellar treatment on that site; that is contrary to the statements that were made by the Natural Resources Management Director at the SOIRL meeting; and she was told that by the contractor that is being solicited to perform said services. She went on to say the issue with this site is that there is known contamination there; there are Polycyclic Aromatic Hydrocarbons (PAH) there which are petrol, arsenic, which is a class A carcinogen, copper which is a biocide, and the most concerning of all is Polyfluoroalkyl Substances (PFAS); she asked where these chemicals are being taken to; the County is taking the muck and it is not doing sufficient testing because she looked it up on Oculus for the State; the County only did 17 tests last year; she has contacted, but has not received a response acceptable from the County or the State on this issue, and now she hears there is no testing going on since March; that is when she came before the Board and asked it to put forth the conflict of interest letter from 19 entities, when there was no audit, when there was all of these other concerns, when she was being told she could not have public records until after a vote was taken, which was a violation of Sunshine; and while all of those things were going on, that was when the contractor was fired from the site. She inquired how the County is amending that material going out to know how much sand it should be amended with; and she advised it is putting lives at risk with the PFAS chemicals because this is just south of the drinking water source.

Janice Scott stated as a former elected official and Mayor of Cocoa Beach, she wanted to bring to the attention of all the elected officials in Brevard County, after the campaigns and public events and one gets elected, it is very flattering to hear from people you never heard from before, people get to go to monthly Florida League of Cities wine and dine, and it is quite an ego trip; it begs the question, who do these elected officials serve, the voters who elected them, or the corporations; and with all the rubber chicken dinners, all those white rolls, it is very flattering, but she thinks it is imperative that elected officials take a personal inventory every day, every week, every month and ask themselves who they serve, and if it is the voters who elected them.

#### **H.1. Permission to Participate in and Accept the U.S. Dept. of Justice 2022 Edward Byrne Memorial Justice Assistance Grant - Brevard County Sheriff's Office**

Chair Zonka called for public hearing on request from the Brevard County Sheriff's Office to participate and accept a grant from the United States Department of Justice for the Edward Byrne Memorial Justice Assistance Grant.

Jill Hayes, Budget Office Director, stated this is a request from the Sheriff's Office to participate and accept a grant from the United States Department of Justice for the Edward Byrne Memorial Justice Assistance Grant, with no match required.

There being no further comments, the Board granted permission for the Brevard County

Sheriff's Office to participate in and accept the 2022 Edward Byrne Memorial Justice Assistance Grant application; designated the Brevard County Sheriff's Office as the point of contact; authorized the Sheriff, or his designee, to sign the applications for Federal Assistance SF-424 form; authorized the Chair to execute the necessary contractual agreements, modifications, and amendments; authorized the County Manager to execute the necessary Budget Change Requests; and provided the Sheriff's Department with written approval.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

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

## **H.2. Adoption of Proposed FY 2022-2023 Ad Valorem Millages**

Chair Zonka called for public hearing on a request to set the Fiscal Year 2022/2023 proposed millage rates.

Jill Hayes, Budget Office Director, stated staff is requesting that the Board set the Fiscal Year 2022/2023 proposed millage rates and the Agenda attachment provides the Board with details on the 25 individual taxing districts that Brevard County is the taxing authority over; and all of the millage rates have been established in accordance with the Brevard County Charter cap limitations so, as property valuations increase, in order to comply with the charter limitations, the millage rates have all decreased. She continued by explaining for example, the general fund millage rate has decreased by 8.53 percent; the aggregate proposed millage rate is also equal to the rollback rate and has decreased by 8.58 percent; therefore, with this proposal the Board would not be advertising a tax increase for the final budget hearing, it would just be advertised as a notice of budget hearing.

There being no further comments or objections, the Board approved the FY 2022-2023 Ad Valorem Millages for the purpose of notification to taxpayers by the Brevard County Property Appraiser; and recommended the County Manager to complete the Florida Department of Revenue's Certifications of Taxable Value, form DR-420.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia

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

## **H.3. Health First, Inc.; and Health First Shared Services, Inc. (Kim Rezanka) requests a change of zoning classification from BU-1 and BU-2 to PUD, with waivers. (22PUD00001) (District 2)**

**This item was previously tabled at the July 12, 2022 Board Meeting.**

Chair Zonka called for public hearing on a request to change the zoning classification from BU-1 and BU-2 to Planned Unit Development (PUD) with waivers; she advised that Commissioner Tobia is requesting Item J.6., modification of the Merritt Island Redevelopment Agency (MIRA) be combined with this Item since they are both related; and she mentioned unless the Board is in disagreement with that she is going to go ahead and combine those two Items. She advised she has to abstain from this Item because Health First is her employer and she will sign the correct form and have it filed; she will not be commenting on the issue; and she will be managing the meeting, addressing the Commissioners as they choose to speak,

and handle the cards, however, she will not be offering her opinion.

Tad Calkins, Planning and Development Director, stated this is Health First Inc. and Health First Shared Services Inc. to change the zoning classification from BU1 and BU2 to PUD, with waivers; this is application 22PUD0001; it is located in District 2; as part of the PUD Zoning application, the Board is allowed to consider conditions; in this particular case, staff has included 10 conditions for the Board's consideration which would allow the applicant to move forward and ease through some of the site plan approval, just identifying things that staff would be looking for as they move into that second phase of development; and if the Board has any questions on this Item he would be happy to answer them.

Kim Rezanka stated she is representing Health First and Health First Shared Services regarding this transformational project; this is a PUD application; she is asking for the PUD zoning with the approval of the PDP; the Board has on the screen the draft concept which is the Planned Development Project (PDP); obviously full engineering has not yet been done and that is part of the list of the 10 conditions that Mr. Calkins referred to, to help move forward with the next process of the site plan; they have actually submitted mass-grading; and they are moving forward with the project under a hold-harmless Agreement because this has been delayed. She went on to thank staff, Planning, Engineering, Utilities, and Public Works, as they have met with them numerous times to move this project forward; she stated it is an amazing project; it has taken three years in development to get to where they are today; she has with her a variety of individuals who are involved with this process, Matt Gerrell who is CEO of retail services, Jonathan Flyte, Vice-President of Health First Facilities, Ken Good with Atkins Civil Engineering, and the project Manager, John Wilt who is the engineer of record, and Dan Perez, who is also an engineer with Atkins; and she noted everyone has put in a card.

Matt Gerrell stated he will guarantee to keep his comments under two minutes; for over 85 years Health First has been supporting Brevard County; its physicians, nurses, and associates are all dedicated to improving the health and well-being of this community; this project is the next evolution and transformation of Health First where they are going to continue to provide healing-well services such as hospitals, ambulatory surgery center, medical office buildings, and add in living-well services such as retail, healthy food options, and childcare; there will not be a fast food restaurant, or donut shop, there will be no bar or alcohol on this village; however, there will be an educational center which will allow people to come in and receive free education on how they can make sure to keep themselves healthy. He continued by saying as part of the commitment to this process, they have engaged in the community by offering up multiple town halls; they were able to hear back from the community members; they offered up surveys and opportunities; he met with Harbor Del Rio Condominium Association representatives to hear their concerns; they had a few concerns regarding traffic and noise; they are working through that and he has provided his personal cell number and email, as well as committing to a monthly update and meeting with them once a quarter; and he noted they are there for the community and want to make the community better by improving and transforming healing-well and living-well services.

Jonathan Flyte stated he is in attendance to help the Board see a little bit of Health First's future plans; he showed a presentation on the screen and explained this is a bird's eye view of the project; the northern one-third of the wellness village consists of the Cape Canaveral Hospital replacement; they have developed the concepts so all of their patient rooms have a view of the wellness village park, of the Indian River Lagoon to the northeast, or to the Rookery Conservation Area to the west; the remaining two-thirds of the Village is composed of the medical office building, a child daycare, a concierge, wellness retail, juice and coffee bars, healthy food hall, a spa, an education center, and a fitness center; and this concept allows

them to make a dramatic change in the character of the entire area by providing significant new green space and important health and wellness services. He went on to say the hospital itself is planned to have 300,000 square feet, 120 private beds, they will be designed to withstand a category 4 hurricane, and it will be elevated 13 feet to address the possibility of storm surge; in conjunction with the hospital is a \$90,000 square foot medical office building; the first floors of the hospital and the medical office building open onto a park-like setting of the village which is on top of a two story garage; the next slide gives a view from directly above the site; it allows him to talk about the access onto the site; on the north it is bounded by East Merritt Avenue and working from left to right there is an entrance for the service and deliveries, the second entrance in the middle is a connection to East Merritt Island Causeway for the ambulance entrance, and the third entrance is the access for emergency department patients who are driven in by car; on Boardman Avenue, which is the east side of the property, working from north to south, they have a same day surgery discharge, an entrance into the garage, and a public transportation drop-off and pick-up opportunity, and then a second entrance into the garage; however, the main entrance is off Highway 520. He stated for those people who enter the campus they would either proceed directly from 520 into the garage or they will take the West Perimeter Drive to the hospital entrance itself; this picture is a cross-section of the village from the perspective of standing on Boardman Drive and looking to the west; the ground level of the hospital and the central utility plant is shown at 13 feet elevation and is displayed on the right; on the left side of the cross section there is a two-story parking garage and other features that are arranged to marry-up to the hospital; the cross section view gives people a feeling of the three dimensional character of the project; and to assure efficient vertical movement within this project, there is a total of 19 elevators, so they are positioned to allow people to have good access to all services. He went on to say this slide is the ground level perspective of the hospital's main entrance; one can note how the circular drive serves the main entrance, the glass connector on the right side will provide a protective walkway between the hospital and the medical office building; this rendering gives the perspective of standing in the wellness village park itself and looking at the south elevation of the hospital; the progressively stepped-back massing of the hospital prevents it from overpowering the community and the village; these slides provide a perspective of several other buildings within the wellness village itself; on the upper left, is the education center and on the upper right there is the healthy food hall; and on the lower left there is the retail building and on the lower right is the coffee bar.

Ken Good stated his team has worked closely with staff to develop the waiver request which this process is revolving around; they got quite numerous and he is doing his best to keep them as refined as possible; these waivers principally focus on two components of the project, building height and building setbacks; they are not asking for an increase in density from the existing zoning; what these waivers will allow them to do is to cluster the development on this project to facilitate what was trying to be accomplished and allow them to create these park-like settings; without these waivers they end up with large big box expanses of parking, but by clustering everything together, pushing it to the edges, pushing it up, they can create these park areas that they would not normally have; and that's really what the requests and waivers are revolving around. He commented he knows another question is going to come up on this is stormwater, how to develop all this, the site, the parking garage, and everything; they do have some plans in place and there will be some underground storage; currently on site there is little or no stormwater treatment; a lot of the runoff is just going straight off so when they finish this project all the runoff coming from this site will be treated, which it is not now, so it will improve the water quality overall; and that is all for the engineering side.

Ms. Rezanka noted they are all there for questions; this was heard at a community meeting on April 25, at the site of the old Pro-Health; there was almost 50 people that showed up and talked to the members of Health First; there was a Merritt Island Redevelopment Agency

(MIRA) hearing on April 28, and it was unanimously recommended for approval, and Planning and Zoning on May 9 also unanimously recommended it for approval; they will be seeking the Board's approval to change the BU-1 and BU-2 to a PUD with a preliminary PDP.

Marcus Herman stated he just wanted to reiterate that MIRA did look at this project and unanimously voted for it; the variances that they were asking for seemed minor compared to the project they were bringing to Merritt Island and the difference it was going to make in the District 2 area; he sees no reason to not carry forward with this; MIRA vetted it well, they talked about bussing, parking, drainage, noise, and traffic and they were able to come together and convince MIRA that they are on top of these issues; MIRA thinks it is a very exciting plan and he does not think anyone does not think it is a game changer for Brevard County because it is a lot different than what people have seen in other hospitals; they are changing the structure; and to take that small piece of property and do what they are doing on it, is simply amazing, in his opinion.

Commissioner Tobia stated he was listening to Mr. Herman's public comment and he is not putting this together; and he asked if this is in District 2.

Mr. Herman responded affirmatively.

Commissioner Tobia asked if Mr. Herman's argument five minutes ago was that there was no District 2 representative so to put on hold any Items since District 2 does not have that advocate; and he asked if that is a correct statement.

Mr. Herman replied what he said was if it has not been vetted by someone in District 2, and MIRA is indeed right now the District 2, and they do a lot of work for that area; and this project happens to be in District 2 in the MIRA area; and he believes it has been fully-vetted.

Commissioner Tobia reminded Mr. Herman his argument previously was there is not a Commissioner and for the Board to wait on items until there was a Commissioner.

Mr. Herman explained if it was going to be a no vote and it was going to possibly have an adverse effect on that area, it should wait; and if it is not going to be an adverse effect then he sees no reason not to carry on.

Commissioner Tobia stated he is trying to understand the difference between an elected official and an appointed body just in case it comes up at the next issue.

Mary Jane Nail stated she is sad to see Health First go; she spoke with Larry Garrison when he was alive and suggested that they move the hospital and she is so glad to see that they have to a facility that is going to be very beneficial to the public; Brevard County is devoid of wellness, education, promotion, and living so she is very delighted to see that they are going in that direction; one thing that she has noted, recently she went to Miami, Florida, and she observed a Pritikin program and the Pritikin program, she found out after being in Miami and observing it, that it is Medicare-approved for cardiac patients; she then looked into that and found out that the nearest for people living in Brevard would be Orlando or Altamonte where they have the Pritikin program for heart patients; and the success ratio of people improving from their heart conditions is phenomenal. She added people have to qualify for this program. She continued on to say she thinks it is wonderful that they are putting this in and she is hoping they will look into the Pritikin program with the Pritikin people; she believes they are located in Missouri; and if they could add something like that closer for Brevard County residents, because people can literally turn their life around and live many years longer than they would normally live by going

on the Pritikin program.

Chair Zonka inquired if Ms. Rezanka had anything she would like to follow up with.

Ms. Rezanka advised Mr. Flyte stated they are looking into that Pritikin program. She noted she can answer any questions; other than that, she is just seeking the Board's approval of the PUD zoning with the PDP.

Commissioner Tobia asked how much overall this project is going to cost.

Ms. Rezanka replied she knows they have been approved to issue \$508 million in bonds for this project; and that is all she is authorized to say at this time because they are still evaluating.

Commissioner Tobia clarified that is a little over half of a billion dollars potentially.

Ms. Rezanka responded affirmatively.

Commissioner Tobia asked roughly how many jobs are estimated to be created.

Ms. Rezanka replied according to Mr. Flyte and Mr. Gerrell, 1,000 jobs.

Commissioner Tobia asked if it is fair to say, the adding more beds would have a benefit to Brevard County and its residents.

Ms. Rezanka announced she is going to let someone from Health First speak on these issues; she advised that she would agree but she is not authorized to speak on these issues.

Commissioner Tobia commented all he needs is a yes; and the last question is this project will bring in \$500 million, create 1,000 jobs, the County will have a direct benefit, and he asked how much they are asking for if the Board is giving money.

Ms. Rezanka replied, they are not asking for anything, no public funds.

Commissioner Tobia stated he is confused; they are bringing in \$500 million, creating 1,000 jobs, and it is directly benefiting people in Brevard County, and he inquired again, they are not asking for any tax dollars.

Ms. Rezanka responded that is correct.

Commissioner Tobia noted he is still going to vote for it, but he asked if the no bars can be switched; he thanked the applicants for doing this without direct support; they have proved that it can be done; and he asked if they are a profit or a non-profit.

Ms. Rezanka advised it will be non-profit, but part of it will be profit oriented; and some will generate taxes.

Commissioner Tobia stated but overwhelmingly Health First is a non-profit, so they are doing this through that model as well.

Ms. Rezanka responded affirmatively.

There being no further comments or objections, the Board conducted the public hearing and

approved the request of changing the zoning classification from BU-1 (General Retail Commercial) and BU-2 (Retail Warehousing, and Wholesale Commercial) to PUD, with Waivers for Health First, Inc., and Health First Shared Services, Inc.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

**Abstain:** Zonka

**J.6. Direct staff to begin the process of modifying the Merritt Island Redevelopment Agency boundaries.**

Meeting went into Recess

**Meeting Reconvened**

Commissioner Tobia stated this is about redrawing some Merritt Island Redevelopment Agency (MIRA) boundaries; this is not about getting rid of MIRA, but about what the Board can do today to stop MIRA from getting more money; clearly MIRA does not need more tax dollars if they are spending money on signs with plans for multiple other signs in the near future; he displayed a photo of a sign; and he asked if Mr. Lallo was available to answer questions. He continued on by saying he will go over his questions, as he thinks he knows most of the answers; he noted this sign is over \$21,000, \$20,788 to be exact; in fact, there are two more currently in the plan, \$60,000 in signs; the reason this is concerning to him is first, Merritt Island is not a city it is a nebulous area; Florida Statute 163.370 allows for Community Redevelopment Agency's (CRAs) to include housing for families or persons with low income; this Board has been confronted over and over and over again about a housing crisis and MIRA decided to spend \$20,000 on a sign, when this money could be directly used for those individuals with low income; and it gets worse, they have plans for self-compacting big-belly trash cans and bike repair stations at transit shelters. He went on to say he thinks these are cool items but he does not think these are things that hit the level of affordable housing; more than \$1,000 has been spent for conference travel; there is \$2.1 million earmarked for mall overlay district, which he thinks that is not more important than affordable housing; he does not know where there is extra money in the County budget other than areas like this; and when he had those affordable housing folks, they were always asking for new money, there is money in the budget here that can go help and Florida Statute allows that, but instead MIRA decided to put up these signs. He continued on by saying what he is putting forth is that the Board draw out the new project that it just gave the exception for permitting, out of MIRA so that new delta in tax dollars will go into the general fund so it can be spent on things, and he would not mind earmarking it for affordable housing; this is direct dollars; he does not care and he cannot do this individually as a Board, but what he does not want is that it end up on more \$20,000 signs; it is very difficult when folks come to his office and say they need affordable housing and he has to say that Merritt Island has pretty signs; and he noted he had asked the County Attorney and he has a motion to direct staff to begin the process of modifying the MIRA boundaries in accordance to Chapter 163 part three, Florida Statutes, including but not limited to Section 163.361 to remove Health First Hospital complex located on Merritt Island from MIRA and to amend MIRA's redevelopment plan accordingly. He stated he asked the County Attorney if Chair Zonka could vote on this and he was informed she could not; initially he was a little disappointed on that, then he thought why can she not vote for it; the reason she cannot vote for it is because this would benefit her employer; there is a level of government that the State of Florida is saying is getting in the way of private enterprise, and today this Board has the ability

to take this new tax revenue and stop it from going to areas like this; in their plan they talk about the Merritt Island Mall competing with the Viera Mall and he thinks it is absolutely atrocious; and arguments will be made that MIRA may not like this, and he will say right now, MIRA does not like this because it gives them less dollars so they cannot put up more signs like this. He mentioned there is talk about the Health Village being tax exempt; there is 828,000 square feet; hospital space is only about 320,000 of that or about 38 percent; 25.12 according to them, is retail space, thus taxable, as is parking; this is hundreds of thousands of dollars or in terms MIRA can understand, five or six signs a year; he knows this is a little ridiculous but affordable housing is a crisis going on in Brevard County, as rent has gone up, and here is a way that the Board can focus funds to that without raising taxes; all it takes this Board to do is draw a line around there and to say that resource, instead of going to MIRA, that hinders private enterprise, the Board can help private enterprise and help people at the same time, or get more signs; and he is more than willing to answer any questions.

Marcus Harmen stated first off he is certainly opposed to redistricting MIRA for a few different reasons; this Board may or may not know, but that parcel of land where Health First is looking to build a new hospital and wellness center used to be a Kmart shopping center; that shopping center created the tax base used in the MIRA District; since the building has been taken down many years ago, that tax base was considerably devalued; he sees no reason why MIRA should not recapture that tax base that it had once before so it could continue the good work that it does; he believes, as Commissioner Tobia alluded to, the hospital itself is a non-profit organization, so he thinks that is accurate; however, the wellness center on the other hand is a for-profit business and in that wellness center they have coffee shops, daycare, spa, health fair, gym, and all of those individual components through the MIRA area if someone had brought their business to MIRA, that would be subject to that tax base; and he sees no reason why this would not be the same. He continued by saying he does not believe there has ever been nor does he think there should be any lines redrawn in the District because a business of this size decides to move into the District; he reiterated he sees no reason to consider redrawing the lines on this parcel; the bottom line in his mind, is that this Commission charged MIRA with redevelopment and improve infrastructure and to remove blight among other functions; MIRA has done so and the result are projects like this coming before the Board today; and he thinks the work that MIRA is doing is the hallmark of redevelopment and this is one of the many projects showing that the Board's plan is working.

Commissioner Tobia stated he will allude back to Florida Statute 163.370 that explains what CRA money can be used upon, and it very clearly states that it is allowed to be used to provide housing for families or persons of low income; the money that was used for the sign he mentioned earlier, could be used to develop housing for low-income families; and he has one quick question, he asked if that \$20,788 sign or low income housing, which is more important to Mr. Herman. He mentioned there are more signs coming but he is just asking about this one; and he stated it is one or the other.

Mr. Herman stated he does not think it is one or the other, redevelopment is not one or the other.

Commissioner Tobia inquired again which is more important; and he asked if Mr. Herman voted for the sign.

Mr. Herman responded yes they did.

Commissioner Tobia advised that is all he needed.



Mr. Herman advised this Board approved the MIRA plan.

Chair Zonka thanked Mr. Herman.

Mr. Herman advised that is not fair; he commented Commissioner Tobia is making accusations that are not fair and unjust.

Chair Zonka advised if she had a nickel for every time someone disagreed with the Board she would be a rich Commissioner.

Jack Ratterman inquired when was the last sign that was put on Merritt Island; Merritt Island is not a city but SpaceX and Blue Origin are up there, and those people are coming to Merritt Island to spend their dollar, he hopes; when Elon Musk comes down, he is going to see some rinky-dink sign and think the people are a bunch of yeehaws; it would be nice if he came and wanted to spend his money there and maybe invest more money that would lead to more taxes that the County could get; and he inquired when the last sing was placed on Merritt Island.

Chair Zonka stated asked Mr. Ratterman to direct his comments to her.

Mr. Ratterman stated he can tell the Board when it was; it was when Commissioner Pritchard was there, he put it up, then it was Nelson, and it stayed through Nelson, it stayed through four Commissioners, up to Commissioner Lober, almost 20 years; so after 20 years Merritt Island got another sign, plus that \$20,000 that is 1,000 per year advertising for Merritt island; he reiterated Merritt Island is not a city; and he asked who is on MIRA's behalf; and he asked what the other Districts do for low-income housing. He noted he does not think MIRA can buy property and turn it into low income housing; he does not think the Charter lets them do that; all the stuff about low income housing versus that sign is kind of a bad argument.

Commissioner Tobia stated his secretary was there when that last sign was put up; it was kind of interesting when he looked it up, as it was placed there by volunteers; it was fund-raising, they did not waste tax dollars the same way MIRA wastes tax dollars; he does not know what Mr. Ratterman had for breakfast but Elon Musk does not drive around in a Tesla looking at signs like this; cars drive themselves now and the ones that do not, have GPS, as people do not rely on signs; this may make Mr. Ratterman feel good about himself, but people should stop thinking about this privilege that some people have and start thinking about the people who have trouble making ends meet so they can afford housing that is going up 15 or 20 percent; and that sign does not help them one iota. He mentioned he appreciates this, but he made a promise at the beginning that he would not vote for tax increases and there are resources here, and Mr. Ratterman may not agree with State Statute, but he has it, anyone can look through it, he received it from the County Attorney's Office, and it is very clear; and he read, "providing housing for families and persons with low income", Section 163.370; in his call, Mr. Ratterman and MIRA just made a bad decision by putting up a sign and planned for two more when it could be using that for low income housing; and there is probably more that needs to be done for low-income housing, not only in this area, but across the County, but it does not give anyone a license to waste more than \$20,000 on a sign because Elon Musk is going to like it.

Mr. Ratterman commented he would like to know what Commissioner Tobia's District does for low-income housing and if he does anything personally for low income housing for people, for the homeless; he does, the guy that works with him is homeless, lives out tin the woods in front of the hood with his dad for the last four years; and after he works with him trimming trees all day, he goes out in the woods, no shower, and no air conditioning, and sleeps.

Chair Zonka explained this is getting a little off subject.

Commissioner Tobia responded by asking Mr. Ratterman if he is bragging about paying someone such a low living wage that they cannot afford to stay elsewhere.

Commissioner Pritchett stated Commissioner Tobia made a comment earlier, and she does not think MIRA does not care about homeless people, but Commissioner Tobia made a statement that caught her attention, that to remove this out of MIRA, that it is a benefit for Health First; and she asked if being in MIRA made it more of an issue for Health First trying to bring this development.

Commissioner Tobia stated the Board heard from Ms. Rezanka that she, first of all, had to go through MIRA, so that is an initial step that they would not otherwise have to go through; this is not himself, but this is Chair Zonka, going through the County Attorney's Office, advising that she has to recuse herself, and that is because there would be some benefit for this going away; therefore, he is inferring, because she cannot vote, and because she works for Health First and they would benefit, and the opposite of a benefit is a debit, hence it is not good for Health First; and he has not spoken with Health First directly, but the fact that Chair Zonka cannot vote for it is pretty clear that this is hindering Health First's ability to move forward.

Commissioner Pritchett noted that kind of caught her attention which makes it worthy of maybe an investigation moving forward; the struggle she has is having an elected body making decisions, she thinks that is important; that is what she is going to need to research and see if there is something different going on with MIRA, because that is not a normal CRA and it is not under an elected body like a city would be; she advised Commissioner Tobia that she is going to support this today to do some more research on it; it is not that she thinks the guys in MIRA are not good guys, she does not believe for a moment that they are willing to make anybody homeless; and sometimes people try to prove some points to make a few points, but she thinks it was a good point that the Board might be placing undue burdens on businesses right now that may not be necessary for their good. She continued by saying her recommendation is she thinks Merritt Island should work on incorporating soon and having an elected body that represents it.

Commissioner Smith stated he thinks what Commissioner Tobia has mentioned has merit; he would also like to look into it further; he does not know that he is ready to vote for anything but he definitely thinks that Commissioner Tobia has some very good points; he also thinks that it is a very good idea; he always felt like the District 2 Commissioner was the mayor of MIRA because they do not have representation; however, he does think it is something worthwhile to think about and that maybe MIRA should go forward and become their own legislative body.

Commissioner Tobia asked if he could restate the motion; he stated for the benefit of Commissioner Smith and because he, himself missed part of it, he advised this is only to begin the process so staff would have to bring this back to the Board; this would give the Board more time to investigate and MIRA more time to justify that sign and other things, therefore, this is not taking MIRA out of it, it is just beginning the process; it is his understanding that there would have to be another formal vote; and he reiterated the motion would stand but it is just to direct staff to begin the process, and if not, he will pause until the Board hears it again. He added he does not want to put staff through the arduous task of doing this and there being no opportunity for this to go through.

The Board directed staff to begin the process of modifying the MIRA boundaries in accordance with Chapter 163, Part III, Florida Statutes, including but not limited to Section 163.361, to

remove the Health First Hospital complex located on Merritt Island from MIRA boundaries and to amend the MIRA Redevelopment Plan accordingly.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

**Abstain:** Zonka

Chair Zonka mentioned she cannot comment on this specific issue, but she will say that she has been known, in the past, to express her thoughts on Merritt Island incorporating, mainly for their own benefit; however that is a separate issue that she is sure will be addressed in the future if the District 2 Commissioner coming in decides, or if the Board decides beforehand; she wants the people in the room to understand that it is not the Board's fault that there is not a District 2 Commissioner; if the Board could unilaterally make decisions based on each Commissioner's own District, then there would be no need for five people to be on the Board; and it is by no fault of this Board that there is not a District 2 Commissioner.

#### Recess

The Board recessed at 10:18 A.M. and reconvened at 10:29 A.M.

#### **I.1. DAD 1300 N. Atlantic Cocoa, LP Tourist Development Grant**

Meeting went into Recess

#### Meeting Reconvened

Glenn Wasserman, Chief Financial Officer of Driftwood Capital, stated he is joined by Carlos Rodriguez, Sr., Driftwood Capital's chairman and Chief Executive, David Buttermier, Carlos's partner and Chief Executive Officer of Driftwood Hospitality Management, the property management company, as well as other members of Driftwood Capital and Driftwood Hospitality Management; he will be providing a brief overview of the property which they are incredibly excited to develop; the outline of the grant application and the mechanics of how the grant calculations work, in addition to the economic benefits, the resort and convention center will aim to deliver to Brevard County, its residents, and other members of the business community; and before he begins he would like to thank the County Commissioners for considering the proposed grant, the County Attorney's Office, who has worked diligently with them documenting the proposed grant, and the Tourism Development Council, for its willingness to assist in the process. He went on to say the new Westin Cocoa Beach Resort and Convention Center will replace the current International Palms Resort and create an iconic state-of-the-art resort and meeting facility designed by Gensler, a world-renowned architect; the mixed-use hospitality development embraces the space coast revival as a center of technology, innovation, and leisure; and the project is located on a 15.7 acre site boasting 500 linear feet of beachfront featuring the area's only upper upscale hotel with 502 guest rooms and suites along with a wide variety of food and beverage venues including bars, a full service spa, multiple pools, and expansive resort amenities. He continued by saying the resort will also offer over 120,000 square feet of flexible indoor and outdoor meeting space making it the largest convention center and event venue in the County; the project is shovel ready, featuring all necessary entitlements, height variance approvals, and zoning requirements; the development is an exciting opportunity to add business, corporate, and convention destination to the current mix of attractions of the Space Coast; there has been little to no focus in capturing this market and past marketing efforts as the County does not have a facility to support these types of visitors; and he reiterated one of the main purposes for the convention center venue is to

attract tourists, specifically a class of tourists that is under-represented in Brevard County tourism. He added they are trying to position the Space Coast as a destination for conventions, exhibits, trade shows, associations, and corporate meetings; the promotion and advertising dollars that Driftwood is asking for support on will specifically target this business; and with the renaissance of the space industry and the growth of tourism and business in the area, there is currently no facility in the market that is modern enough and large enough to meet the expectations, or standards, of what today's high-end business traveler and conference guest expects in 2022 and beyond. He stated he is going to go through very quickly a number of renderings just so people who may not have seen them before, can see the quality of the development and the product that Driftwood is anticipating to build; he will provide a quick overview of the grant; the grant request is for up to \$1,000,000 per year for 30 years, to be used solely for the promotion and advertising of the Space Coast and the Westin Resort and Convention Center; the source of the grant is 50 percent of the tourism development taxes that the new hotel and conference center generates; the payment of the grant will be made quarterly in arrears and only made after Driftwood submits documentation of the spend of the promotion and advertising dollars to the County Manager's Office; to be clear, this grant is specific to Driftwood; if the resort is sold to a third party at some time in the future, this grant will cease to exist and not be eligible to be transferred to a new owner; Driftwood will be funding the cost of the development privately, however, the County's support is a signal to its financial partners and lenders that the County is behind and committed to the project's success; and to be clear Driftwood does not have the funding in place for the project. He mentioned they have spoken with many of their existing banking relationships who have indicated that the total cost of the project is significant; since the presentation in May, the capital markets have become even more challenging with fewer and fewer institutions having the ability to finance a project of this size; without the economic support of the County it will be challenging to obtain the financing to build the development with its current scope; on the screen he is presenting a calculation of what he believes is going to be the contribution of the Westin Cocoa Beach Resort and Spa Tourism Development Tax (TDT) dollars; they have spent a considerable amount of time becoming educated on how the TDT works and are utilized to support beach improvements, Capital Facilities, the tourist information center, cultural events, the Brevard Zoo, and other activities. He went on to say what he would like to emphasize to the residents of Brevard County is that in no way is the grant that they are seeking, going to impact any uses of the TDT, with the exception of the promotion and advertising fund; he noted there seems to be some amount of misunderstanding or misinformation on this, 25 percent of every tourism dollar generated by the Westin is going to go towards beach improvements, 40 percent is going to capital facilities, there is not a penny that is going to come out of that, with the exception of the administrative fees that are allocated to those TDT dollars, and down the list, two percent to tourism information center, cultural events, and Brevard Zoo; the balance of what they generate does go to the promotion and advertising fund which will potentially be the source for this grant; and for this allocation they are assuming that the \$350,000 fund for 2022/2023 and beyond for the United States Specialty Sports Association (USSSA) contractual obligation, is funded by the TDT currently generated by the existing hotels in the County. He continued by saying Driftwood is projecting to generate just under \$2.3 million of TDT in the first year of the Westin's operations; after covering its share of the County's cost associated with the collection of the taxes and the share of the tourism development office's administrative costs, there will be just over \$2 million of TDT available to be distributed to the funds; in the first year of operations, based on the formula that is outlined in the grant application, the Westin will only be eligible to receive a reimbursement of just over \$888,000; hopefully it will exceed these projections and it will generate more than \$2.3 million of TDT; but as the current forecast stands, if they generate the \$2 million, and all the other funds get their pro rata share without any impact from this potential grant; this grant and development is a win for everyone, the residents of Brevard County who will benefit from the property and sales taxes that this property generates, the

businesses of Brevard who benefit from indirect spending of guests, and access to a world class facility, and even other hoteliers that will capitalize on spillover business. He noted they have commissioned an economic impact study to calculate the benefit to the County; the results are summarized on the slide; upon stabilization of the resort and convention center's operations by year five, Johnson Consulting, the author of this study, is estimating the Westin Resort and Convention Center will generate over \$159 million of economic benefit to the County on an annual basis; from a fiscal impact, this project will generate \$13 million of tax revenue, specifically the County and property taxes of \$1.1 million and \$2.1 million will go towards helping offset some of the tax burden on the residents of Brevard County; and in his personal opinion, this is the justification for considering a grant of this size and for this length. He stated Driftwood is a long-standing member of the Brevard Community; they own three hotels in the County today, the aforementioned International Palms Resort, the Hilton Cocoa beach, and the Crowne Plaza Melbourne; they anticipate breaking ground in the next couple months on their fourth hotel, the Melbourne Element; they have been working with County officials on this project for several years now, and are committed to ensuring its success and this grant is a vital piece in doing so; and he thanked the Board again for allowing him to present the Westin Cocoa Beach Resort and Convention Center Development and the details behind the grant application that is being submitted for the Board's consideration.

Rob Varley stated he spent 24 years running the Tourism Office and loved every minute of it; he admires what the Board Members do because it is not an easy job; the Board has a project sitting in front of it that makes his mouth water; it is a great project, the design, and all and he is pretty smart bringing in those high-powered guys; he thinks the County should be as supportive as it can of this project; if that means helping fast-track some permits through or whatever it needs to do to make it work and make it more smooth; and he thinks the County ought to back them when it comes to marketing, but he does not think the County should give them direct money. He continued by saying the reason he thinks this way is because there are 110 hotels in this area, and they are not all high-end properties like these guys, and they are right, this is going to be one of the high-end properties, but they will not be for long because what is happening to this County is amazing; there is going to be a lot of development and the County does not have enough money to place \$1 million onto each product; what the County ought to be doing is talking to a professional staff that the Board hired, and they have the capability of doing it and creating cooperative marketing programs including this new company; and get this going to sell the entire community together.

Jack Smink stated he is disappointed that the Board is even considering this because once that horse is out of the barn, it is going to open up opportunity for other hoteliers and developers to ask for their own programs; the Board is going to hear a vacuum like it would not believe; his biggest question is why a company of this magnitude cannot find the funding to do this project without approaching the County for this kind of funding; he has yet to get a complete answer to that question; people are telling him that the people funding the program will not come along unless the County gives \$30 million; and that is just ludicrous. He commented he thinks what they are doing is great; he is not against the footprint of the project, he is just against the fact that they are coming to the County; not only that, in doing this, there is a gentleman who is getting ready to come and speak, and it has worked good since 1986, and this will destroy that, it will take it out at the knees, and it will no longer exist; and he noted that is his opinion.

Jack Crockett stated he is speaking on behalf of the citizens because he works on behalf of the citizens; in 1986 he spent five months of his life working as a result of the opportunity to do something for Brevard County as the Chair of the committee that decided to get this tax finally passed; it had been turned over twice; what happened was that they found a solution; communication and information had not passed in the proper venue and as a result of the

same, it was decided that they needed to explain that this was the tax that the people do not pay and that is what they did; they pressed hard and got it turned around; and they made one of the most successful Tourist Development Councils (TDC) in the State of Florida. He mentioned revenue-wise, telling the world what this County has, has been a marvelous experience; the reason he is in attendance is to tell the Board he walked the County with a sign that said this is the tax you do not pay; the result of saying he does not want to be shut down by the fact that this Board is going to consider giving away one red cent to any private enterprise; that was never the intent; and he would be very happy if the Board would decide against this.

Bonnie King stated the Board has heard from its constituents, community leaders, the Hotel Motel Association, and from its own advisory board, the Tourist Development Council, all say this is not a good idea; allowing this proposal to go forward, the Board is opening a Pandora's box; she worked 32 years at the Space Coast Office of Tourism as they promoted and marketed the assets of this beautiful County and what an asset this Westin will be; the conference center, a 50,000 to 60,000 square foot, under air, not a convention center and not a major competitor to the millions of square footage that is offered by markets in Orlando, Tampa, and Miami; in 1988 she, along with the first Tourism Director, Ralph McMullen, put together a sales action team which is still in operation today, where they work together with all the hoteliers and attractions to travel together, to market together, and to promote together for the best ways for the Space Coast name and destination to be heard; and the Westin will certainly be welcomed for their input and their participation. She advised the Board not to open a Pandora's Box where the County will then see future developers and requests come forward, it will never end; a rising tide lifts all boats; this County's tide is rising with the continued success of rocket launches, cruises out of the port, the new aquarium, clean beaches, USSSA, and many others; the people welcome Westin to be part of this, not with a dedicated grant handout, but as an added partner; and she advised the Board to not support this proposal.

Cindy Albright stated she has been a resident of Cocoa Beach since 1963; the beach break behind the International Palms is her home; she has no interest here other than to tell the Board what a wonderful opportunity the County has; there are tremendous people in attendance to support this project; there are also tremendous people in attendance that have worked very hard in this community for a very long time; this is a for-profit business and they come to the table with a lot of leverage; she thinks about what the Duda family has done for the infrastructure of the community and what they have given the community back; they are making money and everybody wants to be in Brevard County; but this is a for-profit business, give them a reasonable amount of money but certainly not for 30 years. She mentioned she has never heard of a 30-year marketing plan in her life; as a local her special beach break, she welcomes these people and this property, but she thinks why give a Chanel bag away when one can pay full price.

Sara Malmstrum stated she is the local chapter president of the Florida Restaurant and Lodging Association (FRLA) and a restaurant owner; she is going to read a prepared statement from the Florida Restaurant and Lodging Association; and she read, "FRLA opposes the project being proposed today because it fundamentally misconstrues and misapplies the Statutes on which the proposal is based, obligating tourist development tax revenue in a manner not intended under the law. It applies TDT revenues to the enrichment of one entity having a potentially negative impact to other projects and establishments who should rightfully expect to benefit from TDT revenues. It incorrectly asserts that an establishment owns the TDT revenues it may collect and has the right to use these funds to subsidize its development and operation. This sets a dangerous precedent for other establishments seeking similar ownership or control over their existing or future TDT collections. This proposal incorrectly grants an excessive amount of TDT revenues to benefit a single private project, and makes that grant for an

unprecedented length of time. This is contrary to the stated intent of the law and it is to the detriment of other important and productive businesses in Brevard County. We certainly see value in the project being proposed, but do not believe that the value should come at the expense of every other tourism-based business or endeavor in Brevard County, an establishment one does not own TDT revenues, it collects."

Dawn Kelley stated she has been a resident of Brevard County for 40 years, 18 of which have been in Cocoa Beach; Brevard County is growing leaps and bounds, it is not just a retirement community any longer; it is so wonderful to be a part of that; there are lots of young, thriving families coming to the area; although she works for Driftwood, she is in attendance as a Brevard County resident with a large group of supporters who want their voices heard, but for time purposes she is speaking for all of them; and the people she is speaking for are hard-working hoteliers, hospitality individuals, and residents and they are in attendance and they will benefit the most from this project. She mentioned for all of them to attend this meeting is a true effort, most of them have working schedules, children that they have to arrange child care for, and it takes a lot of effort to be there; it is the extreme vocals that are the ones rallying, that are a few long-term influential business owners and some residents with loud opinions, but she is there to speak for the silent majority and to let the Commissioners know they are in support of this grant, this request, and this project; the new hotel will generate many new jobs with opportunities to increase tangible income for many people with a significant improvement to their living standard; it will generate more tax dollars which will allow people to not have their taxes raised; and the project will still increase money for beach restoration, the Brevard Zoo, and all those other great causes that will not be hurt at all. She continued by saying they are not asking to take away anything that they will not generate; the private sector of the space industry such as SpaceX and Blue Origin need and want this project as well; they are currently utilizing upscale hotels in Orlando for their VIPs and corporate events; this hotel will dramatically change the caliber of clientele on the beach side giving local businesses more support; and the overall economic impact more than justifies approving the grant; and she asked the silent majority to please stand up.

Commissioner Tobia inquired if Ms. Kelley said she works for Driftwood.

Ms. Kelley responded affirmatively, and noted she is very proud to work for the company.

Commissioner Tobia inquired if she is on the clock right now.

Ms. Kelley replied absolutely not.

Commissioner Tobia commented they must be good employers then.

Ms. Kelley replied, they are.

Michelle Martindale stated this past May she retired from 41 years in the hotel business; she started in 1981 in Titusville in a hotel; during that time there were no tourist tax dollars, and they worked really hard to bring it to fruition; since 1989 she has volunteered with the TDC with the marketing committee, beach committee, cultural alliance, and sports; during that time they have been successful in promoting the area as a whole and never provided private dollars for a private industry to promote themselves; they have always promoted the County as an area; they want visitors to come and if they are successful, everybody gets their fair share; and she feels providing \$1 million per year for 30 years for a private entity is beyond the scope of what the County's Tourist tax dollars are for.

James Knudson stated he thinks words are always important and in this instance they have

heard words like rebate, refund, grant, and the like; Ms. Malmstrum was accurate when she said hotels simply collect the tax; they have no entitlement to it, they have no right to it any more than when he bought a soda this morning, the clerk could not put any of that money in her pocket, she simply collected it and that is what hotels do; Westin is a wonderful group and they are going to build a beautiful place whether or not the County gives them the money; and the question is, is the Board going to throw out the baby with the bath water. He continued by saying everyone who has a hotel or any other venture is going to come looking for this money; one person asked him, why could this group benefit the County as a whole with their advertising using money that would otherwise be used by the entity the Board hired to promote every business in the County; that is what is important here; the statutes do not allow for this tax money to be used for a convention center; Florida Statute 125.104 (5), it mentions convention centers, if they are public; and if one looks at the word grant, a grant is always for a public purpose.

Susan Burrows stated she lives almost one-half of a mile from where this facility would be built; what she is hearing today is that everyone agrees that Driftwood is a good organization, one that the County already has a relationship with; being that this affects her directly, she has been going to Cocoa Beach for 47 years, she has lived in Cocoa Beach for 10 years, and she has seen the ups and downs in the community and how the community was impacted after the shuttle program ended; Brevard County is coming back; now there is an opportunity to build a solid foundation for the future with the Port, the space program, and attracting businesses like the Westin; they want to invest in this community, but they need help; and they are putting up \$145 million of their own money, but it is not enough for the project and they cannot get the financing without the County's help, so it is a partnership and an investment in the community. She mentioned this will offer locals better employment opportunities, more activities, more dining and entertainment options, which she looks forward to, all while strengthening the revenue base; it will bring tourists to all businesses who will pay those bed taxes; and she welcomes this much needed improvement in the community and she thanks them for believing in Brevard County.

Giles Malone stated he has served on the TDC from 2006 to 2010, and he is currently serving on the TDC working for the County as a volunteer and trying to give the Board the best advice or counsel with his 35 years of tourism experience that he has had; it is a very exciting time in Brevard County; this is harvest time, it is generating an incredible amount of tax, but he is opposed to giving these folks a 30-year gift marketing program; and he thinks that is definitely the wrong way to go. He went on to say there are 10,734 hotel rooms in Brevard County, over 4,000 vacation rentals, all collecting the tax; all these people who will be speaking today from the hotel standpoint have been putting in the work for three decades generating this incredible time; these people are very successful developers and they will develop a beautiful hotel and make incredible profits, the County does not need to give them \$30 million; and he would suggest like the TDC suggested, to give them a five-year marketing help, supervised by the County's office of Tourism. He noted the County has a great staff and they are very capable of using this money to promote the hotel in a very good way; all of Florida, and a lot of TDC's and County Commissions around the State are watching this Board today to see what it will do; this is a very important time for the TDC's growth and development; and he thinks this Board needs to send the right signal all across the State. He advised the Board not to open the flood gates on this tourist tax; he added it is being managed very well to help all local programs; for those leaving the County Commission soon for greener pastures, they have done many great things, and he would complement the Board for that; and he has always supported the Board for that, but he does not want the Board to let this be its legacy, a 30-year marketing grant.

Chair Zonka stated since Mr. Malone is on the TDC Board and he is also one of the managing



folks of Space Coast Daily, she asked if Space Coast Daily has received any funding from the hoteliers to run the number of stories regarding this issue.

Mr. Malone responded by saying absolutely not.

Chair Zonka commented she just noticed that Space Coast Daily has run several in opposition of this Item.

Mr. Malone replied it is because they have a great passion for what they do and they love this County, and they have received 1,800 comments from people in opposition to this.

Chair Zonka noted she appreciates that, she just wanted people to know that Mr. Malone is also with Space Coast Daily.

#### DAD 1300 N. Atlantic Cocoa, LP Tourist Development Grant

Dan Mantzaris stated he is in attendance on behalf of the Radisson Resort at the Port to express his clients objection to this proposed agreement; he had a long litany of items to talk to the Board about why the agreement before it, even though it is not intended to be a grant agreement, really needs to be looked at a lot more closely and the Board really needs to read between the lines; however, Mr. Wasserman's comment summed it up for him, they cannot build the project without the support from the County using the TDC money; to make it clear their client does not object to the project like a lot of the others, they think it is a great project and a great economic development driver, which is how the agreement is initially written, as an economic development driver, which is entirely an appropriate use of using public funds by a County; and his issue is with use of TDT to fund this \$30 million grant. He noted Mr. Wasserman pointed out, they need the grant to finance their project so that they can build the convention center and the resort destination, hotel, parking facility, and all the retail establishments they want to build on this project; without the grant they cannot make it; that in and of itself means it is inconsistent with the State statute regarding TDT; and the Board knows TDT cannot be used to fund the privately owned convention center or privately owned facilities, and essentially that is what the Board is doing; and they believe it is inconsistent, that the County Commission should deny this request, and go back to the drawing Board to work on a more particular economic development criteria with incentives which it is entitled to do. He pointed out that he disagrees completely with Mr. Wasserman's claim that this is consistent with the development plan for the use of these funds; and he noted this is a diversion of \$1 million that does not go into the tourist development fund, they go directly to this entity; and this is inconsistent with the plan. He added under County Ordinance, the Board needs a unanimous vote of four to approve a change to the plan and his client is asking that the Board deny the project.

Chair Zonka inquired who Mr. Mantzaris' client is.

Mr. Mantzaris replied it is the Radisson Resort.

Chair Zonka inquired if Bob Baugher is his client.

Mr. Mantzaris responded affirmatively.

Chair Zonka inquired if he is being paid to be there.

Mr. Mantzaris replied, absolutely.

Tom Williamson stated he is representing the Cocoa Beach Hotel and Lodging Association; he just has a statement from the organization; and he read, "The Cocoa Beach Hotel and Lodging Association, which includes 15 lodging establishments in Cocoa Beach and Cape Canaveral recently voted unanimously against the proposal being considered today. It is our overwhelming belief, as collectors of the bed tax, that it should not be given to private developers. Further, the constant insertion during previous meetings and reliance upon this subjective term transformational and its definition, as it relates to real estate development, will create unintended consequences and wreak havoc throughout the County, and as mentioned earlier, the State of Florida. As it relates to future hotel and resort development and what qualifies for special consideration for bed tax funds. We hope you, as our duly elected officials, also recognize this and will vote against this proposal for the sake and integrity of the TDC bed tax collection and its intended use." He mentioned he must point out that the Driftwood member of their organization chose to leave the room during that vote and did not participate in the discussion or in the vote.

Robert Klimkowski stated he is there to speak about an article he wrote for Space Coast Daily; he believes it had the most interactions out of all the articles against Driftwood; that was when they were proposing roughly \$80 million for the grant; now coming back, after it went through the TDC, they are asking for \$30 million from the TDC and the TDC uses roughly 47 percent to market; he asked what the Return on Investment (ROI) is on that, as he wants to see the numbers; for every dollar that is given to the TDC, he has heard 50:1 back; and that is wonderful, but he asked if Driftwood could do it better. He went on to say if Driftwood could do it better, then why not give it to them and hire their marketers, because this is a special type of convention center; this is a \$330 million project that at 75 percent capacity, would garner roughly \$1.5 million a year in taxes; in short of participatory budget, he would like to see what they can do; he asked why not have a merit-based return; he explained, the first year they receive 25 percent if they can do it better than the TDC, then the second year they would receive 50 percent, and so on, until they are fully vested after four years and they have a merit-based return by the numbers; and he thinks that is the best way for both sides, the Board is not picking winners or losers, it is going by the numbers.

Mario Schwarz stated he has lived in Cocoa Beach for four years and is in attendance strictly as a resident and citizen of Brevard County; he has nothing to do with Driftwood, the hoteliers, or anything else; he has been watching this for the last few weeks and it came into his mind, first of all as a citizen, as a taxpayer, he inquired why the taxpayers should help support and promote a multi-million dollar business develop their property; he noted it does not make any sense to him; he does not help the Radisson build their property, he does not help the restaurants build their property; and he asked why the citizens are being asked to support and promote a business like this. He continued by saying, as others have said, he thinks this is going to set a precedent; once the Board does this for this company, there is going to be every hotelier and every prospective hotelier and restaurant businesses come to the County and say they are collecting a tourism tax, why not let them keep some of it and they will promote the tourism in the County; that is not what the tourism tax is about; the tourism tax is supposed to be distributed by the TDC, not by the people that are collecting the tax; and that is how he feels about it.

Jack Ratterman stated one time he went to some people and they asked if he would loan them some money, and they gave him a great proposition, but then someone else said why won't the banks loan them some money; and the person said if the bank does not want to loan them the money, then maybe he should not loan them the money; he did not listen and he loaned them the money, and of course it went south; and this is the same thing. He noted if it is such a good deal, then they ought to be able to get the money from the banks with no problem and not

spend Tourist Council money that could go to the veteran's center, the amphitheater, to beach restoration, therefore, he says no.

Scott Knox stated he is representing Driftwood and DAD 1300; he is in attendance to take issue with the lawyer for the Radisson; he could not disagree more with him if he wrote the Statute himself; it is very clear to him that the County can use this money in the way that is being proposed, as a rebate, which is permissible under two sets of Florida laws, under the TDT Statute as well as the economic development Statute; he thinks that was made clear in the agreement; and he thinks they will probably have to work this out somewhere because the Radisson is taking a different position. He commented he completely disagrees with Mr. Mantzaris and he thought the Board should know.

Commissioner Tobia inquired if Mr. Knox was the County Attorney in 2017 and sat on the dais.

Mr. Knox replied it seems to him, he was.

Commissioner Tobia asked if it fair to say that as the County Attorney he probably reviewed or wrote the better part of the Ordinances that came out of his office.

Mr. Knox responded by saying some of them, but not necessarily the one that is being discussed.

Commissioner Tobia noted he thinks Mr. Knox is going to find out he is talking about a different one; in fact he is talking about Ordinance 17-021, entitled, Creating a New Chapter in the Brevard County Code of Ordinance Chapter 3, Code of Ethics; and he asked if Mr. Knox is familiar with that one.

Mr. Knox responded affirmatively.

Commissioner Tobia asked why Mr. Knox did not register as a lobbyist for Driftwood, yet he did for many other entities, such as NASA Investment Properties, LLC, Anthony Lopes, Eugene Lamondo, Matthew Development, LLC, U-Haul, and Florida 452, LLC.

Mr. Knox explained because he was hired to do legal work, which he has done.

Commissioner Tobia mentioned that was what he was hoping Mr. Knox would say that because he would like to quote something Mr. Knox said on February 21, 2017; and he read, "Lawyers do lobby so the Board has to be careful about that. If an attorney is meeting with individual Commissioners, they are usually lobbying."

Commissioner Tobia inquired if Mr. Knox still stands by that.

Mr. Knox responded, usually yes.

Commissioner Tobia responded this is what Mr. Knox said.

Mr. Knox replied, he stands by saying usually yes.

Chair Zonka explained she thinks he is referring to the statement by saying usually yes.

Commissioner Tobia inquired, if Mr. Knox is that one exception, and that he is in fact not lobbying. He noted he is trying to figure this out.

Mr. Knox clarified he is there to speak to the legal issues.

Commissioner Tobia inquired if he has had any conversations with any members of the Board, one-on-one of things either in or outside of the County.

Mr. Knox advised none but Commissioner Tobia on the legal issue.

Commissioner Tobia advised they spoke of other things other than the legality of it and he has text messages accordingly.

Mr. Knox explained his job is to...

Commissioner Tobia interjected that he understands Mr. Knox is a member of the Florida Bar and he is concerned about his license here, that he created a chapter and he is not following it, even though he followed it before; and he asked if that puts his client in a tough spot.

Mr. Knox noted he does not think it does because he did not talk to anybody about this except Commissioner Tobia, and that was like two or three days ago.

Commissioner Tobia advised there was not only talking but emails; and he asked if that is correct.

Mr. Knox responded there was.

Commissioner Tobia inquired if there was text messages as well.

Mr. Knox replied there probably were.

Commissioner Tobia commented he thinks the better judgment from now on since Mr. Knox is certainly aware of it, and since he followed it in the past, would be for him to probably register as a lobbyist.

Mr. Knox responded that is probably a good idea.

Commissioner Tobia commented he hopes this does not place Mr. Knox's clients in a tough spot.

Mr. Knox exclaimed he does not think it will since Commissioner Tobia proposed some language for the Agreement, so he was responding to that in part.

Nick Patel stated he has lived in Brevard County since 1988; he is the owner of a few hotels in Brevard County; they have built from the ground up in Cocoa Beach, Cocoa, and they are developing one more property in the south; they are completely against this; the County never helped them to build their properties; the number they are giving, he does not know if they are correct numbers or not; they are developers too and somebody will develop the property knows how much the property is going to exactly cost; they bought this property for about \$24 million or something; and they are going to build so many numbers of rooms and square footage, they can find out by the going rate how much per square footage is costing; and the numbers provided, \$380 million, he does not think that is correct. He went on to say the property he has in Cocoa, which has a convention center and 14 acres of land, if anyone saw his whole outside area his square footage is more than their proposal; he does not think the Board should give

them any money; the five percent bed tax that is being collected from each and every hotel owner, the County is collecting lots of money, and it can utilize that money somewhere else, like developing the beach area, nice walkways like Daytona Beach and Miami Beach; they have nice walkways and restaurants and everything to bring the tourist; this County never did something like that; and he reiterated he is completely opposed to this thing. He reiterated they are developing one more property and they would ask for that money too.

Akshat Patel stated he just bought a business in Titusville; he has been working for himself for years; what he realizes is if one is making profit off of business, then he or she should carry their own weight, and not ask for a handout from anybody and if not then get out of business; \$380 million investment and there is not a plan for \$30 million worth of marketing, something is not right and it is not going to go too far that way; of course they will because it is a big entity; however, people have to know their marketing before they start the business, especially a business that big. He continued by saying the TDT collected is not just for them, it is for every small business in Brevard County and the County should spend it accordingly; and he opposes the \$30 million grant.

Samir Patel stated he grew up in Brevard County; he is a second generation hotelier; what they are up against right now is one of the largest hotel companies in the country; they have deep pockets, they have funds; they are going to develop this property from start to finish with or without the \$30 million of a 30-year marketing plan; he asked what does that mean; he commented that hotel is going to be redone five times over the course of 30 years and the Marriott is going to mandate it; and if the Board thinks giving them \$1 million every year over the course of 30 years is going to help them out, a ramp up phase generally for a hotel of that nature is probably one to three years; and when it goes beyond that, they are just taking marketing funds from the TDC into their own marketing plan. He noted when they created this property, they are saying they have over 150,000 square foot of flexible meeting space, and he looked at the largest ballroom and he thinks it is 15,000 or 16,000 square feet; that does not create additional tourism for the area, it is a business hotel and it is going to profit themselves, for-profit in their hotels; it is not going to affect any of his family's little hotels; and they are going to take away funds that could be given out to the County, but for themselves. He mentioned he sits on the capital improvements facility; several times when there are grants or funds that come out for \$10,000, \$15,000, or \$20,000, they do so much homework and research for those to be approved or denied and all of it helps put heads in beds throughout the County; for somebody to come up and for the Board to just aimlessly provide them \$30 million for a marketing plan that does not exist, the Board should think twice about that; and he highly opposes it.

Bob Baugher stated he is not getting paid, he is retired, and he does this for fun; this group over here is getting paid and Driftwood pays very well; all the data they gave the Board, they paid for and the Board is relying on it; the rest of the hoteliers have been working for a long time; all these guys build hotels and he builds hotels; it took him 30 years to build what he did and God willing he will build as much as Driftwood in the next three years, over the next 10 years; his complex will be twice that size, twice the rooms, more meeting space, more water features, God willing, if he is around, without any subsidies, unless the Board is going to give money out, because if it is going to give it to them, then give it to him as well, he wants it, fair competition; he asked why does he have to compete with somebody in his neighborhood that the County is going to subsidize and not subsidize him, that is unfair; and he stated if this is such a great idea, there is an election in November, the citizens passed the TDC tax, so let them ask, place it on the ballot and let the citizens vote for it, and take it away from the Board. He commented to take out everyone in the room who is getting paid, take out the politicians, and it will be found that most people will not support it; yes, people are getting paid, this is

America; and he reiterated he does it for fun and for his kids.

Chair Zonka commented Mr. Baugher is a hotel owner and he does not do this for fun.

Mr. Baugher advised yeah, look at his trust this year, he gave it all away.

Chair Zonka responded Mr. Baugher is a hotel owner.

Mr. Baugher noted yes he owns a lot of assets and so do those guys.

Chair Zonka explained she asked the attorney if he worked for Mr. Baugher.

Mr. Baugher advised yes he pays the people who work for him.

Chair Zonka stated Mr. Baugher seems very defensive with the question and all she did was ask him if he was working for him and if he was being paid to be there, and only because someone else was asked if they were being paid to be there, so she thought she would stay with that consistency.

Mr. Baugher pointed out Chair Zonka did not ask those guys if they were getting paid to be there.

Chair Zonka noted there is no need to get defensive about it.

Mr. Baugher responded he knows, but she is making a big deal about getting paid in America.

Chair Zonka explained she really did not make a big deal about it.

Mr. Baugher responded yes she did.

Chair Zonka stated some of the suggested funds were...

Mr. Baugher interjected it is past his two minutes and he is going to sit down.

Chair Zonka advised the audience Mr. Baugher has been pretty vocal regarding his disagreement with how the TDC spends their marketing, and yet he wants the TDC to remain in control of all those marketing dollars; she is not quite sure about that; and that is the question she was going to ask Mr. Baugher.

Dipak Patidar stated he has been in this area for 33 years; his family owns a bunch of hotels they built from the ground up; being citizens of this County and hotel owners, they oppose this for many reasons; he asked who is it really going to benefit, is it really going to benefit the citizens of Brevard County or is it going to benefit just the Westin; and he noted that is the question the Board needs to ask. He went on to say if it benefits Palm Bay through Titusville then go for it, but if it does not, then the Board needs to rethink if it is really going to help the residents; he asked if a theme park would help bring more tourist into the area or something else; and he asked if the Board thinks a convention center will bring this much into the area just because there is a projection. He inquired if that is going to be the final thing; he stated that is what he is thinking, and the County is making a big error in thinking that if it gives the money back to a private organization to spend it on marketing, they already spend a lot of money on marketing through their Marriott product and so forth; and he thinks the County should let them do it on their own like his family has with the convention center that his family owns in Cocoa or

any of their hotels. He stated they spend their marketing money and they do not wait for the government and they do not go to the government and ask for \$1 million or even \$500,000; if the Board is giving them \$1 million, they have a hotel they want to place in downtown Melbourne, they will say they will place a 30,000 square foot convention center there with a hotel with 200 rooms; he asked then what happens if the Board tells them yes and tells his family no; he noted then they have to hire lawyers to find out why; and he opposes this proposition.

Devin Bagnell state she has been a resident of Brevard County her entire life; she has truly enjoyed growing up here on the beautiful Space Coast; right after high school she quickly found her niche in the hospitality industry, primarily working in Cocoa Beach; as someone who currently operates in this field, it should be known and cemented how life-changing a project such as the Westin will be for people like herself; there is an innate excitement and security that clientele traveling here for aerospace industry will bring to the hospitality workers of Brevard County; and what the Westin is projected to bring into this area is something that many of them have dreamt of, to be able to stay local and contribute to the community that they were raised in while making a higher income doing what they do best, taking care of others. She mentioned there is no denying how much the service industry in Brevard yearn and depend on this type of business; a huge portion of this community, many who are waiting tables, washing dishes, or creating next week's schedules and could not make it today, are very eager for the Westin project to materialize; the influx of career hospitality folks from different areas looking to bring their expertise to Brevard collegiate minds ready to start their first real world job, or even people that are already looking to use their skills in a prestigious brand like the Westin; they are all passionate about the breath of fresh air that Driftwood's vision will breathe into Brevard County; and there is an active generation that is ready to work, live, and play in Brevard and the granting of this proposal will only positively ensure that this vision is not only brought to life, but will remain on the cutting edge for years to come.

Virenkumar Patel stated he is a resident of Merritt Island and he says no to this grant because that money is for everyone, not just for one person; that money needs to be utilized for development of the whole County not just one business; they have asked for \$30 million, or \$1 million per year to invest in marketing, but they have not showed revenue generation for 30 years yet; and even if they can provide it, he asked how sure are they that they can make every point and are they sure they are spending \$1 million per year into marketing. He continued by adding that money will only be beneficial to them, not to the entire County.

Sandra Sullivan stated it sounds like this proposal would be better for the Economic Development Commission (EDC) and not the TDC and she would request that the Board listen to the very common sense recommendations of the TDC; what concerns her about this project is the number of changes that have been seen from the beginning; this started last year in April with a proposal of \$80 million and has gone through numerous changes; after trying to circumvent the TDC, one of the Commissioners brought this to a Planning and Zoning meeting, and they stood in front of everyone there and said this proposal is about bringing a convention center that will put Brevard on the map to compete with Orlando and Miami; and she advised Orlando is two-million square feet, Miami is one-million square feet, and this in their exaggerated numbers is 100,000 square feet, but in reality the ballroom is 16,000 square feet. She continued by saying what concerns her is the agreement that is before the Board and the changes made to it are done by Knox; she asked what the former County Attorney doing making all these amendments to an agreement; to look back on some of the other Resolutions that have come before this Board that raises concerns; for example, the towing Resolution that was done by a lobbyist, where the Resolution was presented and without being vetted by staff, it went on the Agenda to be voted for and that was between 100 and 7,000 percent increase;

there have been other deals brought forth by these lobbyists, for example, the Brightline bond and the Board had an opportunity to get a good deal for Brevard County, but it did not; this is not good for Brevard County; and the agreement is very poor.

Janice Scott stated as the former mayor of Cocoa Beach, she thinks this request should be denied; she noted she is not being paid to be in attendance; she would like to know and requested that maybe it be restated in the future, this agreement request has changed almost daily for the last six weeks at least; she thought she heard Mr. Wasserman say that they wanted \$1.5 million not \$1 million per year, and she would like that clarified; she mentioned the skids have been greased for this corporation already in Cocoa Beach; she is sure the property of the International Palms Resort would be redeveloped one day, but they were grandfathered to 40 units per acre, and if it were an undeveloped piece of property, they would only get 28 units per acre; therefore they have advantages from Cocoa Beach already in terms of 28 percent increase in what the current ordinance allows for development of a transient lodging. She went on to say every time Cocoa Beach talks about this project, they say this will reduce the amount of taxes to the residents; contrary to that, every time this happens, the residents pay more taxes; she thinks the Board should deny this; and she agrees with everyone else who preceded her in saying to deny this.

Mike Miller stated he is a Cocoa Beach City Commissioner and he is speaking in support of this proposal; there is an anticipation of questions that he feels he has to reveal he is paid \$6,000 per year for that position representing the best interest of the City; if the EDC were considering to recruit new industry in Cocoa Beach it would not be a desirable location; the city is 95 percent built out and has zero industrial and office sites available; while the city has groceries and pharmacies to support the population, it will never have a Walmart, Target, Home Depot, or Lowe's; and tourism is the primary business of Cocoa Beach and there is little tax revenue from other sources so they have to make the best of what they have. He noted what Cocoa Beach does have is six miles of beautiful beachfront on the Atlantic ocean, plenty of sunshine, and waves for surfing; there is an unobstructed view of the Kennedy Space Center for viewing rocket launches that is unparalleled to anywhere else on this earth; and the Mayor and his fellow Commissioners have been working diligently to transform Cocoa Beach from a daily tourist attraction to a resort vacation destination, one that will attract families with disposable income to stay for multiple days and enjoy the many outdoor activities and support local businesses. He commented when he became involved in local government 10 years ago, the International Palms Hotel was a dilapidated eyesore, hotel occupancies were depressed, and any vision that it would be redeveloped seemed like only a pipe dream; Driftwood Properties recognized the potential far better than they did; Driftwood purchased the property in its entirety and it has been working cooperatively with the City of Cocoa Beach for more than six years on plans for a four-star resort hotel and conference center; and Brevard County can now actively participate in bringing this project to fruition.

Commissioner Tobia thanked Mr. Miller for being there; and he asked how much money the City of Cocoa Beach has offered up to this developer.

Mr. Miller noted the City has put in a sewer line to service out property.

Commissioner Tobia stated he understands, but this is \$30 million that is being asked of this Board.

Mr. Miller responded they have not asked the City of Cocoa Beach for anything.

Commissioner Tobia clarified Driftwood has not asked for any money.



Mr. Miller responded affirmatively.

Eric Garvey stated he is the Chief Operating Officer for Bob Baugher's various companies; and he is in opposition of this \$30 million being given for this private project.

Mary Jane Nail stated she represents taxpayers; maybe she represents people who are on limited fixed income, like retirement incomes; he retirement income is \$400 per month from Social Security, that is it; she lives in the City of Cocoa Beach Florida and has served as vice-mayor of the City of Cocoa Beach, a Commissioner, led a beach renourishment project, and at the time, President Clinton was saying no beaches would be renourished anywhere; President Clinton sent people and they had a great time, and now beaches are being renourished; she is in opposition to this giveaway to Driftwood; and the reason is if they need money, they should go to the people who have the money, and that would be Elon Musk, Jeff Bezos, the Berkshire Hathaway guy, Warren Buffet, Tim Cook, or any of these multi-millionaires who have plenty of money and would like to invest; this is private enterprise looking for private money, not private enterprise looking for government handout; and if anybody needs a handout it is probably the retirees who are living in housing that she could not even turn around and buy. She continued by saying her house is probably worth a few million; she built it for \$80,000; times are tough, but in tough times go to the money people; and by the way, Elon Musk stays in a little huddle in South Texas when he goes there for launches.

Ben Malik stated he is Mayor of Cocoa Beach and is paid \$500 per month; he loves money, he is a commercial banker; he asked where do the taxes come from and he answered this tax is paid for by visitors that come to our County; he does not stay in a Brevard County hotel, so he is not paying into this tax, it is generated by visitors that come to Brevard County; he wanted to get that straight; he mentioned what is in it for everybody, he is going to take the emotion out of it and go right to numbers, that property is taxed at about \$18 million and generates over \$100,000 to the City of Cocoa Beach as is; this is a project that is anywhere between \$300 million to \$380 million; the current construction costs are anywhere from \$350 to \$400 per square foot; and this is the only four-star hotel that is proposed in the entire County; and that property as it currently stands, has had 1,000 calls for service for public safety, and is an eyesore. He continued by saying this type of investment is needed in this County; if anyone wants to take the burden off the residents, this is what a \$300 million infusion would do, it would take the burden off; safety rails could be put on this such as if it does not generate the \$2 million per year in proposed revenues or taxes, cap it at whatever that number is; metrics can be placed in there to make it quantifiable; that is his proposal because at the end of the day this is new money, it is not replacing money that is there, it is on top of the existing tax base; he mentioned everyone has a budget season, and is faced with the same challenge of homestead residents, property owners capped at three percent; and he can assure the Board that the expenses due to inflation is not capped at three percent. He stated there is a huge imbalance and they have to balance their budgets, they cannot print funny money; and he asked that the Board please support this.

#### DAD 1300 N. Atlantic Cocoa, LP Tourist Development Grant

Commissioner Tobia stated he wants to give Mr. Malik the opportunity, as he may know a little better if Cocoa Beach offered any direct financial resources.

Mr. Malik replied they did not.

Commissioner Tobia advised the Board decided to go to the roll back rate so it does not have to advertise, and he asked if the same can be or will be said for the City of Cocoa Beach; and

he advised he is looking at their website.

Mr. Malik affirmed it will not be said that Cocoa Beach went to the roll back rate.

Commissioner Tobia inquired if the City of Cocoa Beach did not go to the roll-back rate.

Mr. Malik responded no and he will explain why.

Commissioner Tobia advised Mr. Malik does not have to tell him why; he commented the City of Cocoa Beach raised taxes or will raise taxes, is not offering any dollars to Driftwood, and he thinks it is good for the Board, who decided not to raise taxes to provide Driftwood with \$30 million; and he inquired if that is correct.

Mr. Malik answered Brevard County added properties to the tax rolls; he commented the City of Cocoa Beach needs projects like this that would offset that; homestead resident capped at three percent does not make the math work; and that is where the City is at.

Commissioner Tobia mentioned he appreciates Mr. Malik's insight and honesty.

Chair Zonka asked if the Cocoa beach Commission had say over the TDC and how those tax dollars would be spent, does he believe that his Board would probably support this project.

Mr. Malik advised they were all supportive of this project.

Commissioner Zonka asked if everyone is ready for the John Tobia show.

Commissioner Tobia stated he spent a little time on this because it is quite a bit of money; he is excited about this project and that is hard for him to say because he is a Hilton's honor member, not part of the Marriott Starwood family, but that does not jade his opinion; for the people at Driftwood, he really appreciates their effort, they certainly employed a lot of lobbyist right there; and he does not blame them for asking for the \$30 million. He noted he received a call from someone on the Driftwood team and they asked for him to find a way to make this contract work; whenever he votes no, he tries to provide some sort of alternative because he thinks it is really unfair to just off-handedly say no; he found two solutions that would fit this contract; neither of these two solutions would have required one penny less than the \$30 million that is offered, so these solutions contemplated the full \$30 million; the first one is the term shall be one year from the effective date with up to an optional 29 renewals of this agreement; as everyone heard at the beginning, the County does things on an annual basis, it is probably safe, so he asked for this to be done, and it was rejected; and he advised this is the way all grants are done by the TDO office. He continued by saying he looked up a Federal life sentence and it is 25 years; this marketing plan is longer than a federal life sentence; to put this in perspective, this will sit through seven generations of new Commissioners and countless unpredictable economic factors; to put it in a different perspective, he almost wore grunge to the meeting because grunge was cool 30 years ago; what was also cool 30 years ago was beanie babies; beanie babies came out this month 30 years ago; he also wants to tell people who had not been through an interview 30 years ago, Monica Lewinsky was never heard of 30 years ago, yet this Board is contemplating providing a grant for something for 30 years; and to put it a little more Parental Guidance (PG), gas was \$1.11 in Florida 30 years ago. He went on to say clearly, economic times change, so he thought it would be a little more safe to ask to do this on an annual basis and that option was outright rejected; the second one he offered, and he thought it was pretty fair and he is a little confused, because what Mr. Wasserman said was if they were to sell this, the finances stop; he defined ownership and sent that over, ownership

refers to DAD 1300 North and all the legal terms saying they have to be a full and complete owner of this, but that was not the case; in the contract it says they have to maintain like 10 percent, or maybe even less, and he will talk about that later; he advised he owns one share of Tesla, but that does not make him Elon Musk; it is absolutely ridiculous that ownership of a property is determined by 10 percent; and he imagines if he asked these guys up here, the Board would find out they own quite a bit more than 10 percent. He added he does not want anyone to think that he did not give this any thought; he did and he spent a lot of time with this and those were both thrown out; before he gets into the three questions he has, which are very basic, and in all honesty, he shared this with Driftwood; he read the questions: is this fair, is this good for Brevard County, and do they need the money; in all seriousness, he has some suggested language for this, as he thinks there are some problems with the contract; the sixth whereas clause, section 2.12 and section 4.1 all refer to a four and one-half star hotel, section 2.1 states a successor hotel must receive a four and one-half star rating as defined by Forbes travel guide; this language was not proposed by any of the Board it was proposed by the Driftwood folks; and he has some suggested language just to make this a little more clear, and it is changing 2.17, and he is sure this is friendly because it is just compiling it into one place, Westin Cocoa Beach Resort and Spa shall mean a Westin Hotel with a minimum of four and one-half stars as rated by the Forbes travel guide, or its successor; they have stated they would put it in two different places, he just wants to place it there because the whereas clause does not really have a legal effect, so that will be an ask; and he reiterated the only change is with a minimum of four and one-half stars as rated by Forbes travel guide or its successor, and that is not his language that is the language they put in the contract. He continued on by saying he does not know who from the Driftwood people wants to answer his three questions; going to slide three, he explained this is a letter that was received recently, less than two weeks, and he thinks Mr. Rodriguez may want to respond to this because he thinks his name is on the letter; the letter says, "our competition will not be the existing hotels along the Space Coast; and he wants to make sure this is correct and not doctored or anything.

Mr. Wasserman advised it absolutely was not doctored.

Commissioner Tobia asked if that is still true because the letter was two weeks ago.

Mr. Wasserman stated they believe they will be offering a product and meeting space and convention space and conference...

Commissioner Tobia interjected he is just asking about the words, our competition will not be existing hotels along the Space Coast, and if that is still accurate.

Mr. Wasserman responded yes.

Commissioner Tobia asked to go to slide four; he asked if Mr. Wasserman commissioned a study by Charles Johnson Conference Center marketing and economic impact study.

Mr. Wasserman responded affirmatively.

Commissioner Tobia noted that is wonderful because he used it and actually read it; he noted he would like to go to page 27 of that and in the first paragraph it says, "The Westin Cocoa Beach will be the largest event facility in the market so it is reasonable to assume that it will absorb many events that are currently occurring in other Space Coast facilities", in fact it is so clear that it lists those facilities; and he mentioned Driftwood will cannibalize, and he wants to make sure this is correct, he inquired again if Driftwood paid for this study.

Mr. Wasserman commented he thinks he answered that, but yes they did pay for it and commissioned it.

Commissioner Tobia asked if Mr. Wasserman could explain the difference of what he has told the Board or what he told the TDC, and what is in the study that his team commissioned.

Mr. Wasserman responded he cannot, however, Charles Johnson is in attendance and if Commissioner Tobia is okay with it he would invite him up to clarify his statement, and he will clarify his own statement.

Commissioner Tobia advised that is up to the Chair.

Chair Zonka stated she would like that, it is probably a good idea that Commissioner Tobia ask the guy that did the study.

Commissioner Tobia replied absolutely, he did not know he was in attendance.

Mr. Wasserman asked if Commissioner Tobia would like him to clarify his statement first.

Commissioner Tobia responded no, he thinks Mr. Wasserman's statement was pretty clear; and he thinks this was clear, but he would love to hear more.

Charlie Johnson stated he is the President of Johnson Consulting; he thinks the answer to the question is, the objective of the project is to diversify the demand; at this junction now, Brevard County does not really have a presence in the group meeting sector that is at a higher scale and what is going to happen when the market opens, some events will shift and others will come in.

Commissioner Tobia advised he appreciates the explanation; and his question is does he stand by what he stated, that it is reasonable to assume that it will absorb many events that are currently occurring in other Space Coast facilities.

Mr. Johnson replied he stands by that.

Chair Zonka asked if Commissioner Tobia has any other questions for Mr. Johnson.

Commissioner Tobia advised he does have any other questions for Mr. Johnson and thanked him for his honesty. He continued on to slide five, he read a statement, and asked if the statement was directly from Mr. Wasserman's website and not doctored.

Mr. Wasserman replied he believes so.

Commissioner Tobia advised he looked up a little bit of the EB5; he commented he is sure Mr. Wasserman knows, but EB5 investors are able to receive a Visa and potential citizenship based on investing a certain amount; from the US Immigration and Customs Service Homeland Security Investigation states that numerous individuals affiliated with and providing resources to terrorists organizations have entered the Country through this program; one individual returned electronic components for use in improvised explosion devices; another provided ball bearings to terrorist organizations which were later matched to those used in IEDs; and he reiterated this is Federal language, not his, EB5 Visa holders have been arrested for planning terrorist attacks in the nation's capital targeting foreign and US leaders. He asked if it concerns Mr. Wasserman that his business model may lead to terrorist activity in Brevard County.

Commissioner Smith asked if that is a joke.

Commissioner Tobia stated he does not think Homeland Security is a joke; and he is just curious to find out if folks that want \$30 million are concerned about this.

Mr. Wasserman commented he is not sure why the linkage to the \$30 million applies to this.

Commissioner Tobia noted he had EB5 on there.

Mr. Wasserman commented he appreciates that but give him a moment to answer; he is concerned about terrorism for any amount of money, let alone \$30 million; people rely on the Federal government for security and they utilize programs that the Federal government sponsors; there are elected officials in Washington that come up with and modify, whether it is the EB5 program or other types of programs, to raise money and/or to facilitate individuals getting Visas; and he commented he is offended that Commissioner Tobia is trying to link terrorism to the grant that Driftwood is asking for.

Commissioner Tobia mentioned he is linking it to Driftwood's website.

Mr. Wasserman replied, yes.

Commissioner Tobia explained someone put that on Driftwood's website, and he has no control of that website.

Mr. Wasserman noted to be clear what was placed on the website is Driftwood utilizes EB5 programs, not what the Federal government provides in terms of terrorism.

Commissioner Tobia advised he was just citing information. He stated he would like to move on to the next slide; he is sorry to offend Mr. Wasserman and he thinks Mr. Wasserman has offended many people asking for \$30 million in taxes, so he will just call it a wash; he asked does Driftwood Capital need this contract, and he asked for slide seven to be displayed on the screen; and he asked Mr. Wasserman to verify that this is Driftwood's letter. He read a statement, noted it is underlined, and asked if that is fair statement.

Mr. Wasserman responded affirmatively.

Commissioner Tobia stated he is now going to section 20.7, and noted that he is not an attorney so he asked if he could get one, not a lobbyist but an attorney; he stated in the contract it says the grantee further represented that the grants being paid to this grantee by the grantor under this agreement are not necessary to make the project economically feasible; and he asked if that says the exact opposite.

Mr. Wasserman replied, not to him.

Commissioner Tobia asked for an explanation.

Mr. Wasserman advised Driftwood does not need the grant in order to run the hotel; the grant is an indication by the County that it has the support of the County; it is incredibly important for Driftwood to secure the financing that is required to develop that hotel, the grant is not required to develop the hotel; he reminded the Board that Driftwood is not going to get any of those dollars until it generates TDT, so up from now until the day they get their CFO or TCO they will

not get a dime of money from the County, whereas they are still going to be paying property taxes and other economic benefits that are actually in the appendix.

Commissioner Tobia interjected he will get there in a minute, that is how he is going to end.

Mr. Wasserman replied, ok.

Commissioner Tobia stated economic feasible means Driftwood does not need this, it only needs it for the marketing, it does not need it for the construction.

Mr. Wasserman commented Commissioner Tobia may have misunderstood, what he said is they need this for is to secure the financing that is required for the property, they do not need it to operate the property.

Commissioner Tobia stated without this, it would not happen; and he asked if that is correct.

Mr. Wasserman noted that it is going to make securing the financing incredibly difficult.

Commissioner Tobia asked to go to slide nine; he advised this goes to does Driftwood Capital need this contract; this is a quote he received from Florida TODAY, so he does not know if this is accurate, "tourism has come roaring back in the Space Coast and it is only poised to get better as corporate and group travel makes a full return, high gas prices haven't put a noticeable dent in bookings yet. There is plenty of pent up demand for both business and leisure guests"; it sounds like things are getting good in Brevard County; and his question to President Carlos Rodriguez, if he is telling the owner of it, things are looking great, yet Driftwood still needs the money, correct.

Mr. Wasserman answered that is absolutely correct.

Commissioner Tobia asked to go to slide 10.

Chair Zonka stated to keep moving.

Commissioner Tobia advised he is almost done he only has a couple more slides.

Chair Zonka noted it has been almost 15 minutes already.

Commissioner Tobia commented, \$2 million a minute, if he was only worth it. He stated this is what Driftwood put on it's website; and he asked if the 27.5 internal rate of return anticipate the \$30 million, or is that without the \$30 million.

Mr. Wasserman stated he would like to clarify what that statement specifically relates to.

Commissioner Tobia responded, okay.

Mr. Wasserman continued on to say the company purchased the International Palms Resort in early August 2016; in order to fund the development that was funded through a vehicle that is no longer making new investments; they have created a new vehicle, just like they have acquisitions, they make loans on properties, and they develop properties and hotels; in order to fund development of the new hotel, the Westin, the old fund basically sold the property to the new fund, and that return is indicative of what the old investors received from their work, their effort, and all of the money that they expended in order to get the project up to where it was

before one of their other vehicles purchased that land.

Commissioner Tobia asked if those investors have already received a return of 27.5 percent.

Mr. Wasserman responded affirmatively.

Commissioner Tobia stated so quite a bit of profit has been made, 27.5 percent is pretty good return.

Mr. Wasserman replied, it's a great return.

Commissioner Tobia asked if Driftwood makes the most off of acquisition, lending, or development.

Mr. Wasserman responded it is hard to say which one.

Commissioner Tobia interjected it is on Driftwood's website, and asked which one would he advertise is the highest.

Mr. Wasserman stated from a risk adjuster, everything is risk adjusted.

Commissioner Tobia stated he understands but asked again which one do they advertise as the highest is his question.

Mr. Wasserman responded with, the one that has most risk.

Commissioner Tobia asked which one.

Mr. Wasserman replied the development fund.

Commissioner Tobia went on to say, Driftwood made 27.5 percent on a lower risk, so Mr. Wasserman expects to make even more than that on a development one; and he asked if that is correct.

Mr. Wasserman responded in the negative; he stated when this was purchased, it was purchased as a development asset; and it was always intended to be an asset that was going to be redeveloped.

Commissioner Tobia inquired when this is advertised, what that number will be.

Mr. Wasserman explained it depends on what the costs are at the time.

Commissioner Tobia asked for a ballpark figure; he explained Mr. Wasserman is asking for \$30 million; and Driftwood is going to advertise to sell 90 percent of this.

Mr. Wasserman stated yes, they are going to raise 90 percent of the equity.

Commissioner Tobia responded absolutely he is sorry.

Mr. Wasserman clarified they are not going to sell 90 percent of it.

Commissioner Tobia stated he is a poor political scientist; and he asked what rate of return

they will be advertising for that.

Mr. Wasserman replied for most of their development assets, they advertise between 15 and 20 percent.

Commissioner Tobia noted it says 20 on the Website; and he asked if this \$30 million will increase that 15 to 20 percent or have no impact on that 15 to 20 percent.

Mr. Wasserman advised it will have an impact on that.

Commissioner Tobia asked if it will cause it to go up or down.

Mr. Wasserman advised by receiving money it will cause the impact to go up.

Commissioner Tobia noted he did not know that and the reason he did not know that is because it could go into Mr. Wasserman's pockets instead of the investor's pockets; and he is concerned about that.

Mr. Wasserman stated he wants to allay Commissioner Tobia's concerns, the money is not going into his pockets, it is reimbursing marketing dollars that will be spent that they are providing proof to the County Manager's Office.

Commissioner Tobia noted they can play this game over and over; otherwise, the County is just picking up the tab; he asked to go to the next; his understanding of this business model is pretty nice; Driftwood purchased this for \$23 million, invest the \$14 million, which is no effort there, maybe they paid the architect a lot, he has no idea; and it is a total investment of \$37 million.

Mr. Wasserman agreed.

Commissioner Tobia continued by saying according to Driftwood's numbers they are going to raise \$346 million, so the total cost is \$383 million; Driftwood is going to potentially get \$30 million from this Board, so their initial investment of \$37 million is allayed by 30, cutting Driftwood's cost down to \$7 million; and what he gets as a profit on \$7 million for 10 percent ownership of the \$383 million dollar project, and those are Driftwood's numbers not his, is a 447 percent profit, and that is not the investors profit, that is Driftwood's profits. He asked Mr. Wasserman if that is accurate.

Mr. Wasserman responded it is not even close.

Commissioner Tobia asked if it is higher.

Mr. Wasserman responded in the negative.

Commissioner Tobia noted those were their numbers.

Mr. Wasserman advised he does not think some of those were their numbers.

Commissioner Tobia advised Mr. Wasserman is right, some of them were from the Brevard County tax Collector.

Mr. Wasserman stated no, he thinks some of the other numbers, particularly the ones in the



red are certainly not from Driftwood.

Commissioner Tobia inquired if he said he was going to be 10 percent ownership.

Mr. Wasserman responded ultimately, yes.

Commissioner Tobia stated he did 10 percent ownership of \$38 million, and he did the math without Mr. Wasserman.

Mr. Wasserman explained he thinks Commissioner Tobia is applying \$30 million of a grant that potentially Driftwood will receive over 30 years.

Commissioner Tobia stated this was with the intention that Driftwood gets the \$30 million, and he does not know if he will because he hasn't spoken with any else.

Mr. Wasserman interjected Driftwood also is not getting that money today, it is getting it over 30 years, as they spend it; and he thinks what Commissioner Tobia is doing is saying 10 percent of \$383 million is \$38 million less \$30 million and he is getting approximately \$7 or \$8 million, which is what he did in the red box.

Commissioner Tobia stated somewhere in that neighborhood; that is fair; only making \$1 million per year is not that good of a rate of return on \$7 million...

Mr. Wasserman interjected he thinks Commissioner Tobia is missing the \$7 million.

Commissioner Tobia asked to go to slide 12; and he noted this is the contract that Mr. Wasserman sent the County, appendix C.

Mr. Wasserman stated it is Exhibit C, which is the organizational structure.

Commissioner Tobia pointed out this is the one that says 90 percent, that Driftwood is going to sell off 90 percent; and he asked if that is correct.

Mr. Wasserman explained again, they are going to raise equity that invests alongside of Driftwood for which Driftwood maintains complete control over the development.

Commissioner Tobia stated this whole idea is about the County providing them with a grant for marketing; and he asked if that is correct.

Mr. Wasserman commented it is a grant being reimbursed from the marketing fund that they are required to spend marketing dollars for.

Commissioner Tobia asked for clarification that Mr. Wasserman is going to be in charge of the way this is spent.

Mr. Wasserman responded in the affirmative. He noted that also gets approved after it is spent, by the County Manager.

Commissioner Tobia inquired if he would be in charge of that.

Mr. Wasserman advised they would be in charge of deploying the funds and they would also sit down with the County Manager and review a budget on an annual basis, such as an overview

of how they are spending the dollars.

Commissioner Tobia advised he is stretching this out for dramatic effect.

Mr. Wasserman stated he appreciates that.

Commissioner Tobia commented he does too. He went on to say the Board would be giving them \$30 million for marketing.

Mr. Wasserman stated it would be reimbursing \$1 million per year for over \$30 years for marketing dollars spent.

Commissioner Tobia asked what the company is called.

Mr. Wasserman replied, Driftwood.

Commissioner Tobia exclaimed, they cannot even spell their name; look at the top, they have misspelled their own name; they expect this Board to provide \$30 million and put in a contract where they cannot spell their own name; he asked how Mr. Wasserman can justify using \$30 million worth of taxes when they cannot spell their own name; he asked if Mr. Wasserman thinks it is responsible, forgetting about terrorist or the County providing a benefit to one business and not another, but how does he justify marketing; and he noted they have fancy lobbyists, a fancy attorney, but they cannot spell their own name and want \$30 million. He asked if Mr. Wasserman wants to answer that.

Chair Zonka advised she thinks people got the point.

Commissioner Smith stated he is glad Commissioner Tobia never made a mistake.

Commissioner Tobia commented, not on \$30 million; if he was asking for \$30 million he would say please and spell his name correctly; and he thanked Mr. Wasserman and advised he knows he did not prepare this, but did review it one way or another. He went on to say he thinks it is pretty clear where he is on this; it requires three votes and he thinks he is going to go down on this, but that makes each one of the other Board Members a king-maker; in other words if they were to say I think \$30 million is inappropriate, and do \$25 million, they have to accept it because it is \$25 million or zero; and he wants the Board members to know they have that power. He added it still is not going to get his vote, but it does have that power. He went on to say, Mr. Baugher mentioned this, and before that Commissioner Smith was a strong proponent of letting the people vote, and he is going to go with that suggestion as a referendum; he is not arguing that because he was counting the people that spoke and it was 18:6 and he understands two of the 18 were paid; it looked like two or potentially three of the people that were against it were paid; he does not know the outcome but he asked why not give them the authority; this is a generational; and he asked why not put this out for referendum, it is something he would vote for as a happy medium; and he asked that the Board, at least at a minimum to add in that four and one-half star language.

Commissioner Pritchett stated it is hard to follow Commissioner Tobia; she thought he did pretty well until the end; she was impressed with him maintaining; everybody has a difference of opinion and it is alright; it went a few places sometimes where people's character was being attacked and she does not think that is necessary, as everyone sees things a little differently; by the time this is over, everyone is going to have to live together in the community with what they are trying to accomplish and what she is hoping is the best thing for the community

moving forward; and she advised she is going to support this. She continued by saying first of all the project that brought to the Board about a year or so ago, she was not going to vote for it; it added too much potential for the County to have problems with the convention center going south, there was the COVID-19 stuff, and she was not going to put this County in a position where it would cost taxpayer money to try to work through any kind of crisis moving forward; she was not going to have the County build a convention center and have to maintain the responsibility of keeping it going through the future so that was out completely; she thinks a Westin is a game-changer for the community; no offense to Cocoa Beach, but it needs some love, the streets need help, but it is a beautiful beach; and people say Brevard County used to be a retirement town, but when she moved here it was not a retirement town, it was a kicking place and the place for young families to move; and she would love to see it to revamp some of these financial abilities moving forward. She went on to say the ability to raise revenues, tourism is so important for this County, and if there is good tourism coming into the area, it alleviates the pressure off the ad valorem to have to raise taxes; and she asked if she could get a specific number of what the value of this building is going to be as far as a tax base after this is completed. And she asked if it is going to be at least \$350 million.

#### DAD 1300 N. Atlantic Cocoa, LP Tourist Development Grant

Mr. Wasserman responded in the affirmative.

Commissioner Pritchett stated that is a substantial increase in the amount of taxes they will be paying to government entities which helps lower the ad valorem for the community; she is always looking at things in that kind of perspective; she grew up poor, and if there is a way to raise revenues and lower cost, they are always doing better as a community; she is always looking for investments that can come in that will help the community and bring more money and more funding; the same thing happened a while ago with Commissioner Smith when they brought in the Blue Origin project; it was different than what had ever been done before and they brought an investment; and she thinks the people thought that was just going to be a \$500 million investment and it has blown up to billions of dollars now. She went on to say it has brought in a lot more ability for companies to move in and really help the economy because she lived a horrible time with the recession that went on and everybody moved out; she is always looking for ways to keep investments coming into the community; she never loses her hunger on that because she does not want to live through it again because her grandchildren moved out of the state and she had to wait a long time for them to move back; the investments are important to her and the tourism dollars are very important; and that is what she loves about the tourism ability the County has in creating new sections of tourism coming in. She noted Mr. Malik made such a good point, Cocoa Beach does not have the ability to do anything else except tourism in that area; her hesitation is she really wants more stuff up in District 1, it does not have enough; it is frustrating to her because everyone wants to go to Cocoa Beach so this would have been my hesitation to try to put more pressure on a little more into North Brevard because that still needs to be done; she thinks the tax dollars still all go to Cocoa Beach and she thinks that might be something that needs to change in the future and better even distribution of those tax dollars and how they are being spent; and she does not think Viera gets anywhere near enough and they have USSSA. She added Palm Bay is at the bottom of the barrel down there, so she thinks those are things to look at in the future, but this is a great project. She stated it is almost \$400 million being invested into the community which means it alleviates taxes off of senior citizens there because they will not have to do as much because of new construction; these other items come along and help boost the economy in the County; she is doing her best not to have an emotional opinion with it because when one gets emotion and money mistakes happen; she advised to just try to look at ROI with this, what is best for the community, and the best for the citizens; not one Commissioner is going to make a penny off of this, nor losing a penny off of this; she knows this is what the TDC board is comprised of;

Florida Statute says they have to have a dog in the fight, but the most wonderful thing, because it comes to this Board for final approval, is it will be making the final decisions purely based on what is good for the community and Cocoa Beach; she will be supporting this; and she advised she wants to make a motion to approve when the Board is ready, subject to the County Attorney finding that the reimbursements are eligible and legal expenses, \$1 million per year for 30 years. She mentioned the 30-year period of time with this is an annuity, so they are really only giving them \$15.7 million in present value money if that helps people, but this is a \$400 million project with an incentive for this community that she thinks in the long term is going to have a great impact on the community and people's quality of life.

Commissioner Smith thanked everyone for being in attendance; he respects each and every one of them; on this particular issue, he gets where people are coming from, but he has a different perspective; a lot of the people he has spoken with outside of Commission Chambers thinks that somehow their taxes are being affected, but they are not; it has been said before, but unless a private citizen has spent one night in a hotel or motel in Brevard County, none of his or her money is going to this project; this is tourism money, so it is not the people's taxes, it is tourism taxes; when he first heard about this project, he reflected back to when he was a freshman at the University of Miami and the Fountain Blue had just been built, five or six years before, and he had not realized until he got there, that there were a lot of ragtag hotels on the beach that were built in the 20's, 30's and 40's, and the Fountain Blue was a game changer; and that turned the community and the economic situation in Miami Beach around. He continued by saying he foresees this project doing the same thing for Cocoa Beach and he thinks in 20 years people will see a whole different look to Cocoa Beach; he thinks that is going to benefit all of the business people; he heard a lot of the same arguments back in 2014/2015 when the Commission was looking at Blue Origin; Blue Origin wanted to bring their business here, but the site that they chose needed about \$8 million worth of site work, so they said they would bring Blue Origin to Brevard County, and promised 300 jobs at an average salary of \$89,000 per year, which is somewhere around \$30 million; as a business man he is looking at ROI and thought if it cost the County \$8 million to get a \$30 million ROI, that is pretty darn good return; but they heard all these same arguments back then, corporate welfare, picking winners and losers, they would come anyway, the Board does not have to give them anything. He mentioned that argument went out the door when about four years later, they were looking for property for their engine assembly plant; he met with Scott Henderson who is the Vice President (VP) of Operations at Blue Origin and he was informed Blue Origin was going to look for an engine assembly location; he told him there was five or 10 acres adjacent to where they were building the rockets, and if they were going to come anyway, that would make sense; he thought they were going to put that right there and the County would get the engine assembly building; and the VP of Blue Origin said Brevard County does not have a prayer because Greenville, North Carolina was offering them \$17 million to bring that engine assembly plant to that area. He went on to say the next time they met he asked if that deal went through and was told no, that it fell through; he then thought Brevard County may have a chance and was told no again, and that Huntsville, Alabama offered \$35 million; so it is pay for play; it is kind of like the Superbowl, it does not just wind up in Miami because they want to go there, it winds up in Miami because Miami gives them a lot of economic incentives to go there, or Los Angeles, or Minneapolis, or wherever else they want to hold the Superbowl; the Superbowl people just sit back and say, "show us the money" and all these cities step up and say if it comes to this town is will get this; and this is Superbowl, the County Commission wanted Blue Origin, and it has been \$216 million in salaries that have come from Blue Origin in the last seven or eight years. He stated he would spend that \$7 or \$8 million every day, but at the time, the Board was the bad guys; he is going to be a bad guy again because this is going to be a game changer; sometimes people have to exit their comfort zone to encourage growth in the business community, to benefit the County in general, and in this particular case, he thinks it is going to

benefit Cocoa Beach specifically; he gets it, when emotions get in the way of facts, emotions win, and that is what he hears on the street and on talk radio; people are angry because the Board is using their tax money to benefit this one business, which everyone already knows is not true; he thinks one of the things that is missing is people are comparing apples to oranges; and they are talking about hotels and motels that are on Cocoa Beach and that cannot be compared to a four-star or four and one-half star hotel, it is a whole different program. He mentioned someone said Elon Musk goes someplace, but he does not know where that is, but he can say, being in this job, he has rubbed shoulders with a lot people up the scale and they do not come here when they want to stay, they come for a launch and leave to go back to Orlando or someplace else where they can get a four or five-star resort hotel to stay at because that is the type of place that those kind of people, with that kind of money, want to stay; that is why this is a game changer and why people want to come here and fill up this hotel, hopefully, and the hotel owners in the audience are going to make a lot more money because they are not going to have competition from the International Palms any longer, there is not going to be a \$100 room any longer; they do not have to compete with them because the scale is much higher now, so they can start charging more; they can start charging \$200 or \$300 per night and get it; hopefully, the people that the extra \$3 million will generate with advertising impact, that is going to benefit everybody else; right now he thinks the International Palms only generates about \$230,000 per year in TDT; if these guys start producing \$2 or \$3 million per year, that is a net gain, even if they get \$1 million afterwards; and they are not getting that until they hit that \$2 million mark, so there is a net gain there about \$1.7 million per year in TDT money. He added TDT money is not going away it is going up, so he is obviously voting for it.

Chair Zonka stated watching the TDC meetings over the past several meetings has been an interesting dynamic; she got to watch Ms. Young, who is a board member, not be allowed to ask the TDC Director a question because as Chair he wanted to keep staff out of this and although she is allowed to ask staff questions, Peter would prefer cover, she thinks were the words; the TDC for many years, and her current member that sits on the TDC has said he/she is controlled by a few folks that kind of manage those dollars; that was a constant criticism, not just as the board would get, they would also get by the newspaper, by other members observing what was going on there; therefore this Board changed up the board somewhat by not reappointing certain members, mixed it up a little bit; and as Commissioner Pritchett said, the Board could try to get a little more representation in the other areas. She mentioned yes, Cocoa Beach is the center of it all, it is always the biggest tax collector; but they still have to promote other areas of the County or how are those other areas going to benefit; and she advised the County needs to promote rocket launches, she does not want this area to be another Daytona Beach, she wants it to be a place that welcomes families to the area; as much as people like girls in bikinis, selling sex, and spending the marketing dollars that way, she would prefer that there was some other decision makers in this mix because she quoted straight from the May 25, meeting by a TDC board member, "you've all heard for years now, sitting on various committees, and in the last two years sitting on this board, that I don't agree with how we market our area, we do it politically" and this is the TDC Chair, "we split it up and I do not actually agree with the representation for Westwood, excuse me, Driftwood, that would be great if we could all keep a portion of the bed tax and market our own properties. I'd be in favor of it, of doing it myself, because for political reasons, we split up the bed tax and how we market it"; again this is TDC board members who do not believe in their own marketing plan and believe that the TDC Director, who is professional, and she believes everyone would attest to that, there is an advertising and marketing committee that has said the Board is doing a good job with those marketing dollars, but this Board is still criticized; how does the Board vote against an entity having some control over just the marketing dollars; and that is after that pot of money, and she thinks it has been said multiple times, would strictly come out of marketing, it would not come out of the zoo, would not come out of programming. She mentioned all these

other private entities are entitled to grants; the Board granted \$100,000 to an air show that did not even justify where and how they would spend the money because it is an airshow and they generate all kinds of tourism; yes that is true, but what was not asked is what they were going to do with that \$100,000; the Board said yes, and it was because it was pushed by the sitting Commissioner at the time that was on that board; and she thanked Ms. Young for having the courage to speak up against that and ask what was being done and how that money was being spent; she thinks it was maybe five or seven slides of them saying they donate to charity too, which their 990 said otherwise; and the Board has given money to that promoter of the air show twice; it's \$100,000 not \$30 million but to say that they are perfect stewards of the TDC monies is just not fact; and by design that board is set up as a big conflict. She commented a board full of hoteliers who directly benefit and each one has its own direct benefit; she heard how Driftwood is criticized, it has the deepest pockets, the richest guys and she explained they are a group of investors, so to criticize them for coming up with a smart business model; she thinks it has been said that they have a smart business model; she would beg to say that a lot of people in opposition of this project, or in opposition of this proposal, probably make more money than any of those singular investors that are part of Driftwood; she is willing to take a good look at this because if the main players of the TDC do not believe that the board itself is doing a good job with the marketing, why not let this entity, and she would beg to say that Westin Resorts and their numerous hotels are probably pretty much experts on marketing themselves because they all want to make money as well; and she is okay with this because they are going to remit the tax back to the TDC. She added they need to show proof of advertising; they are going to advertise the Space Coast; the Board has a legal opinion from the sitting interim County Attorney, a legal opinion from the prior County Attorney, therefore she has faith what the Board is doing is legal; she has one last point; and she commented people talk about private entities benefiting and every time a grant is given to any entity for any project, any race, any air show, any tournament, all of those are more often than not, for profit or not-for-profit, which is a trickier way of saying for profit. She continued by saying that she does not like the misrepresentation; she does not like the campaign that was strictly just against this; she thinks it is kind of strange that Commissioner Tobia, with all due respect, suggested that the Board place this on the ballot when he is not going to support Environmentally Endangered Lands (EELs) going on the ballot for environmentally endangered lands, in all likelihood and that he would suggest that this go on the ballot; Commissioner Tobia also does not want the school board tax item on the ballot as well, so it surprises her that he would suggest to go to the ballot for this.

Commissioner Tobia stated he is done arguing this; he appreciates it and knows where everyone is, he may not agree, but he respects everyone's opinion on the Board and those who spoke; he just wants to go back to the whereas clause that he asked before; the sixth whereas clause says, "Grantee is proposing to construct a Westin flag hotel in the Brevard County market consisting of a new Westin Cocoa Beach Resort and Spa of approximately 800,000 feet of mixed-use destination resort, anchored by 4.5 star, 502 key hotel;" he just wants that in section 2.17; and he asked at a minimum, that Westin Cocoa Beach, all they have to do is add the minimum of 4.5 stars as rated by the Forbes Travel Guide or its successor; they are already guaranteeing it in its successor; and he would just ask that the current hotel has what they are guaranteeing in the successor. He mentioned the addition on 2.17 would simply be with a minimum of 4.5 stars as rated by Forbes Travel Guide or its successor, what they already have in 2.17; and he asked if he could place it on the overhead.

Chair Zonka allowed it and commented she does not think anyone else has had the benefit of seeing it. She asked if someone from Driftwood would come to the podium and advise if they take issue with this.

Mr. Wasserman advised they have absolutely no issue with this; it is actually incorporated by reference; if Commissioner Tobia wants it stated again, there is no objection to it; and he noted that it is incorporated by reference.

Commissioner Tobia stated that is generous and kind of Mr. Wasserman after the way he was treated; and he greatly appreciates that.

Chair Zonka asked if Commissioner Tobia is admitting he acted like a five-year old.

Commissioner Tobia reacted by saying five-year olds can spell their name; and he again thanked Mr. Wasserman for keeping the Board on its toes; the Chair was 100 percent correct when she said they came up with a novel approach; hats off to Mr. Wasserman, he won this one; and he thanked him again for the change.

Mr. Wasserman expressed he thinks this is a win for the County more than a win for him, but he appreciates that.

Chair Zonka stated she knows this was talked about when she met with Driftwood last week; she looks forward to his participation in the community, as a member of the community, as a member of the Chamber, as a member of boards; and she thinks that would show that Driftwood is supporting the community because he is being supported by the tax.

Mr. Wasserman expressed his appreciation.

Commissioner Pritchett stated she wanted to mention Driftwood is going to be a larger investor to the area and that it might not be a bad idea to serve on the TDC board moving forward; and everybody come forth.

Mr. Wasserman advised they would welcome the opportunity.

Commissioner Pritchett stated one of the gentleman came up and she has been kind of toying around with the idea too, because there is so much discrepancy in how they spend marketing that; she knows it would not be pulled off today, it would take a lot of thought, but almost turning the marketing over to Driftwood for Brevard County and see what it could come up with.

Mr. Wasserman stated they would welcome the opportunity to discuss that with the Board.

Commissioner Pritchett advised she thought she would just have a little fun on that. She stated talking about recession, this has a built-in protection for Brevard County; if the County runs into trouble they are not going to get the money; it is really a good contract moving forward; and she wants to thank Driftwood for that. She expressed her appreciation to the TDC board for all they do; she mentioned it is not their fault that they are all hoteliers; it is kind of hard to have arm's length transaction on business ideas when they are the sole person making money off those decisions, but this shows it works; it comes before an elected body that does not have financial interest to make decisions for the community; moving forward she is going to work on getting a little more diversity; she realized sitting up there she does not have any District 1 representation; she will be working to make a few changes with that; and she is thankful Commissioner Tobia did not bring up taking all the money and putting it into roads from the TDC.

Commissioner Tobia asked that whoever made the motion that it could contemplate the change that was agreed to.

The Board approved the Grant Agreement with DAD 1300 N. Atlantic Cocoa, LP, subject to the County Attorney finding that the reimbursements are eligible and legal expenses, for up to \$1,000,000 per year for 30 years, to include legislative findings that the Tourist Development Tax funds are authorized for this grant based on the facts specified in the agenda and grant agreement, pursuant to Section 125.0104(5)(a)3., Florida Statutes and Section 102-119(3)a, (5)a, (6)a of the Brevard County Code of Ordinances as this grant has as one of its main purposes the attraction of tourists as evidenced by the promotion, advertising, marketing, and attraction of tourists to the Westin Resort Convention Center venue, which marketing shall include references to Cocoa Beach and Florida's Space Coast, as part and parcel of the promotion and advertisement of its project; and approved amending page seven (7), paragraph 2.17, to include the language "with a minimum of 4.5-stars as rated by Forbes Travel Guide, or its successor," after the word 'hotel' in the first line, and include the words, "minimum of a" just after the words 'hotel with a' on the third line of the same paragraph.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconded:** Curt Smith

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

**Nay:** Tobia

## Recess

The Board recessed at 12:43 P.M. and reconvened at 12:55 P.M.

## I.2. County Attorney's Agreement

Jerry Visco, Human Resources Director, stated this is the County Attorney Agreement that at a prior Board meeting the Board had directed that the Chair, himself, and Jill Hayes, Budget Office Director, negotiate an agreement, if possible, with the prior candidate for County Attorney position, Mr. Morris Richardson; they had that meeting last week and they have reached a successful negotiation on that agreement; and they are back to the Board for its approval.

Chair Zonka stated negotiations went very well; and she asked Mr. Richardson if he is satisfied with the agreement.

Morris Richardson stated he is satisfied with the agreement.

Chair Zonka asked if the Commission had a chance to review or if anyone has any questions.

Commissioner Tobia made a motion to accept the contract as written with Morris Richardson as the new County Attorney.

Chair Zonka commented Mr. Richardson was her first choice from the beginning; Abby Jorandby was great when she was there so that is not a knock on her; she knew the talent, honesty, and integrity of Mr. Richardson; she looks forward to working with him; she promised that every meeting is not like this one; sometimes the Board gets a little squirrely but for the most part the Board is pretty easy to work with; and she congratulated Mr. Richardson, mentioning she thinks this is a perfect fit for him and for the Board.

Mr. Richardson quoted Theodore Roosevelt by saying, "Far and away the best prize that life offers is the chance to do work, work hard at work worth doing"; he thanked the Board for the



chance to work hard at work worth doing, at the County; he is grateful for the opportunity and excited to once again serve the Board and people of Brevard County; right now he serves the City of West Melbourne in his remaining time there; West Melbourne has an amazing city council, a talented committee staff, and he is very thankful for the seven years of good work they were able to do together; he looks forward to rejoining Frank Abbate, County Manager, and the awesome Brevard County government team; and to Christine Schverak, Interim County Attorney, the dedicated staff in the County Attorney's Office, and the attorneys there, he is ready to go.

Commissioner Zonka asked if it is September 1.

Mr. Richardson advised it is September 5.

Commissioner Pritchett stated that Mr. Richardson was also her first choice; he interviewed so well; he knows the law and communicates well; she is very excited to have Mr. Richardson on board and in this position; Abigail Jorandby did great and she hopes she is doing well in her new job opportunity; she thinks Mr. Richardson is going to help bring this County to a whole other level; she thinks Christine Schverak is doing a great job because she was thrown into the fire quickly; and she advised Mr. Richardson to be studied up and ready to hit the ground running.

Chair Zonka remarked that understandably Mr. Richardson will probably be consulted on some level from West Melbourne as they transition their new attorney in and have issues to deal with; and there is no doubt Mr. Richardson will be a little busier in the beginning because he will be trying to balance and juggle both but, she knows he will be up to the task.

Mr. Richardson stated he appreciates that leeway to help West Melbourne transition in every way possible.

Commissioner Tobia noted that he and Commissioner Smith were wrong and more importantly, the women were correct; he just wants to make the point that Commissioner Smith and himself were wrong in selecting; they selected a woman and they were still wrong; and he does not think there is anything he and Commissioner Smith can do, but he is happy where the Board is now and he greatly appreciates Mr. Richardson coming back. He added he looks forward to working with Mr. Richardson.

Commissioner Pritchett stated if Commissioner Tobia and Commissioner Smith would just vote with the women, she does not think they would have any problems moving forward.

Commissioner Smith stated that is wise counsel and a lesson learned; he had a long discussion with Mr. Richardson after the decision was made to pick Abigail Jorandby and they were on the same page; and he is glad Mr. Richardson is back.

Mr. Richardson noted the Board made a great choice before with the best information it had and he is just grateful for the opportunity now.

Chair Zonka stated to give them a little cover, she does not think it was an easy decision for them, even though they were incorrect, she thinks it was a difficult decision for them; it was not like Mr. Richardson was so far their second, it was a difficult position for them to be in as well; and she once again congratulated him, stating the Board and the County are the winners.

The Board considered and approved the County Attorney's Agreement.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

#### County Attorney's Agreement

Chair Zonka advised that with this Commissioner Tobia had some desire to get the County Manager's contract up to par with the average, based on the population and the tax base; and if the Board is agreeable, it can work with Human Resources Director to bring back a revised contract for the County Manager.

The Board directed Commissioner Tobia to prepare a revised contract for the County Attorney, based on the average of the population and the tax base, and to bring the contract back to the Board at its next meeting on August 2, 2022.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

#### County Attorney's Agreement

Commissioner Tobia stated it is either going to come from one of the Board Members, or the County Attorney's Office, or the County Manager's Office; it might look a little self-serving if it is coming from one of the other two; and he asked if the Board thought it should come from one of the District offices.

Chair Zonka responded it could.

Commissioner Tobia stated the Board is not putting it there and is directing staff to do it.

Chair Zonka asked if Commissioner Tobia wants to place it on the Agenda.

Commissioner Tobia stated he would be more than willing to; he will support it whoever does it; and he just does not want to put staff in an awkward position that they are putting on a raise for themselves or their boss; and he will be more than willing to put it on the Agenda next week.

Chair Zonka stated she thinks there is some legalese that Mr. Richardson had in his contract and it would probably be the annual salary, or just mainly the two main points.

Commissioner Tobia thanked Chair Zonka.

#### **J.1. Approval, Re: Donation and Capital Contribution Reimbursement Agreement For Fire Station 49 with The Viera Company**

Tad Calkins, Planning and Development Director, stated this is a request for the Board to accept and authorize the Chair to execute a donation and capital contribution reimbursement agreement for Fire Station 49 between the Viera Company and Brevard County; this agreement obligates the developer to provide property and for the cost of construction of the Fire Station along with the equipment and the apparatuses required for that station, which Brevard County will reimburse the developer with fire impact fees in the amount of \$2,635,876; this obligation allows the satisfaction of the Viera Development of Regional Impact (DRI)

development order condition 101; staff has found that there are two scrivener's errors and he is asking the Board to incorporate to correct. He noted the first one is page 21 and they had Abby Jorandby as the County Attorney and he has made the correction now for Christine Schverak, Interim County Attorney and then the second one is on exhibit I, where he is asking for the inclusion on the heading to say "budgeted amount" which ties it back to page 15, Section 8 of the agreement; and he is happy to answer any questions.

The Board executed and accepted the Donation and Capital Contribution Reimbursement Agreement for Fire Station 49, with The Viera Company.

**Result:** APPROVED

**Mover:** Curt Smith

**Seconded:** John Tobia

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

### **J.3. Discussion: Brevard County Public Schools Athletic Fields**

**This item was previously tabled at the July 12, 2022 Board Meeting.**

Commissioner Tobia stated he wants to make it clear he is not advocating for shutting down these athletic fields or cutting park access one bit; these fields will continue to exist for public uses regardless of how the Board votes in the future; any and all realized savings, his intentions are for that to stay with parks; funds will be used to update and improve the facilities that the County is directly responsible for; and he thinks it is important to understand, first and foremost, that the County has numerous parks and 68 vacancies currently in Parks and Recreation Department. He went on to say employees are tasked with maintaining the Brevard County Public School (BPS) athletic fields and could be tending to the County's own parks and filling some of those voids that they have due to low staffing; in October 2018 he made a mistake of voting for a five-year extension on a joint use agreement between Brevard County and BPS regarding the eight athletic fields that were mentioned in the Agenda report, Gibson Complex, Jefferson Middle, Tropical Elementary, Hoover Middle, Audubon Elementary, MILA Elementary, Gemini Elementary, and Suntree Elementary; four years later he is only slightly wiser and realized that this was a drain on County resources; and the Agenda Report in 2018 showed the estimated fiscal impact was \$704,000 annually, however in 2021 the fiscal impact had grown to \$801,647 with an additional \$350,000 spent in capital expenses. He continued by saying he is not trying to pull a fast one on anybody, he is not even going to make a motion at the end of this; he would just like to get the temperature of the rest of the Board; he would like to bring this back in October when the agreement is 12 months out from expiring so both parties have plenty of time to make any necessary changes should the Board decide not to extend this agreement; this will also give the recreation partners over a year to enter into agreements with BPS, according to Representative Randy Fine Brevard County Public Schools is seeing an additional \$24.2 million increase to offset \$10.4 million increase in retirement and the \$15 per hour impact; and at the same time over the past four years, the student enrollment has actually declined. He added most importantly, Brevard County Public Schools is not subject to the same cap that we are, so to be very clear, the County does not have the staff in order to maintain Brevard County parks, as well as the parks of BPS; and he would like the full focus to be on the parks that the County is solely responsible for and thus give BPS ample time to make arrangements so they can take over those fields. He reiterated he is not advocating cutting one penny from parks or one Full Time Employee (FTE); he stated he is sure many people have heard certain parks in certain districts are in need of a little love and this is a way that the Board could not increase taxes, but just focus the labor on the parks that the County is solely responsible for. He mentioned he just wanted to hear where everyone was on this; this is

\$800,000 per year, so there could be a pretty tremendous impact on the many parks that people enjoy in Brevard County; and the last thing he wanted to do was to blind side another taxing authority so they have time to make plans.

Chair Zonka stated as far as these parks go, there are school parks and the County has agreements with them, she asked if this is to support the leagues.

Mary Ellen Donner, Parks and Recreation Director, replied that is correct.

Chair Zonka asked if the schools are using these fields or if it is the leagues.

Ms. Donner advised the schools are using them during school operating hours and the leagues are using them after hours, Monday through Friday and on the weekends.

Chair Zonka inquired what Ms. Donner thinks happens if the County stops maintaining those fields, what will happen to the leagues. She inquired if the leagues will then start shifting to other parks that are not school parks; and she noted she is not sure how the County supports the leagues.

Ms. Donner responded she is not sure.

Chair Zonka asked again what Ms. Donner thinks will happen if the County stops doing this.

Ms. Donner advised there could be a couple of options; they might negotiate with the school directly or they might look to go to other parks that the County has; and the County really does not have any space in its parks.

Commissioner Zonka asked if the County receives any funding from the leagues.

Ms. Donner advised they pay light fees for the lights they use and the electricity.

Commissioner Zonka opined the County is not profiting off of that.

Ms. Donner responded affirmatively.

Commissioner Zonka added that is used towards the maintenance.

Ms. Donner responded affirmatively. She stated it is a pass-through cost.

Commissioner Zonka stated she knew the answers to some of that she just wanted to hear Ms. Donner say it as well.

Commissioner Pritchett stated the question she has if the Board is looking to make some changes to this is, she would want to know what area each of these schools are located in, what type of activities there are having, and how many different children are affected; she remembers with the conversation she had yesterday that Ms. Donner said it was about 3,100 children altogether; these are things that are going to weigh into it; she asked if the school gives the County any funds to keep these maintained or if that is just the County's trade out for being able to use this for park activities.

Ms. Donner advised the school does not provide any funding for the County to maintain these facilities.

Commissioner Pritchett asked if the County has to give the school any money to utilize these facilities for the park programs.

Ms. Donner replied, no.

Commissioner Pritchett asked if the Board is trying to get some data of where these schools are located, because she sees Gibson and that is kind of in a target area in her community and she happens to know that complex is heavily used by children; that is going to be a real tough one for her to not make available to the children for what the Board does; she spent a lot of time out there with the kids; and then the cost that Ms. Donner thinks would break down to each one of these and how many kids the County is actually servicing for the area; and if it is a good partnership with the school she is probably okay with it; and she advised this is the data she will be looking for.

Chair Zonka stated probably where the question lies is where does the burden of that fall; and she asked does it fall with the school board who has the field or does it fall with the Board.

Commissioner Pritchett interjected by saying because the County is using it.

Chair Zonka asked is the County using it if it is the school's field; and the question is who should be supporting those leagues essentially.

Commissioner Tobia stated he will ask a question he does not know the answer to; he asked of the phone calls Ms. Donner receives, the complaints, do they tend to be the Brevard County Parks or do they tend to be these parks right here, as far as disrepair, not maintaining them to a decent standard; and he asked what the volume is of those calls.

Ms. Donner advised they are probably equal.

Commissioner Tobia went on to say that is good; he noted there are eight parks listed and asked how many parks Brevard County has.

Ms. Donner responded there is 117.

Commissioner Tobia stated so eight parks generate about the exact same amount of traffic to her office as the 117 other parks; he is not going to public records request her statement, but he asked if that was fair to say; and he reiterated is fair to say a disproportionate amount.

Ms. Donner responded that could be a fair statement but those fields are used more, so in there lies the difference.

Commissioner Tobia stated in the complaints he has heard, actually one of these happen to be located in Chair Zonka's district, but parents are having concerns about how the fields are maintained and these are recreation fields, not tournament fields, so they are just not up to the standards that they would hope which puts the County in a tough position because it is very difficult for the Board to make a capital expense in a park that is not the County's; and he commented people would not add an addition onto a house that he or she was renting, it just does not make sense.

Chair Zonka asked if he was talking about Hoover.

Commissioner Tobia confirmed he was talking about Hoover; he stated the County spent about

\$350,000; and he asked for confirmation.

Ms. Donner responded they spent \$350,000.

Commissioner Tobia continued by saying the County spent \$350,000 on sod; and he asked if that cleared up the situation.

Ms. Donner advised it was sod and irrigation.

Commissioner Tobia reiterated that cleared up the situation; and he asked if that was correct.

Ms. Donner responded it is still growing, but they are anticipating that it will alleviate that situation.

Chair Zonka stated she thinks the school board's position is they are not using those fields, it is the County using the fields.

Commissioner Tobia stated the County is using those fields because it has contracts with the leagues but those same individuals can have contracts with the schools.

Chair Zonka stated she understands what he is saying; and she is not saying she disagrees, what she is saying is that was sort of, or at least the impression she had was that the leagues are using the fields, the school does not use them at all.

Commissioner Tobia stated his whole thing, and he said it at the beginning, he does not want to take any of this money and cut taxes; he does not want to take any of this money and build roads; he wants to take this money and put it into the parks that are property of Brevard County; and he mentioned he does not want to move one FTE, not one dollar. He continued by saying he wants to be able to say to those parents that he understands their concern; that is a Brevard County park and he can call Ms. Donner and say maybe some capital expense could be placed on that, sunshade, new gym equipment, or whatever the case may be; if is very difficult when a parent calls and one has to explain to them, that a park belongs to BPS, but the County maintains it, it gets very complicated; his intent was that Brevard County manages the 117 parks that it has, and BPS, that has a one-half penny fund for capital expense, that they maintain their parks; if they want to charge, the more power to them, but it just doesn't make sense for the County to make capital expenses on land that is not Brevard County's; and he reiterated people would not do it as renters and he does not think the County should do it as taxpayers. He reiterated once again, this is not cutting anything; he noted public schools can pick up the tab in order to do that; it is \$800,000; and they have a budget of well over \$1 billion.

Chair Zonka mentioned that is Commissioner Tobia's best argument that is not the County's capital, it is theirs; and she is willing to look at that.

Commissioner Smith commented he is willing to look at it, but when listening to Commissioner Tobia he is thinking, and to use his analogy, if one is not paying rent on the house, because he used the analogy if someone is renting he or she is not going to pay to put an addition on a house, but the County is not renting the fields, all it is doing is using the fields so it is a user fee.

Commissioner Tobia asked if that is exactly what rent is.

Commissioner Smith commented it is a user fee, and that is really what is being done here; and

if the user fee is not paid then the County does not get to use the field.

Commissioner Tobia stated his argument is that those individuals can contract with Brevard County Public Schools for that user fee; and he thinks the County is stuck in the middle.

Commissioner Smith asked if Commissioner Tobia is suggesting that the league should cover that \$800,000.

Commissioner Tobia advised of Brevard County Public Schools; they have more than a billion dollar budget; the County has 117 other parks to maintain; he reiterated this would stay 100 percent in Brevard County Parks and Recreation, hopefully; he is not planning on moving one penny anywhere else, he just wants to be able to say that Brevard County Public Schools will manage their parks and the County will manage theirs.

Commissioner Smith asked if the \$800,000 being mentioned annually is a hard and fast number year after year or is this just takes into account the \$300,000 that was spent on the one field.

Ms. Donner responded that \$801,000 does not take into consideration the \$350,000 capital improvement at Hoover.

Commissioner Smith asked if the County is paying \$100,000 per field basically, if it is only running eight fields.

Ms. Donner responded affirmatively.

Commissioner Smith asked what the County is paying for the other 117 fields that it operates.

Ms. Donner responded not all the other parks are athletic fields, they are passive or active parks, they are parks like Viera.

Commissioner Smith added with boat ramps and things.

Ms. Donner advised it varies.

Commissioner Smith noted it is something to think about.

Commissioner Tobia advised this does not end until October 2023.

Ms. Donner clarified October 13, 2023 is the contract with the school district.

Commissioner Tobia advised he thought it would only be fair if the Board is going to say to Brevard County Public Schools and not drop it at the last second.

Ms. Donner stated there is a provision for 12 months' notice.

Commissioner Tobia explained he does not want to end it early; he voted for this and he wanted to give Brevard County Public Schools, in October should the Board go through with this, a full year to make that transition; and he is not asking for a vote, he was just asking to see where the Board is on this.

Chair Zonka stated she is happy to look at it.

Commissioner Pritchett asked if the County were to pull out of this area, does it have other fields that these children would be able to move into for activities.

Ms. Donner responded, not at this time.

Commissioner Pritchett stated something to consider is if Brevard County Public Schools said they would not do anything outside of school hours.

Marcus Herman stated he recognizes this is just a discussion and he appreciates some of the questions the Board is asking because those are some of his concerns; there is one thing he thinks is missing here, as a taxpayer in Merritt Island, he believes there was a referendum back in 2000, and the taxpayers in Merritt Island overwhelmingly voted to redo these parks and pay for the maintenance in perpetuity, and they are still paying that tax; he does not believe that tax goes away until 2026, at the earliest; with that said, in his mind, to then take the responsibility of up-keeping these parks and giving that to the School Board and then keeping that tax from the Merritt Island residents and use it anywhere in District 2, he thinks that is a misrepresentation or a misuse of their tax dollars; as a person who has spent a lot of time volunteering, he ran a 500+ soccer league as president of the league and what he sees happening is the School Board having to come before these different organizations; and MILA is big baseball and Lassie League, Jefferson, or Pop Warner football. He continued by saying these leagues struggle to find funds and what is going to happen is the School Board is going to ask for more money to take care of them; if the County is not taking care of them, the people of Merritt Island are not going to pay for them any longer; and they will pay more, which in turn is like a tax to the same people that have already decided they wanted to pay that tax in the first place. He noted he cannot speak to all the parks, but he can speak to the ones in Merritt Island specifically, at least those couple there that they paid specifically for those parks for a reason, and it is for such leagues for the youth to be able to grow; and he would request that the Board consider these points and deny this plan or get a lot sharper with it.

Janice Scott thanked Commissioner Tobia for bringing this up because it sort of feels like a follow-up from one of her previous comments; she is not for or against any of this, but she feels that the public deserves transparency; these interlocal agreements are created in the dark ages and they seldom come to light, even to the extent that they have been discussed this morning; and she asked if the taxpayers of Brevard County own Brevard County Public School property, because people are treated like they are not taxpayers and own the School Board properties; and she would say that this is just the tip of the iceberg because what she intended with her initial comments two or three months ago was just for public enlightenment. She commented for example municipalities, Cocoa Beach spends a tremendous amount of money, well back in the day, 30 years ago maybe, the interlocal agreement was to take over all the School Board athletic fields and they have been maintaining them for 30 years; this past year is the first year that they were given a dime toward maintaining those fields; the taxpayers get taxed more than once for the same thing; they pay Cocoa Beach, Cocoa Beach transfers money or monetary value to another taxing authority, and she is against that; about 10 years ago, the two elementary schools needed playground equipment and the School Board said they had no money, and Cocoa Beach taxpayers paid almost \$100,000 for complete playgrounds for two elementary schools; and she just thinks the school board has taxing authority and they should collect the money, pay their own bill, and then sort it out after that.

Chair Zonka inquired if Commissioner Tobia needs direction, or if he is asking for something specific; she thinks he has the consensus that it is at least something that the Board should look at.



Commissioner Tobia thanked staff and noted he did not want Ms. Donner to have to go through all this stuff if there was not Board support; he advised the Board members will do a little more research and get stuff back; maybe have some dialogue between Mary Ellen and the school board to find out if they are steadfast in saying absolutely no; he hopes that is not the case; and maybe Ms. Donner could provide some direction as to which parks and where they would be to take off any concern. He mentioned he does not know that taxing authority; he would hope that these resources would go to the districts that they were located in so the close parks would receive the funds; he is not trying to centralize this \$800,000 in District 3 by no means; and he would want it to stay in the same area, he would just rather see it spent on Brevard County not Brevard County Public Schools.

The Board discussed the contract related to the eight Brevard County Public Schools athletic fields, but took no action.

**J.5. Repealing Resolution 18-040, the Implementing Legislation for the Property Assessed Clean Energy (PACE) Program in Brevard County**

**This item was previously tabled at the July 12, 2022 Board Meeting.**

Commissioner Tobia stated he has an issue with Property Assessed Clean Energy (PACE) and asked the Chair if he would be allowed to go through some of the issues with the PACE Program that was approved by the Board.

Chair Zonka commented as long as he does not talk about terrorist or spelling.

Commissioner Tobia noted there are no terrorist on this; on March 2018 the Board passed a Resolution enacting the PACE Program by vote 4:1; having seen plenty of issues with the program since 2018 he attempted to repeal the PACE Program in July 2021 due to some consumer protection concerns; Commissioner Pritchett wisely stated, "If a person has to take out a tax lien to do something because nobody will give them a loan, it kind of shows they cannot pay it back" and she went on to say, "Voted for this last time, wished she had not, will not support continuing doing this"; during the same meeting Y Green representative Kate Wessner agreed to a six month period to develop and implement adequate consumer protection of the program; their own PACE lobbyist agreed, saying "if in six months people are still being deceived then this program might need to be reconsidered"; and he reiterated that was their own paid lobbyist. He continued by saying he is disappointed to say no legislative action has passed to better protect citizens from the PACE Program; he asked for this so this is on his shoulders and his inaction and trust of the industry have had some deleterious effects on some people; and he has some slides so that people can see what is hanging over his head; he explained this first one was an elderly widow, filed on her taxes, asked for an HVAC replacement and that cost \$15,316 on the value of a home of \$34,000, therefore, it was 44 percent of the value of her home and her tax bill went up 155 percent; on the right hand side is the lien process and there will be an issuing of a tax certificate, and if this continues this elderly widow will be out of a house because of this PACE Program; and again that is because of his inaction. He went on to say his point is this happens quite a bit; this is a disabled veteran who decide to get some solar PV, unfortunately that solar was \$51,606 and the value of the home is \$201,000; in other words, the solar was about 26 percent of the value of the home; and the tax bill went from \$1,696 all the way up to \$3,288, an increase of 93.85 percent.

Commissioner Smith inquired if it states how many panels.

Commissioner Tobia stated no it was not on the contract, but anyway, the issuing of a tax

certificate is this step; next, a disabled citizen had an attic insulation and duct system; the project was \$23,605 and the value of the home was \$128,000, which means it was 18 percent of the home's value; the tax bill increased 74.38 percent and it is past the issuing of a tax certificate; the owner will most likely or potentially could lose the house in the next 12 months; and he reiterated this is because of his inaction. He stated this is a District 1 citizen and this one is kind of interesting; they received a PACE loan on some energy efficient shingles and what is interesting about energy efficient shingles is according to the website they last 15 years, but the annual PACE assessment lasts 30 years, in other words, they will paying 15 years for shingles that are no longer good and they will have to get replaced in order to get insurance; the overall project was about \$30,000 and the home value was \$84,000, in other words these shingles were 36 percent of the home's value; the tax went up 109 percent, but they are energy efficient shingles; he looked up the annual savings of energy efficient shingles and it is anywhere from \$70 to \$150 per year; therefore, this person will save \$2,000 on energy efficient shingles, but will end up paying \$30,000. He added that was a good salesman there, but either way, unfortunately, there is issuing of tax certificates on this one. He explained the next one is in District 5 for windows; he knows they are expensive but this blew him away; this is a nice house in District 5 and the project cost was \$134,811; this home value is \$360,000, in other words 38 percent of the home is windows; he has built a few houses in his time and windows are expensive but they are not 38 percent of the home's value; this is where this gets scary, the tax bill increased from \$4,400 to \$14,000; this person has a tax bill that went up 221.87 percent; this house has a \$360,000 value and a tax bill of \$14,167 and an issuing of a tax certificate will be going up; and what is extremely important is, remember this is attached to the tax statement, this is not going bad on a loan, it is attached to the tax bill so these people will lose their homes; and if that was not bad, he has a non-profit Christian Church that got a PACE loan of \$65,000. He went on to explain the value of the structure is \$125,000, in other words it is about half; this is all new assessment, so it is \$1,665 from \$0; this is a church that will be going under and people will not have a place to worship; he reiterated once again this is on his watch unfortunately; this last one is a District 3 resident and the total PACE assessment for the solar PV on this house was \$53,149 and the home value is \$111,000, almost half of the home is solar; it is too late on this one, the owner has lost the home; these are decisions that came about because of his inaction, and he can't fix the past; he trusted some highly paid lobbyists and now some folks are out of homes and it is his fault; and he just does not want this to go forward. He continued by saying it is not just him, the Truth in Lending Act which applies to mortgages and other large financial agreements, does not currently apply to PACE; Fannie Mae, Freddie Mac, and FHA will not even finance mortgages for homes with PACE loans; the consumer protections that Y Green previously identified as being in place, have shown to be insufficient and ineffective by the National Consumer Law Center; the National Consumer Law Center particularly opposes the way in which PACE administrators target low-income households; as the Board saw, there are a number of houses that are below that \$120,000 threshold; and the bad part is this is not unique, at a more local level, Hillsborough and Hernando County have both ended their PACE Programs because of this lack of consumer protection. He stated according to the Brevard County Tax Collector, as of June 2, 2022, there are 31 delinquent accounts in Brevard County alone; this consists of 24 separate consumers, six in District 1, two in District 2, nine in District 3, one in District 4, and six in District 5; 70 percent of PACE loans in the State of Florida are used for hurricane mitigation measures which do not provide homeowners with a cost saving measure that PACE usually advertised; the majority, as the Board saw, are for roofing or solar; and non-ad valorem PACE assessment in this County range anywhere from \$765, and this is per annum, to over \$6,700. He noted he could go on and on, but due to overwhelming risk to consumers and the lack of accountability from PACE administrators, he would urge the Board to repeal the PACE Program; in order to do that the Board has to adopt a motion which was attached; it repeals Resolution 18-040, regarding the PACE Program and directing the County personnel to take any necessary steps

in furthering the purpose of the said Resolution; there are three or four of these companies; they were each given a Resolution, so the one that he has would do away with any of them; and he thinks the contracts require 60 or 90 days that is included in this sort of contract. He added clearly, they were not interested in consumer protection; this is all on him because he was the one that believed there would be consumer protections in place and the Board can see the results of his inactions; and he will be more than willing to answer any questions or provide specific data on any of the ones that he just mentioned.

Commissioner Smith noted he does not think it is on Commissioner Tobia, he thinks it is on the people that signed the contracts; how can someone be in house and have some salesman come by and sell them solar panels for \$50,000, when they can buy a 15,000 watt unit for about \$15,000; there has got to be some responsibility for the homeowner; if people are that lax or that trusting, and he is guessing from the looks of the houses, most of these people were over 50; he inquired how someone gets to be 50 years old or older and not make responsible decisions; and he is not saying that Commissioner Tobia is wrong, but that is what raises questions for him. He mentioned the windows, if they had Anderson Windows and it's a \$300,000 house, that is probably about the right number, but they are 30-year windows.

Chair Zonka responded she thinks that number is a bit high on the windows because she has them on her house.

Commissioner Tobia stated Commissioner Smith brings up some very valid points and if this was a traditional mortgage he would be 100 percent correct or even a second mortgage, but the only reason PACE is allowed to act in Brevard County is because this Board allowed them to act in Brevard County; if it would not have been for the Board's actions, these people would not be in these situations; this came before the legislature and he voted against it and it came before the Board and he voted against it; he just wrongfully believed in the paid lobbyists who said they would put some consumer protection in and they claim they tried, but they did not get anything at the Federal level; and the Board saw the major lending institutions will not do it, they did not do it at the State level and they did not do it here. He went on to say for the reasons of the people that will not be in homes right now, he has to ask that this Board do away with this because it was this Board's inaction, this Board allowed this; the legislature was smart enough to say they were not going to do it across the State, the County has to make a determination that it wants these people to act in the area; the Board decided yes, and this is the outcome; and he hopes the Board can fix it now by passing this resolution, saying it got duped and the Board is sorry to those folks. He added in fairness, one of these organizations reached out and asked for the information so they could get with the homeowners and all that, which he thinks is a little weird because all that stuff came from public record; if they were all that concerned about this, they would have reached out to the consumer not to him as a policy maker because there was a threat of the program ending; and he reiterated he could go on and on, and while he does go on and on, this is the outcome of it, and he hopes the Board can fix that today.

Commissioner Pritchett stated she just wants to start with this, when she was in her 20's she bought a few bridges, so she was one of those that used to get easily duped into things, therefore she does not know about the 50-year old home owners that Commissioner Smith talked about; she is thinking people learn as they go forward; she does not like this plan for residential as she thinks it had a lot of consequences because it trumps mortgages; she has heard from some business owners and they already have some things in place, so she would consider removing this off of residential and then working with the business community because obviously, they are able to figure out what they can afford and cannot afford as far as PACE; that will be her compromise on this today; and she is interested in hearing what the rest

of the Board has to say or if there are any comments towards that if that were to be the moving forward motion.

Commissioner Tobia stated he hates when Commissioner Pritchett comes up with great ideas that he had not thought of; he is only concerned about the Church because he thinks the church may fall; he asked how the church would have fallen out of that or if there is a way; he is not thinking about new construction, if big builders want to do this, although he does not understand it, he will look into it; but he asked where the church would fall with this.

Commissioner Pritchett advised that churches have a board consistent with typically five or six families; they are not-for-profit corporations so she does not know what to do with that even in some particular businesses; if he wants to turn it off for all non-profits that would be fine too because then it is running the risk of other people that give towards an entity that might not have a say in it; and she noted she would be fine with removing it for not-for-profits as well.

Commissioner Tobia advised he could not find any large ones that were in default so for consumer protection he would certainly support that as a compromise.

Chair Zonka stated she finds it interesting that not a single PACE person is in attendance; that is very telling because it is one thing to be a little afraid of Commissioner Tobia and his threats of terrorism; but she is surprised no one is there to defend it.

Commissioner Smith stated to the Chair's point, he just received a text that was sent to his office stating to let him know that they thought the meeting started at 5:00 p.m. like last week, they are all enroute but will not make it on time, and that they are sorry for the confusion; and he was wondering himself because they reached out to his office and they were telling his office that they have some commercial uses.

Chair Zonka asked if he had one company that wanted to come out and defend the PACE Program, because she doubts they are all rallying at a conference; she is not happy with how this has turned out; the numbers Commissioner read scare her a little more; she thinks it is sort of predatory lending and people could lose their homes because of it.

Commissioner Smith interjected by saying it certainly looks like there is no oversight.

Chair Zonka continued on to say if the legislature wants to come back and put some significant consumer protections, the Board can put it back in place for all she cares, but as it stands right now, she thinks they are taking advantage of low-income, poor and elderly people; and \$134,000 for impact windows, that is not a mansion in that picture and that is a lot of money; it is double what her home cost.

Commissioner Smith asked why people would not shop.

Chair Zonka explained often times these companies participate in PACE.

Commissioner Tobia asked where Chair Zonka is with giving the commercial the ability to do this.

Chair Zonka responded she is fine with that and if there is a problem it can be pulled from them as well; until the legislature fixes this, she does not want anybody else to lose their house; and she does not want anyone else to be taken advantage of.

Commissioner Smith commented those numbers are crazy.

Chair Zonka advised she would support repealing it for residential as well if Commissioner Tobia is okay with that.

Commissioner Tobia requested help with the motion.

Christine Schverak, Interim County Attorney, stated it is to terminate residential and non-profit companies from participation in PACE.

The Board adopted Resolution No. 22-067, rescinding in part, Resolution No. 18-040, terminating the PACE Program for residential properties and non-profit organizations and terminating Brevard County's participation as to such properties in the PACE Programs of the Florida Green Finance Authority, the Florida PACE Funding Agency, the Green Corridor PACE District, and the Florida Resiliency and Energy District.

**Result:** ADOPTED

**Mover:** John Tobia

**Second:** Curt Smith

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

L.2. Christine Schverak, Interim County Attorney

Christine Schverak, Interim County Attorney, stated on July 6, her office received the Property Appraiser's denial of the County's request for an agricultural classification at the Malabar Scrub Jay Sanctuary; the County has 30 days to request an appeal from the Value Adjustment Board in order to preserve the County's rights; and she is requesting direction on authority to appeal.

Chair Zonka stated she is sure Attorney Schverak will evaluate as she goes along through the process.

Attorney Schverak responded affirmatively; she stated it gives the opportunity for the new County Attorney who is coming in to weigh-in on the process.

The Board granted authority to the County Attorney's Office to appeal the Property Appraiser's denial of Agricultural Classification in order to preserve the County's rights; granted the Interim County Attorney authority to abate as necessary; and granted authority to the County Manager to sign all actions related to the appeal.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

L.4. John Tobia, Commissioner District 3

Commissioner Tobia stated in February of last year he brought forward an initiative to change Section 2-247 of the Brevard County Code relating to the purchase or leasing of County-owned property; this change removed the requirement for super majority vote for such transactions; it was his intent at the time to change code relating only to the sales and leases at or above market value and to leave the super majority requirement for nominal sales or leases; and it is his intent to bring this back before the Board at the August 2 meeting and make that correction; and this would only be nominal amounts.

The Board directed staff to make any necessary advertisements or procedural steps necessary, prior to August 2, 2022, and to draft appropriate language to effectuate a change to Section 2-247, of the Brevard County Code relating to the purchase or leasing of County-owned property, removing the supermajority vote for only sales and leases at or above market value and to leave the supermajority requirement for nominal sales or leases.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

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

John Tobia, Commissioner District 3

Commissioner Tobia announced that yesterday was Ian Golden's birthday; he wished him a happy birthday; he mentioned it would only have been worse if today was his birthday and he had to sit through this disaster; and he is a great County employee who is extremely dedicated.

Commissioner Smith commented and he did not even wear a loud jacket today.

Chair Zonka stated she likes the whole group back there, it is a good group.

L.6. Kristine Zonka, Commissioner District 5, Chair

Commissioner Zonka stated she has a few things; it is not controversial and does not involve terrorism; and she noted Commissioner Tobia is never going to live that down. She stated with former Commissioner Lober being on the Value Adjustment Board (VAB), the Board needs to make an official vote to appoint members and she was advised to make a motion to appoint Commissioner Tobia and Commissioner Pritchett to the Value Adjustment Board for the 2022 season, with herself as the alternate. She asked for a motion.

The Board appointed Rita Pritchett and John Tobia to the VAB, and Chair Zonka as an alternate, for the 2022 VAB season.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** Rita Pritchett

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

Kristine Zonka, Commissioner District 5, Chair

Chair Zonka stated councilman Kenny Johnson, from the City of Palm Bay reached out regarding sending a letter to Florida Department of Transportation (FDOT) regarding a request for funding for Malabar Road widening; this is the letter her office came up with; it did not ask for specific funding, it is more like acknowledging the top ranked projects and asking for support for FDOT District 5; and she asked if the Board is okay with her pushing this along.

The Board of County Commissioners in regular session on July 19, 2022, authorized Chair Zonka to send a letter to the Florida Department of Transportation in support of the plan by City of Palm Bay to widen Malabar Road between Minton Road and the St. Johns Heritage Parkway for additional funding.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconded:** John Tobia

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

Adjourn

Upon consensus of the Board, the meeting adjourned at 1:52 P.M.

ATTEST:

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

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