

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, August 30, 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 Pritchett led the assembly in the Pledge of Allegiance.

**E.2. A Proclamation to honor and thank Brevard County First Responders in the light of Patriot Day 9/11/2022**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 22-094, honoring and thanking Brevard County First Responders on Light of Patriot Day on September 11, 2022.

Al Theriault stated on September 11th, that demonstrated the fact that true heroes do not wear capes, they wear stars of life, they wear badges, they wear turnout gear; while thousands were exiting the Twin Towers in New York, hundreds of first responders were gathering and entering the towers; while tower one was crumbling to the ground, first responders continued up the stairs of tower two; on that day, 405 first responders never went home to their families; and on that day, 405 first responders lost their lives doing their job. He went on to say on that day 405 lives were cut short while saving the lives of others; whenever he thinks of those 405, placing themselves in harm's way, he always hopes at least once, as they were going up the stairs, somebody thanked them; somebody, at least once, said for God to Bless them; throughout his work with the Titusville Flag and Memorial Committee and the other associations that he belongs to, he is always amazed at the outpouring from the citizens and the elected officials for the military and veterans; and their attendance in Memorial Day ceremonies, Veterans Day ceremonies, and Wreaths Across America is outstanding. He added the support of the elected officials is always first-rate; looking at the hometown heroes, first responders, law enforcement, and fire fighters, he is a little disappointed; they are just not out there for them; Flag and Memorial Committee in Titusville is trying to help change that; they are setting aside one day where they can get together with the first responders and thank them; and one day they can ask God to bless them. He stated it is not when they are forging headlong into danger while everyone is heading the other way, but it is at a time they can sit and be with them; many communities across the nation support the blue mass every year in late September; Father Thomas Dade, Chaplain of the Police and Firemen's Society in Washington, DC, began the blue mass in 1934; what was once a Catholic mass, this ecumenical service is not meant to be a memorial service, but a thanks; and it is now in communities across-the-nation. He noted this year they are at St. Teresa's Catholic Church on September 10th at 10:00 a.m.; they are looking for other churches to join them, to offer their location; they need a big location, because each year they fill the church; it is the fourth year of doing it; it is hoped the blue mass patriot service annually, the first Saturday after September 11th, or the weekend of September 11th, will continue to grow; and he asked if it would be absolutely awesome if Brevard County was to be the first to proclaim patriot weekend for the weekend of September 11th. He expressed his appreciation to the Board for its support; and he stated the Board is invited to the ceremony.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

**D. MINUTES FOR APPROVAL**

The Board approved the July 12, 2022, Regular Meeting Minutes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**ITEMS REMOVED FROM CONSENT AGENDA**

Commissioner Tobia stated he would like to pull Item F.19., Approval, Re: Tourist Development Council's Recommended Funding for Brevard County Cultural Alliance (BCA) Professional Services Contracts for FY 2022-2023; and Item F.31., Appointments/Reappointments, Re: Citizen Advisory Boards, from the Agenda for discussion.

**F.1. Final Plat and Contract Approval, Re: Pineda Boulevard West Extension - Segments F, G & H Phases 1-3 (District 4)**

**Developer:** The Viera Company

**District 4**

The Board granted final plat approval; and authorized the Chair to sign the Final Plat and Contract for Pineda Boulevard West Extension – Segments F, G, and H, Phases 1-3, Developer: The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.2. Legislative Intent and Permission to Advertise, Re: Ordinance Amending Chapter 62, Article VI, Regarding Sewer Lift Stations, Sewer Vacuum Stations and Other Water and Sewer Utility Infrastructure Elements**

The Board approved legislative intent and granted permission to advertise for an ordinance changes amending Chapter 62, Article VI, Division 1, Section 62-1102; creating Chapter 62, Article VI, Division 5, Section 62-1844.7; amending Chapter 62, Article VI, Division 6, Section 62-2103; and amending Chapter 62, Article VII, Section 62-3202(b) regarding sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.3. Approval RE: Disbursement of Educational Facilities Impact Fees (Districts 1-5)**

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$6,145,680.91 to the School Board of Brevard County, in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute necessary Budget Change Requests to implement this disbursement.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.4. Approval Re: Approval Re: Transportation Impact Fee Trust Fund Disbursement Agreement with City of Cape Canaveral and Technical Advisory Committee**

**Recommendations for the Merritt Island / North Beaches Benefit District (Districts 2 & 4)**

The Board approved and authorized the Chair to execute a Transportation Impact Fee Trust Fund Disbursement Agreement; appropriated up to \$1,200,000 to the City of Cape Canaveral; and authorized the Budget Office to execute any budget changes required to implement project appropriations.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.5. Legislative Intent and Permission to Advertise Amendments to Sec. 62-1157, Brevard County Code of Ordinances RE: Binding Development Plan Requirements**

The Board approved legislative intent and granted permission to advertise amendments to Section 62-1157, Brevard County Code of Ordinances, to require that an application for a Binding Development Plan (BDP) identify all legal and equitable owners of the property, and any entity with an interest in the property, including, but not limited to, any lienor(s); approved requiring that all legal or equitable owners of the property, and any entity with an interest in the property, including, but not limited to, any lienor(s) be a party to the BDP prior to final approval by the Board; and clarified when the 120-day period to record a BDP begins.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.6. Revision to Board Policy BCC-72, "Placement of Bus Benches and Bus Shelters in the Rights of Way"**

The Board approved the revision to Board Policy BCC-72, "Placement of Bus Benches and Bus Shelters in the Rights of Way."

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.7. Approval, Re: Sanitary Sewer Easement from CKS Acquisitions, LLC, for Sundance Family Dentistry - District 4.**

The Board approved and accepted the Sanitary Sewer Easement from CKS Acquisitions, LLC, for Sundance Family Dentistry, located in Section 33, Township 25 South, Range 36 East, north of Porada Drive along Stadium Parkway in Viera.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.8. Approval, Re: Resolution and Access and Utility Easement from Brevard County to the City of Melbourne for a Sanitary Sewer Lift Station Within the County Owned Parcel Along Sarno Road - District 5.**

The Board approved and adopted Resolution No. 22-095, authorizing the conveyance of real property interest by the County; and approved and executed Access and Utility Easement from Brevard County to City of Melbourne for a sanitary sewer lift station within County-owned parcel along Sarno Road.

**Result:** ADOPTED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.9. Approval of Change Order for Payment of Emergency Invoice to Atlantic Development Inc. for a 20-inch Force Main Repair.**

The Board approved payment to Atlantic Development, Inc., for an emergency Change Order in the amount of \$95,918.96, for sewer repairs on South Patrick Drive and Jolly Rogers Drive; and approved any necessary budgetary changes.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.10. Approval of Change Order for Payment of Emergency Invoice to Meeks Plumbing, Inc. for Sewer Line and Manhole Repair.**

The Board approved payment to Meeks Plumbing, Inc., for an Emergency Change Order in the amount of \$154,921, for plumbing needed for a sewer repair on North Wickham Road and Business Center Boulevard; and approved any other necessary budgetary changes.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.11. Approval of Change Order for Payment of Emergency Invoice to Danus Utilities, Inc. for Gravity Sewer Line Repair.**

The Board approved payment to Danus Utilities, Inc., for an emergency Change Order in the amount of \$181,199, for sewer repairs on Lake Andrew Drive and Ivanhoe Drive; and approved any other necessary budget changes.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.12. Approval, Re: Re-Appointments to the Affordable Housing Advisory Committee (Super Majority vote required)**

The Board approved the reappointments of Corey Lancaster, Josh Thompson, Carole M. Williams-Hayes, Brenda Burton, Cynthia Matthews, and Mark Broms to the Affordable Housing Advisory Committee for two-year terms beginning July 1, 2022, per Brevard County Code of Ordinances, Section 90-71(b), and in the corresponding categories.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.13. Approval, Re: Appointments to the Local Health Council of East Central Florida**

The Board approved the appointments of Austin Helton as the County Representative for Health Care Provider Group, Corina Savelle as the County Representative for Health Care Consumer Group, and the reappointment of Jerry Visco as the County Representative for the Health Care Purchaser Group for two years.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**F.14. Approval, Re: Amendment 11 to Lease Number 3485 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (District 3)**

The Board approved and executed Amendment 11 to Lease Number 3485 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; and authorized the Parks and Recreation Director to amend the associated Management Plan as needed.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**F.15. Approval, Re: Lease Agreement between Valkaria Airport and Parks and Recreation Department for The Habitat Golf Course**

The Board approved and executed Lease Agreement between Valkaria Airport and Parks and Recreation Department for the operation of the Habitat Golf Course; and authorized the County Manager to sign any associated Budget Change Requests.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**F.16. Approval, Re: Golf Brevard, Inc. Golf Course Properties Agreement for Habitat Golf Course (District 3)**

The Board approved and executed Golf Course Properties Agreement with Golf Brevard, Inc. for the management, operation, maintenance, and promotion of Habitat Golf Course; authorized the County Manager to sign any associated Budget Change Requests; and authorized the County Manager to execute contract renewal, amendments, and/or modifications upon approval of Risk Management and the County Attorney's Office.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**F.17. Approval, Re: Golf Brevard, Inc. Golf Course Properties Agreement for Spessard Holland Golf Course (District 3)**

The Board approved and executed the Golf Course Properties Agreement with Golf Brevard, Inc. for the management, operation, maintenance, and promotion of Spessard Holland Golf Course; authorized the County Manager to sign an associated Budget Change Requests; and authorized the County Manager to execute contract renewal, amendments, and/or modifications upon approval of Risk Management and the County Attorney's Office.

**Result:** APPROVED

**Mover:** John Tobia

**Seconders:** Rita Pritchett

**F.18. Approval, Re: Tourist Development Council (TDC) FY 2022-2023 Tourism + Lagoon Grant Program grant recommendations**

The Board approved the Tourist Development Council (TDC) FY 2022-2023 TDC Tourism + Lagoon Grant Program recommendations for funding the following 10 projects:

- Derelict vessel removal – Brevard County Natural Resources, boating and waterways,

\$49,300;

- Innovation solutions for protecting public spaces – Marine Resource Council, \$49,999;
- New Swell Mangrove Restoration and Outreach Project – Sea Redwine, \$37,266;
- Satellite Beach Adopt-a-canal – City of Satellite Beach, \$49,999;
- Restoration of native clam communities in the Indian River Lagoon for improved water quality and economic resiliency – University of Florida Whitney Laboratory, \$49,100;
- Samsons Island Submerged Lands Restoration, Phase 3 – City of Satellite Beach, \$49,839;
- Titusville Causeway Multi-Trophic Shoreline Stabilization and Resiliency Action Project, Phase 2c. – Brevard County Natural Resources, \$250,000;
- Brevard County Oyster Restoration – Brevard Zoo, \$113,840;
- Restoring Seagrass for Improved Natural Resilience – Brevard County Natural Resources, \$250,000;
- KBB Flex Team North Banana River Drive Litter Removal – Keep Brevard Beautiful, \$40,000;

Further, based on the facts specified for each grant, by approving this Agenda Item, it will make the following legislative findings:

- The Indian River Lagoon is an estuary with multiple public access points for tourism purposes and a long history of use by tourists;
- Each project specifically improves, maintains, re-nourishes, restores, protects, or assists with erosion control in either the Indian River, the Banana River, or the Mosquito Lagoon (all parts of the Indian River Lagoon);
- Each project is authorized purpose for the expenditure of Tourist Development Tax revenue under Section 102119(4)(a) of the Brevard County Code of Ordinances;

Additionally, authorized the Tourism Development Office Director to negotiate and sign all necessary grant agreements and related documents upon Risk Management, County Attorney's Office, and Purchasing Services approval; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.20. Approval of the Tourist Development Council (TDC) FY 2021-2022 Tourism + Lagoon Grant Program additional funding for one grant and four no-cost, time extensions.**

The Board approved the Tourist Development Council (TDC) FY 2021-2022 Tourism + Lagoon Grant Programs request for additional funding for one approved project: Derelict Vessel Removal – Natural Resources Management, \$97,675; granted a no-cost, one-year extension to the following four projects:

- Lagoon Recreation Field Guide – Brevard County Natural Resources, \$44,000;
- Manatee Field Guide: Outdoor Signage and Distribution – Brevard County Natural Resources, \$48,000;
- McNabb Park Living Shoreline – Oyster Farming – City of Cocoa Beach, \$20,000;
- Titusville Causeway Multi-Trophic Shoreline Stabilization and Resiliency Action Project, Phase 2b & 2c – Brevard County Natural Resources Management, \$250,000;

Further, based on the facts specified for each grant, by approving this Agenda Item, it will make the following legislative findings:

- The Indian River Lagoon is an estuary with multiple public access points for tourism purposes and a long history of use by tourists;
- Each Project specifically improves, maintains, re-nourishes, restores, protects, or assists with erosion control in either the Indian River, the Banana River, or the Mosquito Lagoon (all parts of the Indian River Lagoon);
- Each project is authorized purpose for the expenditure of Tourist Development Tax revenue under Section 125.0104(5)(a)5, Florida Statutes and Section 102119(4)(a) of the Brevard County Code of Ordinances;

Additionally, authorized the Tourism Development Office Director to negotiate and sign all necessary grant agreements and related documents upon Risk Management, County Attorney's Office, and Purchasing Services approval; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.21. Adoption, Re: 2023-2032 Transit Development Plan for Space Coast Area Transit**

The Board approved adoption of the 2023-2032 Transit Development Plan for Space Coast Area Transit.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.22. Approval, Re: Acceptance of 2022 Florida Department of Transportation (FDOT) Intermodal Funding, Authorizing Resolution and Execution of Follow-Up Public Transportation**

The Board accepted the Florida Department of Transportation (FDOT) Intermodal funds for planning, design, environmental analyses, and permitting of future Cocoa Terminal Transit Hub; approved and adopted Resolution No. 22-096, authorizing the execution of public transportation grant agreement with FDOT; authorized the Transit Services Director to electronically sign the follow-up Public Transportation Agreement, contingent upon County Attorney and Risk Management approvals; authorized the Transit Services Director to execute any additional follow-up documentation, resolution, and amendments necessary to secure these funds; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.23. Approval, Re: Renewal of Certificates of Public Convenience and Necessity (COPCN).**

The Board approved the renewal of the Certificates of Public Necessity (COPCN); authorized the Chair to execute the COPCN with Brevard County Fire Rescue Advanced Life Support (ALS), Basic Life Support (BLS), and Advanced Life Support (ALS) Non-Transport, Cape Canaveral Volunteer Fire Department (ALS), Coastal Health Systems of Brevard, Inc. (ALS and BLS), Kennedy Space Center (ALS and BLS), Canaveral Space Force Station (ALS and BLS), City of Palm Bay (ALS), Heath First-Holmes Regional Medical Center, Inc. d/b/a First Flight (ALS), City of Titusville (ALS), City of Cocoa (ALS), City of Cocoa Beach (ALS), City of



Melbourne (ALS), City of Satellite Beach (ALS), City of Indialantic (ALS), and City of Rockledge (ALS) for the 2022-2024 renewal period.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.24. Approval, Re: Interlocal Agreement with the Town of Malabar for Facility Use**

The Board approved Interlocal Agreement with the Town of Malabar for facility use at Malabar Fire Station 99.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.25. Permission to Procure Product or Services on the Vendor of Record for the County's Fiscal Year 2022-2023**

The Board approved the use of Vendors of Record for the County's Fiscal Year 2022-2023 as these products or services have been determined to be the sole or single source; approved the use of State Contract(s), Cooperative Contracts, and other agency contracts when market research dictates that utilizing such is in the best interest of the County for the approved Vendors of Record or Cooperative Purchasing programs; approved the issuance of purchase orders; and authorized the County Manager to execute contract, contract renewals, contract amendments, and any necessary contract extensions, subject to review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.26. Permission to Reject Sole Proposal in Response to RFP #5-22-15 Parks and Recreation Wireless Internet for Guests**

The Board approved rejecting the sole Proposal submitted for RFP #5-22-15, Parks and Recreation Wireless Internet for Guests.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**F.27. Permission to Issue Annual Supply Bids, Proposals, and Requests for Qualifications or Negotiate Competitive Agreements for the County Fiscal Year 2022-2023**

The Board authorized Purchasing Services to coordinate procurement actions to solicit competitive bids, quotes, or negotiated competitive agreements and award to the lowest, responsive, responsible, and most qualified vendor(s); to solicit competitive proposals and RFQs, establishing Selection and Negotiation Committees approved by the County Manager, or designee, and award to the highest ranked proposer(s); to exercise renewal options upon evaluation of the supplier's performance and recommendation from the user department or office; and approved the County Manager to award and execute contracts, contract renewals, contract amendments, contract extensions, and purchase orders subject to the review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.28. Revision of BCC-23 Policy, Tangible Personal Property, and Repeal of BCC-70, Management of Real Property**

The Board approved revisions to Policy BCC-23, Safeguard of County-Owned Property, and repealed Policy BCC-70, Management of Real Property, since it has been incorporated into the revised Policy BCC-23.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.29. Permission to Advertise for Sale via Sealed Bidding of Four Adjoining Properties Located at the Northeast Corner of Clearmont Street Northeast and Franklin Drive Northeast in the City of Palm Bay, Florida a Municipality within Brevard County, Florida**

The Board approved Asset Management to advertise for sale, via sealed bidding, for four adjoining properties located at the northeast corner of Clearmont Street Northeast and Franklin Drive Northeast, in Palm Bay; approved the minimum bid price to start at \$350,000 for said described properties; upon receipt of the sealed bids, authorized the County Manager to effect the sale and execute the necessary documents to provide the title to the highest qualified, responsive, and best bid(s) at or over the established minimum bid price of \$350,000; and authorized the proceeds from the sale of the properties to be deposited into the County's Public Works Department Transportation Fund.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.32. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.33. Precinct Boundaries - Altered and Added (Chapter 101.001(1) F.S.)**

The Board approved the revised precinct boundaries due to an annexation by the City of Palm Bay.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

**F.19. Approval, Re: Tourist Development Council's recommended funding for Brevard Cultural Alliance Professional Services Contract for FY 2022-2023.**

Commissioner Tobia stated on August 24, 2022, he met in his office with Brevard Cultural Alliance (BCA) Executive Director Kathy Engerran and Chair Leah Blackmore; they briefed him on the three functions of the BCA; that was arts, education, and public schools, securing cultural grants, and facilitating exhibits for Arts in Public Places; he has strong issues with the County financing each of these; and he would like to explain why. He explained the County is

paying them to promote art education in public schools; Brevard Public Schools is an independent taxing authority who will have a \$1 million increase on the ballot generating up to \$52 million; the grants the BCA administers and workshop costs are funded with money given directly from the County; the grants come largely from the State; and according to the Department of State, these resources are already available, and they are free. He pointed out he has a handout regarding those free resources; the County is paying BCA administration costs to facilitate venues for Arts in Public Places, private businesses, and when asked the first one he got was Lexus of Melbourne; he is not sure the County should be subsidizing Lexus of Melbourne; they make great cars; but they are probably not in need of public dollars. He added unfortunately it got worse, the BCA is asking more money above the \$210,120 contract; they are requesting an additional \$5,000 for a BCA summit; this summit has already been scheduled, the room reserved, and so forth for October 6, 2022; this is happening regardless of the County's \$5,000 contribution; and what bothered him the most, which he provided the Board with a handout for, was they are asking for \$4,000 for an economic impact study. He stated he does not know if anyone read the economic impact study, so he pulled a copy of it, and he actually pulled previous copies of it; they have been done in 2014, 2015, and 2017; Dr. Slotkin was contracted to do this economic impact study; he is already working in conjunction with the Office of Tourism to produce a magazine; and it is listed on his Florida Institute of Technology (FIT) website, so he thinks there is a conflict there, but it has yet to be declared. He went on to state this is where it gets egregious, the Board Members have a copy of this; the County pays \$4,000 for this economic impact study; he took a page from the 2014, 2015, 2017, and 2019 study, and they are word-for-word the same; he reiterated it is egregious that the County would pay any money for what is a plagiarized study; they have access to a computer program in which they plug in some new numbers, a couple of the tables are changed, and the pictures are updated; but for \$4,000 to plug in some new numbers and use the exact same study material is criminal, and if he had any extra time, he certainly would alert FIT with the academic dishonesty. He asked what the solution is; he stated his initial plan was to support hoteliers in the same way the Board supported Driftwood, but the hoteliers decided that was not the correct way to go; he thinks the best focus for this \$220,000 is to work on affordable housing, as the Chair has mentioned; to be clear, there is nothing the BCA tangibly offers that the Brevard County Commission cannot handle itself; and in other words, there would be no loss of service. He added Lexus may have to pay a little bit more for their art, but that is no impact to the County; and he would like to end with a positive as he likes to do when dealing with millennials, he has no issue with them extending their stay for 60 days as they requested to find a new location, so the County can move in its Veterans Services.

Commissioner Tobia motioned to reject the recommended funding and deny BCA Professional Services Contract; and to amend the Brevard Cultural Alliance's lease to provide 60 additional days, as requested after the expiration of their lease to vacate the Merritt Island Government Center.

Commissioner Pritchett advised she met with the BCA over the last week; her concern is, she told them they were more of a local agency now, instead of a County agency, she does not get a lot of communication, so she thinks there is an issue with being equitable through the County; it is nice they having paintings hung up, but she thinks this would serve BCA better if they hooked up with a local city and started working with them for some funding for some of the things that they do, because most of these things are kind of aggregated into a certain area; and that is something they need to work for. She went on to say she is okay for approving for another year, but not with an extra amount, the same as they did last year, and kind of put them on probation and see what they can do to kind of branch out a little bit more; she is in agreement with giving them an extra 60 days to find a new place to live; that is where she is, and she would like to hear where the rest of the Board is; and after a year's probation, if they

have not branched out at that time, it will probably be her vote at that time to move them off of the County's budget.

Commissioner Smith stated he can see both sides; Commissioner Pritchett makes the point that BCA is more city-related; there is an awful lot of the County the BCA does not serve; Commissioner Tobia made some good points regarding the finances, especially the plagiarizing; and he would go along with Commissioner Pritchett's proposal to give BCA a year, and the Board can decide next year to cut the rope and give them an opportunity to do that.

Commissioner Tobia expressed his appreciation to staff as this was initially five years and it got cut down to one; he thinks Commissioner Pritchett may be right, the Board should maybe wean these folks off of the government just a little bit; hopefully they can transfer over; he does not want to pay for another economic study in which they are cutting and pasting; and he guesses he can predict what page five on the 2021 study will say.

Commissioner Smith noted he will do the study for \$1,000.

Commissioner Tobia stated if the Board were to cut 20 percent off of the top and not add in any of those extra costs associated, this would give them the time to go out and get some other partners; but if the Board is more amenable to 30 percent, 50 percent, or 10 percent, anything would be a victory at this point; and he will follow Commissioner Pritchett whichever way she wants to go on this one.

Chair Zonka stated over-the-years, the BCA has some new leadership; the County is already making them find a new place; there is value to a lot of the things that they do, and she does not want to diminish that; this money is from the Tourism Development Tax (TDT), it is not from the County's General Fund; and she would be in more of agreement where Commissioner Pritchett was initially. She reiterated the County is already going to reclaim its space in the government building; she thinks they are obviously going to have to come up with some rent or mortgage for their next location; the Board can put them on notice this year; and if they blow it, they are answerable to that; and they may not end up getting any funding approved from this Board even if it is recommended from the Tourist Development Council (TDC).

Commissioner Tobia asked if the Board can give the BCA a 10 percent cut as that would give them the opportunity to ask Lexus for an extra couple of bucks.

Commissioner Pritchett explained she does not want to give them extra money; she agrees with Commissioner Tobia on this, the \$4,000 and \$5,000 need to come off; she agrees with Chair Zonka that the County is making a move right now; but she is strongly motivated if the Board can get an equitable distribution of this next year; and she thinks they need to approach the cities they are working in more.

Commissioner Tobia stated he thinks there is a common ground out there, and the Board can cut out the extras, which were \$5,000, \$4,000, and \$1,300, and it imputed in the \$212,000 which was a three percent CPI increase; the Board gets rid of the three percent, so the contract is the same as it was last year; the contract would not be cut, but the County would not be providing BCA with as much money, they are vacating; the Board is giving them 60 extra days, which they asked for; and he thinks that is decently equitable. He asked the Board to let BCA know they need to find other sources.

Commissioner Smith advised he does not want to throw them under the bus; he thinks they add value to the community; the community needs to be well-rounded, and this is part of it; but he

does not disagree with much of what Commissioner Tobia says; and he thinks Commissioner Pritchett has taken a modified version of that, and next year he does not have to be part of the decision. He pointed out he will vote however the Board is going with this; and he thinks it is worth going forward with.

Commissioner Tobia rescinded the previous motion.

The Board approved continuing the Brevard Cultural Alliance Contract for one year at the current amount, minus the three (3) percent Consumer Price Index (CPI), and cutting out the \$4,000 for economic impact study, \$5,000 for the BCA Summit, and \$1,300 for Art in Public Places; and authorized amending the Brevard Cultural Alliance Lease to provide 60 additional days after the expiration of their lease to vacate the Merritt Island Government Complex.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

**E.1. Check presentation by Senator Tom Wright to The Reentry Center of Brevard**

Senator Tom Wright expressed his appreciation to the Board for allowing him to be present today to highlight the great work that is being done by the Brevard Reentry Center portal; he stated the Brevard Reentry portal collaborates with the Department of Corrections to provide released inmates with the tools necessary to becoming contributing members of the community; this organization has proven themselves to be a critical resource that benefits residents across all of Brevard County; and he is proud to be able to provide the Board with a check today from the State appropriations they asked for in the most recent budget. He went on to say this will allow the Brevard Reentry portal to provide reintegration services that include employment, housing assistance, substance abuse treatment, mental health referrals, and assistance with obtaining a valid Florida Driver's License. He presented the Board a check for \$750,000 for the Reentry portal.

Commissioner Pritchett expressed her appreciation to Senator Wright for always fighting for the area; she stated he does such a good job; she wants to state in front of her peers that he is such a brilliant and kind person; and she is thankful they have him protecting them in the State of Florida and working for Brevard County.

The Board accepted the Check presented by Senator Tom Wright, in the amount of \$750,000, to the Reentry Center of Brevard.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

**F.31. Appointment(s) / Reappointment(s)**

Commissioner Tobia stated this is about a Tourist Development Council (TDC) appointment; Commissioner Smith made a very astute observation and finding an inconsistency with the Code as it is related to State Statute; Commissioner Smith's appointment would even out the calculation back to three appointees from each required category, as he is asking to replace an owner/operator with someone involved in the tourism industry; that would be replacing Julie Braga with Don DeDonatis; however, he thinks there is a better way to achieve this instead of replacing a hardworking individual who is doing a good job by all accounts on the TDC. He suggested the County re-write its Code to reflect State Statute; he stated the current TDC

members rejected his equitable marketing proposal to reallocate Tourism Development Tax (TDT) dollars to benefit their own businesses; they stated during the meeting that the better approach was a community advertising instead of their individual businesses; he wishes Driftwood would have come with that same approach, but then they are not part of the community; and what would also make him a little more awkward, is the item originally required a supermajority vote because of assigned voting conflict. He added this was filed by Mr. DeDonatis as the chief executive officer of United States Specialty Sports Association (USSSA) at the direction of the County Attorney in an abundance of caution; Mr. DeDonatis was not legally required to complete this form at the time, but will have to in the future should the USSSA receive additional grants, County contracts, or County funding; Mr. DeDonatis agreed to sign a form with clear indication that he understands that his new position could benefit him personally or that of his organization; and for that reason, he thinks it is probably a lot easier to re-work the County's Code to match State Statute instead of playing games with the folks who are currently there. He made a motion to approve legislative intent and grant permission to advertise a change to Brevard County Code of Ordinances Sections 102-120(a)(3) and (4) to reflect the membership requirements of Florida Statute Section 125.0104(4)(e) stating, "no less than three nor more than four shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County, and subject to the tax."

Commissioner Pritchett stated that is probably a good thing to get the County inline of where it is supposed to be; she thinks Mr. DeDonatis would be a great asset to that board, he will bring a little bit more of a balance to what is going on in the County as far as trying to get more of the tax dollars; she is still working on getting someone to represent North Brevard; she realizes she will have to get a hotelier, so that will be evened out; and she is working on it. She went on by saying Mr. Prodsy, even though he is over the whole thing, he does not directly do that, so she is working on another avenue; what she heard at the last TDC meeting, is everyone talks about Cocoa Beach and Melbourne areas, not they are not good areas, but there is not enough variety there; they talk about the launch and they talk about Cocoa Beach being the place for the launch; she wonders where Titusville and North Brevard is there; and they are talking about bioluminescence, Melbourne being the place to be, and she happens to know Haulover Canal is the biggest place to see the launch. She explained this is not personal, it is about getting a voice for North Brevard on the board; she is going to work hard on doing that; she encourages the Board Members to work on getting some voices on there so it is a little more equitable throughout the County; not that they are not doing a good job; but this is a big county; and this is a great place for the tourists to come visit. She noted the board members should be changed out on October 1st, not in December.

Christine Schverak, Interim County Attorney, advised it is October 8th.

Commissioner Pritchett stated she thinks this is the time if the Board wants to look at how it wants to do a little more diversity on the TDC board; and that is the date she is going to target for getting someone in for a North Brevard representative.

Commissioner Smith stated he does not have any objection to changing the requirements to be identical to the State; he knows one of the common thoughts in the County, at least amongst the TDC community, is that he removed his current person on that board because of some things she said; he did not agree with what she said; but at the same time, as he told her in person, he does not really like having people working for him who have the same opinion all of the time, because he does not learn anything; and he had made the decision to remove her a week before she made those particular comments. He pointed out this is not retribution because she said some things that he was not particularly fond of; Mr. DeDonatis represents USSSA that brings in upwards of 100,000 room nights into this County; Julie Braga is part of a management team in a hotel in the County, but she does not bring in 100,000 room nights; Mr.

DeDonatis is right of the middle of what is going on in this County; and TDC benefits greatly from his business being here, his company being here, and what they do here. He noted he thought he would be a tremendous asset, and that is why he appointed him.

Chair Zonka stated as much as the Board reaches out to its legislature, maybe the Board needs to reach out to them to see if they would be willing to bring forward changes to the requirements to the TDC board; the board by design is one big conflict; having a board full of hoteliers, nice guys or not, they are going to make decisions for their own special interests; perhaps the legislature loosening and bringing forward some changes in this State Statute that would allow for a more broad acceptance of members that would qualify, because she will take a look and try to fill in the void if the County is short a collector versus a hotelier; and if a person is a collector of the tax, or directly impacts the collection of that tax, then he or she would have at least a say on that board. She added that way the Board would not always be in constant conflicts and battles with people who only care about one portion of the County, which has always been the battle; and the Board can talk about bikinis and beaches, but honestly people were coming here to see Artemis.

The Board acknowledged appointment of Don DeDonatis to the Tourist Development Council, replacing Julie Braga, with appointment expiring October 7, 2026.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

The Board approved legislative intent and granted permission to advertise a change to Brevard County Code of Ordinances Sections 102-120(a)(3) and (4) to reflect the membership requirements of Florida Statute, Section 125.0104(4)(e) stating, "not less than three nor more than four shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County, and subject to the tax;" and authorized the Chair to draft a letter, on behalf of the Board, to be sent to the delegation asking for more flexibility for the composition of the Tourist Development Council (TDC).

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

## G. PUBLIC COMMENTS

Robert Burns stated he completed the economic impact study here and he will sell it for \$500; much like Commissioner Pritchett was speaking about equal representation on the Tourist Development Council (TDC), he thinks it is more important to have it on the Commission itself; he sent out an email yesterday, he knows it was probably late, he is not sure everyone got a chance to see it, so he wanted to speak on that; he was talking about the vacancy on the Commission; he said in April they lost a chair figuratively and literally; and they have not had any representation since then for District 2. He went on to say now that the primary election has been decided, they have been waiting for the Governor to make an appointment to that District 2 seat; as he mentioned at the Charter Review Commission, he thinks the Florida Statute requires that he fills that appointment; he does not think he has the discretion to not fill it; and he thinks it may have been wise to not fill that position until after the election, but now that it is over, it would be beneficial to the County and people of District 2 to make that appointment, so District 2 has representation. He noted he thinks the Commission may be able to compel the Governor with a simple letter making the request and explaining the current situation with the

electorate before doing anything more aggressive; he thinks the citizens also have standing to be able to bring some cause of action civilly if he or she wants to take that approach; but he thinks the Board can ask to make the appointment so the citizens do not have to wait another few months while Board business continues to take place.

Commissioner Pritchett stated she thinks Mr. Burns is right on a lot of levels, and she likes hearing what he has to say; she asked how the Board feels about it; she stated she would not mind maybe sending a letter to the Governor asking him if he would reappoint former Commissioner Barfield to sit in the next couple of months until they have other representation; and she asked how the other Board Members feel about it. She added she is not sure how much response the Board would get; former Commissioner Barfield knows what he is doing, so he does not have to figure it out; and she will leave it up to the others to decide.

Commissioner Tobia stated he is not opposed to the idea, but he thinks the more limiting the Board sends to the Governor's office the less of a chance it will get a response; he will support giving the Chair the ability to write that, so the Board does not have to come back; and that way it can come back as soon as possible if the Governor decides to go in that direction.

Chair Zonka stated she thinks the Board has already asked the Governor to appoint, and did not get a response.

Commissioner Smith stated it is incumbent upon the Governor to make the Board whole; he can understand his reluctance to get involved if that was his reason that he has not done so already; but he does not think it will be influencing the election at all if he were to appoint the winner of the primary; Tom Goodson would be a good representative even if Dontavious Smith wins, because the Board has an issue coming up later that involves District 2; and he thinks it is imperative that District 2 has representation on this Board. He stated he would like to make a motion to give the Chair the authority to send a letter to the Governor.

Chair Zonka stated the Board already did that explaining why and the supermajority, went into all of those details, and basically begged for an appointment.

Commissioner Smith stated that may have played into his decision if he did make that decision consciously that they did not have an election, and he did not want to influence District 2 because there was so many people running for that office.

Chair Zonka stated there are still two people running now.

Commissioner Smith advised it cannot hurt.

Commissioner Pritchett stated maybe the Chair can resend out the same letter and it will rise to the top, the Governor can take a look at it, and to take a peek again.

Chair Zonka asked with the ability to modify as appropriate.

The Board granted the Chair permission to appropriately modify the previous letter that was sent to Governor DeSantis requesting that he appoint a Commissioner to District 2, and to resend it.

**Result:** APPROVED

**Mover:** Curt Smith

**Second:** John Tobia



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

Amy Elliott stated she has been here before as a member of the Brevard community; her daughter goes to school here; she is a member of the soccer team that just got in at 3:00 in the morning from Wyoming; the reason she has been here before is because she works for a company called Ygrene; and they provide Property Assessed Clean Energy (PACE) financing. She went on to add she watched the last meeting and was stunned what was being portrayed about her program from the dais; the comments she saw about her property owners that were late on their payments, their address, and pictures of their homes she thought was ridiculous; as someone who has spent a ton of money to send her kids here, someone who has paid rent through wages, through sales tax, and through investment they made in the community, she wanted to set some information straight; they have a lot of issues in front of them as business owners and property owners; interests rates are going up, and it makes it harder for businesses like hers to get affordable financing out to property owners; but they are doing their best. She noted they are in the middle of an insurance crisis, and people are having issues staying in their insurance policies; because of the pandemic, rent and inflation is going up; what she is hearing is no changes are being made to the program that they have worked very hard to provide to residents in Brevard County; that is just not true; and they have added a soft credit poll to their financing, so that property owners who go through PACE have no ding on their credit whatsoever, not the debt to income ratio, not the inquiry at all. She advised they have added protections for seniors; they do second calls in the beginning and in the end for people over 75 years old; they make sure that property owners are having their permits closed; they have added Homeowners Association (HOA) and condo financing, so that another Surfside is not seen, so that contractors can get funding for things like fire prevention; and they have also added unsecured financing, meaning they do not offer just PACE anymore, they offer financing for people that have the credit and want to do a monthly rate. She stated she is here on behalf of herself as a business owner in Brevard County; she wants to share with the Board a comment that she has had from people who live here that appreciate the program because they are not being heard; and she read to the Board one of those comments.

Commissioner Tobia advised the numbers were redacted from all of those addresses; and he asked if any of that not factual.

Ms. Elliott replied it was misleading.

Commissioner Tobia stated all of that stuff was public record, it was all taken off of the Property Appraiser and the Tax Collector's site verbatim, he did not change any of it; and he asked if any of it was not factually correct.

Ms. Elliott responded what Commissioner Tobia used was the information they use to record to the County Clerk that actually shows the amortization and the amount that is going to be paid overall; they have no prepay penalty, so if a property owner wants to pay this down, they can make another payment outside of the tax bill; they can also pay it off ahead of time, so what he showed was the amortization after 10 or 20 years, whatever the terms were, and implied that was what people were charging; an HVAC system that would have cost \$6,000, he put it up there like it was \$13,000 or \$14,000, and said look how much that is as compared to the value of that home; and it is factually accurate.

Commissioner Tobia stated he does not know if she has ever financed a car, he does not do that, he tends to pay cash for everything, but if a person does, the federal government requires a person, and he understands because her financing is so suspect it does not even qualify for any federal loans, Fannie Mae and Freddie Mac totally disregard it, but how much it will cost

has to be added; in fact, on a credit card statement there is something at the top that says here is the minimum payment, if a person just makes the minimum payment, here is what the total payments are; that is exactly what he did with that; he reiterated that he took it right off of public record and put it up there; and the fact that Ms. Elliott thinks that is misleading probably tells him she is not telling the consumers what he or she is going to end up paying, which scares him even more. He pointed out he understands she is disgusted, and he was disgusted as well.

Ms. Elliott noted Commissioner Tobia makes a good point, if they use their credit card, they do not get to cure it, if a person is late on a payment the credit card companies are going to increase the rate.

Commissioner Tobia stated if a person uses his or her credit card, they are not going to take away their home; the Board already decided on this; he thinks Commissioner Pritchett came up with a good idea when it came to commercial because they are a little bit savvy to opening up to that, so he appreciates that; he loves Ms. Elliott's passion for her business; and hopefully her daughter did extremely well with her soccer in Wyoming.

Sandra Sullivan stated she was a little bit concerned about Consent Item F.2.; she is going to read the last sentence, "Lastly, the Code amendment exempts sewer, lift stations, sewer vacuum stations, and other water and sewer and utility infrastructure elements from the site plan review;" that just concerns her, and she wants to tie it into a bigger issue; in the years she has been coming to these meetings, her biggest concern for the County is the impact fees, which is the developers paying their share of the infrastructure; and they have not been updated in nearly two decades. She went on to say this is compounded with the issue of inflation, which has increased the cost of the infrastructure substantially; she believes the new dump that is being developed was going to cost \$25 million; she thinks the current version of that cost is upward of \$75 million, a three-fold increase; when looking at infrastructure, she thinks it is very prudent for the County to consider an impact fee study to figure out what it should be paying, what the developer should be paying, in terms of impact fees; and recently the Board approved a 58-acre development on Port St. John's sewer treatment plant, which is at 86 percent capacity. She explained four months earlier she had done a public records request, and it was at 85 percent capacity; obviously, Brevard County is growing a great deal; concurrency issues with the State suggest that over 85 percent, development should not be added; she asked who is going to pay for that new sewage treatment plant or sewage treatment plant expansion; and she stated they do not want it to be the people, they want it to be the developers to pay their fair share. She added going back to 2016, her records requests show an impact fee study was done for transportation that recommended a 66 percent increase; obviously, she has been going to the Transportation Planning Organization (TPO) meetings and it seems like the same roads are at the top of the list for being expanded and roadwork; even an article last year in Florida TODAY there is a deficit on transportation monies for impact fees; and she urged the Board to prioritize the adjustment of impact fees, have an impact fee study, so the people are not taxed.

**H.1. Approval of Ordinance amending Brevard County Code of Ordinances Chapter 110, Division 3, Subdivision I, Amending Section 11-141. Refund of fees; providing for conflicting provisions and severability.**

Chair Zonka called for a public hearing to consider an ordinance amending Brevard County Code of Ordinances Chapter 110, Section 3, Subdivision 1, Amending Section 11-141, to no longer provide refunds for sewer capacity reservation fees.

Edward Fontanin, Utility Services Director, stated this is an approval of an ordinance amending Chapter 110, Section 3, amending Subsection 11-141; this amendment would remove the

capacity reservation fee credits being applied as they are prorated per year; and the fee would be just a standing fee with no credit.

There being no comments or objections, the Board approved and adopted Ordinance No. 22-25, modifying Section 110-141 to no longer provide refunds for sewer capacity reservation fees.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Seconded:** Curt Smith

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

#### **J.1. Approval, Re: Appointment to the Affordable Housing Advisory Committee**

Ian Golden, Housing and Human Services Director, stated this is a request for the Board to vote on filling a membership position on the Affordable Housing Advisory Committee; membership is defined by Statute; one of the categories needed to be filled is for a citizen who is actively engaged as an advocate for low income persons in connection with affordable housing; staff advertised in the newspaper, on the website, and put out press releases seeking and soliciting applicants; and they had two new applicants come forward, and the existing member who has been on the board since 2013 has also requested to stay on. He went on by saying if that existing member is pushed forward from the Board, it would require a supermajority vote.

Dontavious Smith stated this is in respect to the affordable housing and the affordable housing committee at the same time, two birds with one stone type of issue; being that he is the author and creator of the Operation Up Program, which he proposed three and one-half months ago when he was in Rio De Janeiro, Brazil, he just wants to assure Brevard County citizens that there are no Community Redevelopment Agencies (CRAs), no charter review commissions, no County Commission, and no Brevard County Housing and Human Services personnel has proposed or done anything that says affordable housing or a homeless issue was a problem, and they have some solutions; he wants to reiterate what he proposed three and one-half months ago that there is nobody else in Brevard but Tay who proposed something for them; this proposed program would get citizens empowered, employed, and equipped with the necessary tools needed to pursue happiness in Brevard County; and if a person needs a comprehensive approach, to just ask him, he would have given it to them in a week. He went on to say he asked to establish a housing and homeless trust fund, which Jordan Chandler, the Board's appointment, made happen, along with the other Commissioners and the Charter Review Committee; the resources allocated from this fund, which was his perspective, would come from the medical marijuana dispensary and the physicians tax the County charges to charge their clients, as well as the tourism tax and the local construction tax, which will help implement this program; number two, creates the voucher program, which will ensure that citizens from college graduates, veterans, senior citizens, and families who are living in economic poverty, this program will provide housing, transportation, education, and health vouchers to help those citizens; number three, which is to ensure Brevard County will be employed and making adequate salaries, and he thinks Senator Wright and the program donated \$750,000 to the reentry program to ensure those offenders get adequate services, mental health wise and health wise, this program will help that; and finally, the perspective of the initiative is Brevard County will donate land to developers to help this program be accommodated. He pointed out that CRAs, Brevard County, and whoever else is trying to come up with this, and advisory council coming up with any ideas, but Tay Duh Mayuh came up with it first.

Mr. Golden advised he has the Board's ballots in front of him; there are two votes for Robert Klimkowski, one vote for Ina Fritsch, and one vote for Verdell Shackelford; and the majority is for Mr. Klimkowski if there is a motion.

Motion by Commissioner Tobia, seconded by Chair Zonka, to appoint Robert Klimkowski to the Affordable Housing Advisory Committee.

Chair Zonka advised she seconded the motion because she thinks the board needs a different approach; the County has had the same person on there for nine years; she is sure she served honorably; she knows Mr. Klimkowski is passionate about affordable housing; and she feels like he will be all in.

Commissioner Pritchett stated she would vote for Ms. Shackelford if she had not been on the board so long, she is wonderful; she will go with that if that is what the Board wants; she does like Mr. Klimkowski when he shows up and brings some comments; but the other applicant, she had a lot of favor for as well; and if she could have gotten Ms. Shackelford, she would have picked her.

Commissioner Smith asked who Commissioner Pritchett would favor.

Commissioner Pritchett replied she would have probably picked Ms. Shackelford, although she has already been on the board a long time, but she shows up, and she brings a lot to the table.

Chair Zonka called for a vote on the motion. Commissioner Smith voted nay.

Chair Zonka advised she did not hear Commissioner Pritchett's vote; and she asked how she voted.

Commissioner Pritchett stated she hates to vote nay; but she does not know if she can get the Board to appoint Ms. Shackelford again.

Chair Zonka stated she will not do it, she has been on there nine years; she is a fine human being, but the Board talks about term limits over and over again; and after nine years, she needs to give someone else the opportunity to give some ideas.

Commissioner Tobia stated he only voted for Mr. Klimkowski because he threw his name out there for election, and he really appreciates folks who do that; he cannot support someone who has been there longer than the term; he would be more than willing to go with the other person; his affection for Mr. Klimkowski because he had heard his name; and he knew very little if anything about the other applicants. He noted he is willing to support the other applicant, Ina Fritsch, if that gets the three votes.

Motion by Commissioner Pritchett, seconded by Commissioner Smith, to appoint Ina Fritsch to the Affordable Housing Advisory Council.

Chair Zonka stated the reason she is not going to support this is because there were two Commissioners who put Mr. Klimkowski as his or her choice, and the Board is going against that, so just on principal, she does not think that is right.

Commissioner Tobia stated he was one of those; he is switching because he thinks if the Board does not do it, the same person would be on there, because the Board already voted and it

only got two. He asked Mr. Golden if the Board voted two/two, will the same person be kept.

Mr. Golden responded if it was a tied vote, he has a blank ballot with two lines and there would be a second vote for the tied individuals to try to get to a final.

Commissioner Tobia stated this is not a cross he wants to die on; he asked if this is something that can wait until the Board gets a fifth Commissioner, or is there a statutory requirement to fill that position.

Mr. Golden replied he believes it can wait, because the action in the Consent Agenda with the reappointments, there is the ability to get to a quorum without this position filled; and this will leave four vacancies on an 11-member board, which leaves him seven members.

Commissioner Tobia noted he is open on this one.

Chair Zonka stated she thinks this is fairer.

Mr. Golden stated it can be re-advertised between now and then and let the individuals who applied this time to reapply; as a point of clarification, he believes the Ordinance allows the member to continue until he or she is replaced; and he asked if it would be appropriate for Ms. Shackelford to continue until she is replaced.

Commissioner Tobia asked if for quorum sake, if it is best to have the person stay.

Mr. Golden responded affirmatively; but he stated it is a Board decision.

The Board approved postponing the vote to appoint a member to the Affordable Housing Advisory Committee until there is a District 2 Commissioner in place.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

**J.2. Letter to the Brevard Delegation Regarding an Amendment to Fla. Stat. Sec. 1011.73(1-2), District Millage Elections**

Commissioner Tobia advised on August 16, 2022, the Board resolved that there was ambiguity in Statutory language found in Florida Statute 1011.73(1) and (2), regarding district millage elections; the question was why these resolutions even come before the Board; at the meeting the Board discussed sending a letter to the Brevard County Delegation to request a Statutory amendment to achieve one of the two outcomes; the two are as follows, the Statute intends for this as a pass through to be administrative; and the amendment request is to be removed from the Board from the process and let the School Board put the tax directly on the referendum. He went on by saying if the intent was given to the Commission to authorize or reject the resolution, then it needs to be amended to give it such power; the Board was amenable to have a letter with that request; this is the letter, it is in the Agenda packet; he would much rather have that come from the Board as a whole than he as an individual; and that is the request.

The Board approved a Letter on behalf of the Board to the Brevard Delegation, regarding an amendment to Florida Statutes, Section 1011-73(1) and (2), district millage elections; and directed staff to send a copy of the Letter to each member of the Brevard Delegation, along

with the attached referenced Statute.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

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

**J.3. Letter to Business Owners Regarding the Brevard County Self-Certification Business Registry**

Commissioner Tobia stated on August 4, 2022, the Board discussed sending letters to businesses within unincorporated Brevard County to bring awareness of Ordinance 2022-20, relating to Brevard self-certification business registry; he brought this forward as a draft letter to municipalities, and he has since learned that it is relevant as the Ordinance covers both incorporated as well as unincorporated; the draft letter, which the Board has seen, encourages privately-owned businesses to utilize the self-certification business registry to prohibit sexual offenders and predators from entering their business; he is open to any suggestions about the letter that was attached; and he also included a list of businesses located in unincorporated and incorporated Brevard County, which he has provided the addresses. He went on to say he has gone a step forward, he has the addressed envelopes ready to go out to those businesses; his office will also follow-up with these businesses to make sure they receive the letter, and see if they have any questions; and he would like to authorize the Chair to send any future letters to business owners without Board approval.

Commissioner Pritchett expressed her appreciation to Commissioner Tobia for the good work on this and for running with it.

Nathan Slusher stated he is speaking on behalf of himself; he is in support of this; he is hoping to broaden it tenfold for the Board; the connected ordinance that is with this on the Agenda, Section 74-102.5 is talking about what qualifies, it says, "the businesses that are used for recreational purposes and has an area where children regularly congregate;" and he would like to ask the legal clarification, because under Brevard County Municode land development regulations, certain zoning classifications, certain businesses are required to have sections of open space. He stated open space as defined by Brevard County ordinances is defined as a common open space, meaning a total amount of improved area, including outdoor space, set aside and designated on a site development plan as recreational space; he asked what percentage of a business, because different zoning classifications meet different percentages of open space, must be recreational, or must be open space, in order for a business to qualify for this; specifically, just to give the Board an idea what he is thinking here, the house he is working on right now is a vacant home in an apartment complex; the apartment complex is old, it has no playground, it has nothing that would qualify; but, the site development has tons of open space where the kids play regularly. He advised he would like to know for all of the businesses out there if a site like this would qualify, because it is an open space where recreation happens, where kids are out every day while he is working, that is why he likes getting homes and facilities like this, because it is just good; he asked would this qualify under Brevard County legalities, that is the question, because he thinks if it does, it opens this up to property management, apartment complexes, and a lot more to help with this endeavor.

Commissioner Tobia stated he is not opposed to expanding, the goal is just to mirror Parks, and that is the definition the Board took to mirror the definition already encumbered in State Statutes, so he would be more than willing to look at expanding that; again, he has hundreds of envelopes up here, so it is a good starting point; and hopefully the Board can move forward

with it.

The Board approved the letter to business owners regarding the Brevard County Self-Certification Business Registry; directed staff to send a signed copy of the Letter to each of the businesses, along with the provided addressed envelopes, return envelopes, and the self-certification application that was provided for convenience; and authorized the Chair to sign any future letters to business owners without Board approval and sign correct form accordingly.

**Result:** APPROVED

**Mover:** John Tobia

**Seconder:** Rita Pritchett

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

#### **J.4. Board Discussion Regarding the Merritt Island Redevelopment Agency (MIRA)**

Chair Isnardi advised the Board she cannot vote or discuss this issue; and she will sign the correct form accordingly.

Commissioner Smith interjected by saying he wanted to make Commissioner Tobia aware that what he has said several times regarding not making decisions without a representative from District 2 here, he feels the same way about this, just so Commissioner Tobia knows in advance.

Commissioner Tobia stated first of all, the Board has to make decisions unfortunately when it does not have a full slate up here that is the Board's responsibility; and he guesses putting his or her head in the sand is a decision to be made.

Commissioner Smith pointed out unless it is an emergency, it is not sticking anybody's head in the sand.

Commissioner Tobia noted Chair Isnardi may find out she actually has a voice in this one because of some changes. He went on to say on July 19, 2022, the Board unanimously directed staff to begin the process, Commissioner Smith was involved in that vote, of amending Merritt Island Redevelopment Agency (MIRA) boundaries to remove the Health First complex; on August 23, 2022, at the Viera complex, he met with the County Manager, Assistant County Manager, Larry Lallo, and Marcus Herman; he was very impressed with Mr. Herman's dedication and his love to his community; he proposed a compromise that would leave Health First in the MIRA boundaries, thus allowing the Chair to vote; and he believed that 20 percent of the TIF dollars could be set aside for Parks, 20 percent set aside for affordable housing, 20 percent for infrastructure, and the remaining 40 percent be fit into one of those three silos or administrative costs. He added he is not stuck on any of those, that is just the first gap; of course, signs, facade grants, and that stuff would be expressly prohibited even though Statute may refer to those as infrastructure; two days later MIRA had a meeting and the compromise was discussed; he was not on mute, and Ian Golden, Housing and Human Services Director, showed up, and he yelled his name embarrassingly; but he wants to give his appreciation to Mr. Golden, he did not ask him to be there; and he just magically appeared talking about his area of affordable housing and how it can be leveraged. He stated despite the hard work of Mr. Herman, the MIRA board was strongly against the idea of dedication of funds; the board made a useless motion that was passed to investigate this matter; MIRA was established November 15, 1998; over the last 34 years MIRA has set aside zero dollars for affordable housing; he thinks it is important to take action in the absence of MIRA making any meaningful reform to a 10-year old master plan; and he would like to tell the Board why. He inquired how the

Commission can ask other CRAs, the Board Members all sent a letter to the other CRAs, asking them to address affordable housing in the next 60 days, and the one CRA the Commission has control of the Board is going to stick its head in the sand to say it is not going to make a decision; he stated this sends a bad message, a contradictory message to every other CRA that they have to get it done in 60 days, but MIRA is not going to be asked to; waiting for a District 2 Commissioner is not something the Board has the ability to do; this plan allows for flexibility; there are some fresh perspectives that can be taken; and a large portion of TIF is being redirected for the Sea Ray Bridge. He went on to say that may be an ability to bring it back into the MIRA funding scheme; this has nothing to do with other CRAs the County has control over; for example, North Brevard Economic Development Zone (NBEDZ) may be against CRAs, but by all accounts NBEDZ is far more focused, effective, and not putting up the signs advertising it, which was greatly disturbing him; and he made a motion to direct staff to begin the process to update the CRA master plan with dedicated funding of 20 percent Parks, 20 percent affordable housing, 20 percent for infrastructure, and the remaining 40 percent on one of the three silos or administrative costs with certain prohibitions and accounting for current obligations with a draft available to the Commission at the next Board meeting on September 13, 2022. He stated that is the motion, that is why it is important, and again, the Board is not making a vote other than directing staff to bring this back; if MIRA is not going to act, the Board has to act in their absence; he does not know what that action is, to provide them with plan saying the Board expects them to do this, to kick them out and the Board take over if they are not going to take this seriously, or do away with it; he does not want to do that; this plan provides them with the most flexibility; and it provides a dedicated funding source to affordable housing. He noted at their meeting they talked about how wonderful affordable housing was, but then did not dedicate one penny to it, so he was very disappointed; again, the chair did an extremely good job, the same way Chair Zonka does a good job with a diverse population here; he had a very, very diverse population, and handled it extremely well; but, again, the outcome was not as effective as he hoped it would otherwise be; and he is more than willing to amend any of those numbers in his motion, but he thinks the Board should at least get the ball rolling on this one, and this does not obligate the Board to anything other than putting forward staff to get the Board back a draft on this.

Chair Zonka inquired just to circle back around, Commissioner Tobia is not requesting a change in boundaries.

Commissioner Tobia replied absolutely not.

Chair Zonka asked if she can vote on this.

Christine Schverak, Interim County Attorney, responded affirmatively.

Commissioner Pritchett advised she did a lot of homework on this after Commissioner Tobia brought this up last time, because he really got her attention with the hospital issue; she dug through their plan to find out what the board consisted of and how the County got the board; the County Manager is over the director of MIRA; she thinks they should incorporate; and that should be their long-term goal working towards that, because they would have better taxation with representation. She went on by saying she looked through their plan; kind of looking at what Commissioner Tobia is talking about, MIRA basically kind of does a lot of these things anyway; she would be more apt to put a little more to the infrastructure portion, but she thinks they need to define infrastructure as well; she went back and found out through many of their meetings that they get into continuous arguments over the façade grants; and those are not her favorite as well. She explained she thinks these are the things that the Board needs the MIRA board to start looking at and start taking serious; she is going to wait until they have either



Dontavious Smith or Tom Goodson on the Board; but she is going to let them know that she is going to be in great favor of rewriting this a little bit to be a little bit more defined, because they are not incorporated; there are a lot of funds coming in; and they need to tighten up where they are going to spend them. She pointed out it was brilliant of Commissioner Tobia to come up with percentages, which she is highly in favor of; she thinks there needs to be a real good definition on what they want to use and how they want to use it; she thinks the bridge needs to stay in the mix; the stormwater plans and roads needs to be worked on, because what that does is it takes the weight off of the County trying to pay those things; she is highly in favor of infrastructure and stormwater projects, especially if they help the Indian River Lagoon; and she reiterated it is a lot of the things MIRA is doing. She added she thinks it needs to get tightened a little bit; part of it is her fault because she has really never dug into the program until Commissioner Tobia brought this up; it needs some love and tweaking; MIRA needs to be working on this now because this is going to be a very ongoing thing as it goes forward; and she is not in favor of affordable housing as she thinks there needs to be a good definition of this. She stated she thinks she is more apt to look at workforce housing; she is on the affordable housing boards; she asked what the definition of affordable housing is; they said it is when a person only has to spend one week's paycheck to cover their housing; and she grew up where it always took half of her paycheck to pay for rent or housing, so she is not sure how that definition is going to work. She noted they need to work on high density projects, where the workforce can move in, smaller square footage so it costs less; there are so many things that need to be worked through with this; but she thinks the goal is for everybody to be in a safe housing position when they are done with the funds they have coming in; she is looking forward to what Chair Zonka brings in regarding the Tourist Development Tax (TDT) funds to help put money into that pot; and she reiterated a lot of work needs to be done to define this as well as how it is going to be done. She stated her goal would be to keep it out of government's hands as much as possible, and get the public sector and be a little bit more competitive with this; she reiterated Commissioner Tobia's percentages are kind of brilliant; she stated she thinks MIRA needs to work on that; they need to make this a hot topic, and listen to the Commission; and they should work a little bit more in defining those things better going forward.

Dontavious Smith stated he was at the meeting that Commissioner Tobia referenced; Larry and Stephanie have done a great job and provided a very clear vision for MIRA; he agrees with the Commission; citizens in Merritt Island do not want to become a city because they do not want to be taxed, yet they want the freedom to have; they cannot have both; and that is an issue. He went on by saying the other issue is, as Commissioner Tobia was saying, the affordable housing issue was not addressed by MIRA, which was an issue with him as well; Chair Zonka is a great Chair and Mr. Lallo is a great chair; he has done a great job in providing a vision; but the vision cannot be clear and it cannot be succinct unless there is a clear geographical, infrastructure idea of how Merritt Island is going to implement affordable housing, because that is the crux of the land; and in defense to people in Merritt Island, they do not have any representation. He noted they have Board Members making a decision, but it is going in circles, and it is not going anywhere because Merritt Island has no representation; MIRA has done a great job in developing a plan and a vision for Merritt Island and its infrastructure, but they also have issues with wanting to become incorporated and not being taxed as a municipality, as well as the affordable housing issue; and that is why he believes he would be an asset and brilliant mind in helping in implementing affordable housing and infrastructure issues that Merritt Island and the seven other cities within District 2 lack.

Commissioner Tobia stated his motion only asks for staff to come back with a plan; he thinks, at a minimum, the Board should do that whether it decides to punt down-the-road; it looks really bad, in fact, if this goes down, he is going to ask the Chair to send a letter to all of the CRAs asking for them to amend that 60 days to 120 days, because the reality of the situation is many

of those folks have transitory boards right now; there are elections up with those folks where they will all have new people very shortly; but, the Board seems like hypocrites. He went on to say he never wants to feel bad for cities, but they would have the Board on grounds, so he thinks the Board needs to take action because MIRA did not; to be clear, he is only asking staff to bring back a plan that has this outlined so the Board can make revisions and changes; if the Board is not willing to even ask staff to bring the Board back something, at a minimum, it needs to give an extension to all of the cities, because he thinks the Commission will hear something in Board Reports that they are going to ask for a little direction here; and he would not be able to do it.

Commissioner Smith advised there is a room full of really intelligent people here, so he does not think he really needs to say that bringing up hypocritical really does not have anything to do with this as the other boards are not missing a valuable cog in the decision-making process, where the Board is; he just felt compelled to say that, just because; he does not have any objection to something that really commits the Board to nothing, it just provides information, so if his fellow Board Members want to go along with that, he is okay; but he just wants everyone to know that, regardless of how he feels about Commissioner Tobia's ideas, pro or con, has nothing to do with his decision not to support it; and it is simply that District 2 does not have representation. He noted for the record, he likes Commissioner Tobia's ideas.

Commissioner Pritchett stated she does not have any problem if he wants staff to start working on that, but she really wants MIRA to hear the Board right now, and she thinks they need to go back to their next meeting and start working on some of these outlines and some suggestions with it; Commissioner Tobia said these were up for conversation; she thinks the more heavy of it needs to go into the infrastructure, larger infrastructure projects; she thinks anything that is left over probably should go into infrastructure; and she thinks Parks is its own infrastructure. She went on to say MIRA should consider infrastructure and make sure everyone is on the same page; she needs to know what is going to be affordable housing; she asked are they looking at workforce housing; she stated she needs a concept of what they are thinking, because honestly, they could actually do infrastructure and have it part of affordable housing; she does not know; and she needs a better definition for her head. She reiterated she is fine if Commissioner Tobia wants to do that, but she would really like to have MIRA listen on this and start working with a plan to get an idea of what they are hearing that needs to be moved forward; she stated she agrees with Commissioner Smith, the MIRA board individuals are smart; and she thinks they can come up with a good plan that is good for their community, because she does believe in home rule, and helps alleviate the costs the County has to put in, because if it had that money just coming in, it would just use it for these projects; MIRA should have first choice because they live there; but they have to understand the projects it would be used for, because they are not incorporated; and she asked them to take that into consideration, start working on that, and when the Board gets a District 2 representative, it will move forward with a vote, which would greatly help this process.

Commissioner Tobia explained he would like to keep the motion out there; the commitment he would make is once the Board got a work product, it discusses its issues, and the Board hand that over to MIRA to discuss; but he would not make a vote, in the absence of a Commissioner for District 2, it at least was heard from MIRA; he just wanted something concrete; and this would provide something concrete. He added his goal on affordable housing, whether it is workforce housing, he wants to give them as much flexibility as possible; Chair Zonka is the expert on this on the Board, and if she wants to define it a certain way, he is fine with that; but the Board needs a work product to start working from; and all of this does is get the Board that work product, so it can work on it and MIRA can work on it. He noted that is all he is asking for, and the Board has his commitment not to vote on this until MIRA has had an opportunity to sit

down and discuss it.

Chair Zonka stated she loves this idea; she thinks it is kind of smart because Commissioner Tobia was probably counting votes and figuring out the Board probably could not get some benefits from the use of this tax, so she thinks it is great; she expressed her appreciation to Marcus for coming to her office and speaking with her; he was very rational, intelligent, and passionate about MIRA, and she appreciates him; as far as affordable housing, if MIRA ends up banking it for a couple of years so they can buy some land to develop into a project, she is fine with that too. She went on to state as far as not having representation from District 2, if all decisions were made specifically for a Commissioner's own District as an official, there would not need to be five Commissioners; it is not this Board's fault a Commissioner resigned; that is the Commissioner's fault, he left the office for his own reasons; as much as she would not want to hold up someone's project, permit, or development, she does not think the Board should just sit by and not take opportunities; and the Commission is not doing anything sneaky, it is actually trying to do something for MIRA.

Commissioner Smith stated he wants to put this in a nutshell, they are not incorporated, so the District 2 Commissioner is their mayor; they do not have a mayor; he thinks they should have a mayor sitting up here so he or she can be part of the discussion; and he agrees with an awful lot of what the other Commissioners have said.

Chair Zonka asked if Commissioner Smith has talked to MIRA; even with previous Commissioners when someone says Merritt Island should incorporate, he or she gets very upset with that; and depending on which MIRA Member a person speaks with, they do not like it either, because it does mean more taxes for them; she asked does it provide them more services, that is up for debate; but the District 2 Commissioner, if he was the mayor of MIRA, then he would be the mayor of MIRA, he is a County Commissioner tasked with the responsibility of the whole County.

Commissioner Smith asked if it is possible for this Board to issue some kind of an eat it, to give District 2 four years, 10 years to incorporate, and the Board were then at that point to sever the ties with them.

Attorney Schverak replied she is afraid off of the cuff she cannot give him an answer, she would have to do some research on the incorporation of a city.

Commissioner Smith noted he figured that; he cannot imagine the Board can; but he thinks it would be something to consider.

Commissioner Pritchett advised that would be a good idea if the Board could help in that process, because she knows it is not politically correct even for the MIRA board to say that, but it might help them out in that direction; Chair Zonka is right because right now this is County and MIRA is kind of at the decision of this Board; if Merritt Island is incorporated, it will have a little bit of home rule at that time; and it might mean more taxes, but it is more safety to their opinions, so she thinks with all wisdom, as Chair Zonka brought that up, it would be a very good thing for them to move forward with. She went on by saying the Board is going to start working on a plan, MIRA should work on a plan to see if some great minds work can be put together; she will be waiting for a vote until there is a District 2 Commissioner; if this was March, they may be in more trouble; but there are only a couple of months; and that is the righteous thing to do here. She added MIRA is actually pretty good on how they spend their money, they are pretty responsible, so she does not think this is going to be a problem for them to get this together; Chair Zonka said something wise here, so as this is gotten together, a time

should be put on the aggregate of the percentages, because there might be a hold on uncertain projects for a few years; that is something the Board may need to consider as well is how long it wants that time span to be until MIRA is kind of within the spending varieties; but they have already been doing it; and she does not think it will be very hard for them to do the paperwork.

Chair Zonka mentioned she can see Commissioner Smith's concern regarding the boundary changes; she is glad Commissioner Tobia came up with a cleaver, or at least an alternative way, to make sure that some of the issues were being addressed that he wanted to see addressed; it does not change their boundaries at all; and they can still take a little claim to the hospital.

Commissioner Pritchett seconded Commissioner Tobia's motion.

The Board approved and directed staff to begin the process to update the Community Redevelopment Agency (CRA) master plan with dedicated funding, 20 percent for parks, 20 percent for affordable housing, 20 percent for infrastructure, and the remaining 40 percent for any of the three silos or administrative costs, with certain prohibitions and accounting for current obligations, with a draft available at the September 13, 2022, Regular Board Meeting.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Rita Pritchett

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

#### **J.5. Commission Salaries for the Years of 2023 and 2024.**

Frank Abbate, County Manager, stated the Charter Section 2.6 provides that on or before October 1st of every even numbered year the Board has the opportunity to pass an ordinance to specify the salary for the next two years; that salary cannot be higher than the prior years' Consumer Price Index (CPI) or the average increase that employees have received, and that was 4.7 percent for the CPI and 3.37 percent was the average increase, so this is a request of whether or not the Board is interested in legislative intent, staff bringing back for a hearing any changes to Commissioners salaries; as he indicated, Commissioner's salaries, in accordance with the State formula that is utilized for Brevard County, it would have been \$96,895; the Commission salary has been \$58,308 since 1997; and staff is just looking for Board direction as to whether or not to leave it as is or to bring forth an ordinance for the Board's consideration.

Nathan Slusher stated it is his belief, and this is not a county-level thing, that every elected official from the President down to the cities, should make the average income of the people they represent; that incentivizes the elected officials to go out into the communities to invigorate and grow the communities so that their people have higher incomes; when any elected officials, whether it be Congress, Senate, State Legislature, if anyone is given the opportunity to set their own salaries, it just leads to problems; he encouraged the Board to look at itself as having the possibility to set themselves up to make the average income of Brevard County; in 2020 that was \$33,662; and the average household income in this County was \$59,359, with 2.7 people per house. He asked should one elected politician, of Congress, county, or city, make 2.7 times more than the average income of the County; he stated he is all for bettering ones lives, that is why people own businesses; but politics is not to get rich on; this is an across-the-board thing, it is not just for this Board; he wants the Board to consider thinking about this, because when setting Board policy where it is the average income, then he or she does not have to worry about being biased; and it is a simple number that the public can see.

Commissioner Tobia stated he likes that idea; he is going to run for mayor of Beverly Hills or Manalapan, Florida, where the average income is \$200,000 or \$300,000 bucks; unfortunately, in areas where there are a lot of minorities and disadvantaged populations, the representatives would be paid much less than their counterparts; he is not going to vote for a pay increase for himself while he is in office; and if he did this, he would have to do what former Commissioner Barfield did by handing over his entire salary back. He added the County has had some great folks up here; the 27th Amendment, the most recent one to the United States Constitution says, "No law varying the compensation of the service of senators and representatives shall take effect until an election of representatives shall have been intervened"; while the Board is not obligated as it only affects U. S. Senators and Representatives, he thinks he or she should at least be as good as the dysfunctional Congress; with the help of the County Attorney's Office, he has draft language that would go on the 2024 ballot; he would support this as he would not benefit one penny from this; and it reads, "Effective January 1, 2025, shall Article 2, Section 2.6 of the Brevard County Charter be replaced in its entirety to provide that the salary and other compensation of the Brevard County Board of County Commissioners be determined at 90 percent of that set forth in Chapter 145, Florida Statutes for county commissioners, as amended from time to time, which provides a uniform method of compensation for county commissioners with similar duties across the State". He stated if the Board wants to wait, this is something he would vote for, since he is not going to vote for the other one.

Commissioner Smith stated from the perspective of having this job for the last eight years, he thinks that asking anybody to work for the same salary for 26 years since there has been an increase, he does not think it is unreasonable to increase it by two, three, or five percent; he can understand the argument that a Commissioner is voting for something for themselves, because the rest of the Board would benefit if it passes next year, so he or she would have roughly a year, year and one-half for an increase; if he or she feels that strongly about it, he can postpone the enactment of it until leaving office, or follow something along the lines of what Commissioner Tobia has mentioned; but he does not think it is unreasonable to increase the salaries of Commissioners after 26 years; and the Board would not be voting for an increase like a sitting Congressman would that is already making \$140,000 a year or something like that. He pointed out this is minuscule, so that argument does not carry any water for him; and those are his random thoughts.

Commissioner Pritchett explained if the Board was going to do this for the money, he or she should have done it when getting elected to end up with a few hundred dollars more; the Board Members obviously do not do it for the pay, but it does consume time; on this Board there are doctors, Certified Public Accountant (CPA), professors, and business owners; there is an opportunity cost each person has to give up to serve; and while it is all good and fine, there are other things he or she could be doing. She stated her point is a person kind of gets what he or she pays for; if the County is not able to get a little bit more competitive with this, she would be concerned with the people who run for offices; there needs to be people who can be able to take that money out of his or her families to serve the overall good of the family; she is going to support what the County Manager has brought forward; and she is also going to support this. She noted a laborer is always worth its hire; as Commissioner Tobia brought up, the Board Members are almost 50 percent lower than other counties; she loves the people she serves with, how frugal they are, and kind at the same time, so she is going to support both of these; and she expressed her appreciation to Commissioner Tobia for bringing this up, because she thinks it will be good to leave with the next set of Commissioners when they get ready to run for offices again.

Commissioner Tobia stated the County Attorney's Office did a great job getting this to him so

quickly; he thinks she had mentioned there is a lot more work she would have to do to actually bring it back for an official vote; he would support it when she does that; this was just a quick draft so he can give an alternative on it; and he will vote for giving the County Attorney enough time to get this back to the Board, a formal document on that. He went on to add the County Attorney turned this around very quickly and did a very good job at it; again, he is not married to this 90 percent, he just came up with it; and if the Board wants to change it, he is certainly willing to do that.

Chair Zonka advised back when these salaries were reduced, a big advocate was an extremely wealthy Commissioner who did not depend on his salary; great points have been brought up that people want great people to run for office who are able to either split their other job or commit the time to do it; she does not have a problem with the increase; it obviously is not going to make a significant difference to her; and she and her husband donate probably 10 times that a year of charitable contributions from her family. She noted she does like the language for this, she is willing to look at that, because that will not affect the Board Members in the future.

Commissioner Smith pointed out this Board is not making the decision, it is giving the decision to the populous to vote on this; it is not the Board voting itself a raise; and it is a step in the right direction. He went on to say he is sure the Board Members up here donate to many charities far exceeding that increase; that increase is not going to cause anyone to say yes or no that they are going to run for County Commission; and it just makes the statement the Board is ready to move forward with this.

Chair Zonka stated after 25 years she thinks the position deserves that.

Commissioner Pritchett noted it is less than \$1 an hour, it is like 20 something dollars a week, so what is being talked about is nothing; but it will help future Commissions to get the wages up a little more competitively.

Commissioner Pritchett made the motion to approve the County Manager's proposal, and to include that Commissioner Tobia get with the County Attorney to bring this up to put on the ballot in a couple of years; and she asked if Commissioner Tobia wants to make them separate motions.

Commissioner Tobia responded affirmatively.

The Board approved legislative intent; and directed staff to bring back an ordinance for the Board's consideration on Commission salaries.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

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

**Nay:** Tobia

Commissioner Pritchett made the motion to have Commissioner Tobia get with the County Attorney to get this framed up for it to go on the ballot during the Presidential election, so hopefully the Charter can be changed and fix the County Commissioner's salaries. Commissioner Tobia explained he does not need to be involved in this; the County Attorney has direction of the Board; and she can bring this back, so please get with her if one of the

Commissioners is not okay with this, because this does not affect any of the current Commissioners.

Chair Zonka stated she would say make it consistent with other Boards; she thinks by saying 90 percent, it will confuse the person voting for this; and the Board has a couple of years to discuss this.

Commissioner Tobia pointed out to have this so the next Board does not have to vote on it makes things a little bit cleaner from their perspective as well.

The Board directed the County Attorney's Office to draft a resolution with proposed language to be placed on the 2024 ballot referencing County Commissioner salaries.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Rita Pritchett

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

## **K. PUBLIC COMMENTS**

Dontavious Smith stated he wants to apologize to this Board as he came here March 8, 2022, at the public meeting and spoke under the public comments section about the behavior that had been displayed by former Commissioner Lober to the other Commissioners and the interactions; he was kind of upset, and he came up here and spoke about it; he made a reference about the relationship the Board has with Florida TODAY, and it not looking good; and now that he is a person of interest in things in Brevard County, his name is in the Florida TODAY. He went on to say he is apologizing because now he feels what the Commission feels; on the outside looking in, and being on the inside looking in, he feels some kind of way about Florida TODAY, too; he is a good guy, he is civil, he respects this forum to the highest degree; he has never been to jail, he does not have multiple baby mamas, and he does not have any of those clichés as a black man in his community; and he is going to address this publicly because now he thinks he can. He explained he is not an elected official yet, so he can talk a little bit; he asked Florida TODAY, when they write about him, put some respect on his name please; there is a tone they are writing about him in these papers, and it is going global, because it is not just about Brevard County, it is released it is worldwide; so Ralph Chapoco is writing about him, and he knows he is back there listening to him, he does not know him because he just came from Arizona; there is no way he can say Brevard County does not know him; and his money, time, energy, ingenuity, love, and his compassion is ingrained here, 37 years. He added Mr. Chapoco has been here six months, he does not know him; he suggested Mr. Chapoco Google him; as a matter of fact, he asked Mr. Chapoco to Google Hood Bred; this colorful wardrobe he sees him in is his, he owns it; and he is 10-time bestselling author under the Hood Bred brand, so he suggests he Google that, too. He added as a matter of fact, buy 10 of them while he is at it; and that being said, he is running with Duh Mayuh, Dontavious "Tay" Smith, and do not play with him or his name.

Robert Klimkowski expressed his appreciation to Chair Zonka and Commissioner Tobia for putting his name forward for the Affordable Housing Committee; he stated talking about opportunity costs, putting his time into something, and the Board putting its time into something for its salary, when a voluntary committee that cannot meet quorum with only 75 percent of the people showing up, him coming to these meeting exhaustively, him going to District 4's office exhaustively asking if he can be appointed to a board for eight months, to a different advisory board, just because he wants to be part of the community, and then saying no because he is a

candidate; he withdrew his candidacy and still wanted to be a part of it; it was not his candidacy that was the issue, it was the fact that he wanted to be part of Brevard County; and it seems like, just like Dontavious said, the people who have been here cannot get a leg up. He went on to say it is not quoting anything by Florida TODAY, he thinks in all honesty, they talk about affordable housing and phone off, it is 30/50/80, so 30 percent extremely low, 50 percent low income, 80 percent moderate; he knows the topics, he has a workable knowledge, blight, nimbyism, or the theory of Not in My Backyard (NIMBY), infill, having dilapidated land being taken by the County and fixed, and then resold to people who are in extremely low or moderate income; community land trust, he was on the Charter Review Committee that exhaustively sat there and spoke over and over again on how he thinks there is an aspect of community land trusts that can be worked with Proposal 24 that just passed on the Charter Review Commission; and he asked talking about opportunity costs, what are the volunteer boards getting. He noted he comes here, never made a dime, and still wants to be a part of these committees, so against his preconceived notions and the fact that enduring the Board's reports, it makes motions, because this was on the Agenda, he asked the Board to make a motion to reconsider what it talked about in making a November appointment, to take his name and reappoint that to the Board, because that is something where he is here, and within five to 10 minutes of him hearing about this, that is his commitment; he flew from his house to his car and drove 10 percent over, he is not going to lie, on the speed limit; he again asked the Board to reconsider that and take into consideration that he has spent countless hours; if the Board looks on the email, it should see a support letter by Kristin Lortie; and he has been at the June meetings, the Home Consortium, he has been talking to Allen Woolwich. He added as of last week, on Friday, he called Mr. Woolwich up and asked him if there was anything else he could do for these appointments; and he asked the Board to move that and to appoint him to this board.

Sandra Sullivan stated regarding Item J.5., there was no attached file to the Item; as to the County Manager's report, if staff would be so kind to upload that report so that people do not have to do a public records request; and it is just more accountability and transparency in having those documents there.

Frank Abbate, County Manager, stated all Ms. Sullivan has to do is read the Agenda; there is no report; what he put on there was consistent with what Charter provides; and all of the information that is relevant is on the Agenda itself. He added it was totally transparent.

Chair Zonka stated she is not going to beg the Board to appoint Mr. Klimkowski; again, she speaks from knowing his involvement, his research, and his commitment to affordable housing; and she will just fight from her ranking again if the Board is interested, but if not, she guesses it will just be held off.

Commissioner Pritchett stated she thinks she would like the time for Mr. Klimkowski to come into her office and have a conversation if he would be good with it; and she asked him to make an appointment to sit down with her later.

### L.3. Reports, Re: Commissioner Rita Pritchett, District 1

Commissioner Pritchett stated the Parks and Recreation background checks are going to change October 1, 2022; she has been talking to Mary Ellen Donner, Parks and Recreation Director, and a lot of the partners; it is about 50/50 now; the Parks and Recreation budget seems to be doing pretty well with it; and she thinks if the Board makes it 100 percent, it may do some damage with their ability to administer to the children. She went on to say another thing she is concerned about is if they run out of funds they might get a little bit complacent about getting these checks as they are doing; she would like the Board to bring this back soon;



and she proposed leaving it where it is at right now at the 50/50 and not make the change currently.

She stated she wants to talk about the elections, and there was a pretty good turnout for a primary; she was encouraged that the ones who fought a good fight, a good clean fight, they were not angry, they are the ones who won; she is always looking for people who can bring good leadership; she is so over all of the anger; and the country has enough of that going on. She went on to add she is looking for people who can bring good common sense, they do not lie, and they tell who they are; as soon as she gets the slam pieces on other people of things, they just are not even true most of the time; by the time she gets them, she knows they are not true, and she is not going to vote for the person; she is looking for people will come and have a conversation and bring something good to the Board; and she does not like the demand, "It is your way or the highway." She stated most of the time when a person thinks he or she knows something, they find out he or she does not know it all; she reiterated she is very encouraged by the people who won the elections, and moving forward with the people who did get the vote; and to have great encouragement with the community and how they voted. She stated they had a great opportunity with the weather for Artimus to have a liftoff, but thank goodness, with their wisdom, they took a pause to fix things; Jill Hayes, Budget Office Director, ended up at her office with her children, they had an open house; it was nice to see a lot of the County staff; at her office there were about 350 people that showed up to be ready for the launch; it was fun, and it was people from all over the country, the State, and a lot of Brevard County people as well; and she is looking forward to a great, safe launch as this is the fun stuff the County gets to participate in.

L.1. Reports, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated he believes that the Board's letter to the various Community Redevelopment Agencies (CRAs) has had some impact in that he has recently received an email from the President of the Space Coast Public City Manager's Association indicating that they want to discuss the issue of affordable housing, asking if Brevard County would have anyone he could suggest could speak to them so that they could understand what the Board's position is on the affordable housing; he wanted to bring that up in case there was any Commissioner who would like to go to the next city manager's luncheon where they would like to hear about that topic relative to CRAs and what the Board's interest in seeing affordable housing moving forward in; and he forgot that he wanted to discuss that during his Board Report to see if he could encourage any of the Board Members to come to that meeting.

Commissioner Pritchett advised she would like to send Chair Zonka.

Commissioner Tobia asked when that meeting is.

Jim Liesenfeldt, Assistant County Manager, responded September 23, 2022.

Commissioner Pritchett stated if Chair Zonka would agree to it, she would like to send her. Chair Zonka stated she has a leadership retreat with Health First from 8:00 to 5:00.

Commissioner Tobia noted he has a wine tasting in Lisbon, Portugal, and then a 17 tasting food tour in Lisbon.

Chair Zonka asked Commissioner Smith if he would like to speak on Affordable Housing, to get with Ian Golden, Housing and Human Services Director.

Commissioner Smith responded not really.

Commissioner Tobia pointed out he saw Ian Golden, Housing and Human Services Director, in action at the MIRA meeting, and though he only has a certain knowledge of the funding that comes in from the federal government, he was very effective, and Merritt Island Redevelopment Agency (MIRA) faked excitement; he thinks Mr. Golden offers ways that folks can leverage funds; and if he was going to do it, he would certainly ask Mr. Golden to come with him, so if that takes a little bit of trepidation off of anyone, he was on the fly very effective.

Commissioner Pritchett stated she thinks Mr. Abbate and Mr. Golden can go together; and she asked if Mr. Abbate was okay with that.

Mr. Abbate replied they were already going to do that; and they just wanted to give the Board the opportunity if anyone was interested in joining them.

L.6. Reports, Re: Commissioners Kristine Zonka, Chair, District 5

Chair Zonka advised this is Christine Schverak, Interim County Attorney's, last meeting.

Attorney Schverak stated the Zoning meeting is her last meeting.

Chair Zonka stated it is her last official business meeting; she expressed her appreciation to Attorney Schverak for her help, for everything she has done for the Board so far, and for everything she does behind the scenes that the Board does not see; and she is glad Attorney Schverak is not leaving right away.

Commissioner Smith stated he was not aware this was Attorney Schverak's last meeting; he has been thoroughly impressed with her; and he is going to miss her.

Commissioner Pritchett pointed out Attorney Schverak attends the North Brevard Economic Development Zone (NBEDZ) meetings, she knows her stuff, she comes out with the data, and she is always impressed with her.

Chair Zonka explained she always appreciates someone who does not look at the politics and just looks at the law; that is the best attorney one can have; the best attorney is one that is for the people, not just the law; and she reiterated her appreciation for her. She expressed her appreciation to the Supervisor of Elections and her staff for a great election cycle; Commissioner Pritchett touched on it; the Commissioners have had the pleasure of being a part of the Canvassing Board, which can mean several hours canvassing ballots, matching signatures; she is impressed with not just their system but with their auditing features, they audit every ballot twice; and it is a testament to the commitment, integrity, and the commitment to Brevard County that they are going to run a fair and honest election. She again expressed her congratulations to Lori Scott and her staff; she is still not done as the Canvassing Board was meeting this morning; and she hopes they are not stuck there too long today.

Upon motion and vote, the Board adjourned at 11:13 a.m.

ATTEST:

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RACHEL SADOFF, CLERK

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