

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, September 13, 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 Kristine Zonka, Chair, District 5**

Chair Zonka led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL: July 19, 2022 Regular**

The Board approved the July 19, 2022, Regular meeting minutes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**E.1. Resolution acknowledging Hunger Action Awareness for September 2022 - District 4**

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-103, recognizing September 2022 as Hunger Action Awareness Month.

Stephanie Palacios, Director of Advocacy and Government Relations at Second Harvest Food Bank, thanked the Board and expressed her appreciation for the Resolution; she stated she has had the privilege to meet a few of the Board members and she thinks she will be meeting with some others shortly; she brought with her the Director of the Brevard County branch, Greg Hanson; and he has a couple words to share with the Board.

Mr. Hanson stated the Commissioner mentioned the poundage of food that is distributed annually; he knows from the hunger data that one out of six individuals in Brevard County is food insecure, not knowing where the next meal is going to come from should hardship fall upon them; as of late, that is probably not quite as accurate; the pantries that partner with them have reported a 38 percent increase of people showing up to the pantry lines, therefore, they know the need is increasing; they will continue to get food out to the community and support Brevard County from Titusville to Palm Bay; and he noted they partner with over 80 other non-profits to get food out to those in need. He expressed his appreciation for the Resolution.

Commissioner Smith asked if they would like to address how they receive their funding and how they accumulate the food.

Ms. Palacios explained there are multiple ways; she believes about 68-70 percent of the funding is from private donations; the food is donated from anyone from Publix to Tyson, to any big box store; there is a program called Retail Rescue where their trucks go to Publix, Walmart, and Target and pickup food; they bring it back to the warehouse so it can be distributed, otherwise, this food would be wasted; they rescue that food and get it out into the community; additionally, they receive some funding from the Federal Government through The Emergency Food Assistance Program (TEFAP) United States Department of Agriculture (USDA) commodities; and they also receive some funding from the State of Florida, so it is a mix.

Commissioner Smith thanked them for what they do.

**Result:** ADOPTED  
**Mover:** Curt Smith  
**Secunder:** Rita Pritchett  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

**E.2. Resolution Proclaiming Constitution Week, September 17 - 23, 2022**

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 22-104, proclaiming the week of September 17 - 23, 2022, as Constitution Week.

Lisa Waters, Regent of the Abigail Wright Chamberlin Chapter of the Abigail Wright Chamberlin Chapter of the Daughters of the American Revolution, stated they are an all-women volunteer non-profit service organization; their mission is to educate the youth, to support the veterans, to support the patriots, and the Constitution; she expressed her appreciation for the Resolution; and she stated it is very important to recognize this week in the form of government, which is the most magnificent form of government on the planet. She invited the Board to visit the Suntree Library where there is a display in one of the windows; and she mentioned there is also one at the Fee Library if anyone is down in that area.

Commissioner Smith inquired if she is one of the daughters of the revolution and if her lineage can be traced all the way back to the revolution.

Ms. Waters responded affirmatively. She advised her great, great, great, great grandfather fought in the battle of Yorktown; her family had a small farm and a stone grinder; and they provided sustenance, food, and wheat to the Continental Army.

Commissioner Smith commented that is very cool; he just read about the battle of Yorktown; and he thinks the book was called, "In the eye of the Hurricane."

Ms. Waters replied she had never read that.

Commissioner Smith went on to say, it is a very good history book; he is a history nut and it spelled out a lot of minute details of what led up to Yorktown and the sea battles; and he noted he had no idea the sea battles were so integral to the success of Yorktown.

**Result:** ADOPTED  
**Mover:** Rita Pritchett  
**Secunder:** Curt Smith  
**Ayes:** Pritchett, Tobia, Smith, and Zonka

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

Commissioner Tobia asked to pull Items F.13. and F.14. He advised he will be voting no on both of those so, if there is no other comments then the Board does not need to discuss them.

Commissioner Pritchett and Chair Zonka noted they would also like to pull F. 14.

Commissioner Tobia stated F.13., is a vote of nay with no comment.

**F.1. Third Amendment for Stormwater Education and Outreach Interlocal Agreement with the City of Cape Canaveral, the City of Cocoa Beach, the City of Cocoa, The**

**City of Indian Harbour Beach, the Town of Malabar, The City of Melbourne, the Town of Grant-Valkaria, and the City of West Melbourne. (Collectively the “Municipalities”).**

The Board executed and approved the Third Amendment to the Stormwater Education and Outreach Interlocal Agreement with the City of Cape Canaveral, City of Cocoa Beach, City of Cocoa, City of Indian Harbour Beach, Town of Malabar, City of Melbourne, Town of Grant-Valkaria, and City of West Melbourne.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Second:** Curt Smith

**F.2. Final Plat Approval, Re: Lakes at St. Sebastian Preserve Phase 4  
Developer: Holiday Builders, Inc. District 3**

The Board granted final plat approval; and authorized the Chair to sign the final plat for Lakes at St. Sebastian Preserve Phase 4 - Developer: Holiday Builders, Inc., subject to minor engineering changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Second:** Curt Smith

**F.3. Final Plat and Contract Approval, Re: Aripeka at Viera - Phase 3 & 4  
Developer: The Viera Company District 4**

The Board granted final plat approval; and executed and approved the Subdivision Infrastructure Contract for Aripeka at Viera Phases 3 and 4 – Developer: The Viera Company, subject to minor engineering changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Second:** Curt Smith

**F.4. Final Plat Approval, Re: Hickory Ridge - Phase 4 (District 1)  
Developer: Granite Property Development, Inc.**

The Board granted final plat approval; and authorized the Chair to sign the final plat for Hickory Ridge, Phase 4 - Developer: Granite Property Development, Inc., subject to minor engineering changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Second:** Curt Smith

**F.5. Acceptance, Re: Binding Development Plan with Brian G. and Debra S. Lawson; and David and Alicia McCabe (District 1)**

The Board executed Binding Development Plan Agreement with Brian G. and Debra S. Lawson and David and Alicia McCabe, for property located in the south half of the southeast quarter of the northwest quarter of the northeast quarter of the southeast quarter of Section 35, Township 23 south, Range 35 east, lying in Brevard County, Florida.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.6. Approval, Re: Temporary Construction Easement for Lift Station F-01 from Judith A. Nettles- District 2.**

The Board approved and accepted the Temporary Construction Easement for the Lift Station F-01 from Judith A. Nettles.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.7. Approval, Re: Dedication of: 1) Warranty Deed and Bill of Sale from D.R. Horton, Inc. for Tract LS-2 of Crystal Bay Phase Two Subdivision for Lift Station X-19, and 2) Utility Easements from D. R. Horton, Inc. and Crystal Bay Community Association, Inc. related to the Plat of Crystal Bay Phase Two - District 3.**

The Board accepted the Warranty Deed and the Bill of Sale from D. R. Horton, Inc. for lift station X-19; and executed and accepted the Utility Easements from D. R. Horton, Inc. and Crystal Bay Community Association, Inc. for the Plat of Crystal Bay Phase Two.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.8. Accept and permission for County Manager to execute Florida Department of Environmental Protection (FDEP) Grant Agreement associated with the South Beaches Wastewater Treatment Plant 6 MGD Conversion to Advanced Wastewater Treatment (AWT)**

The Board accepted the FDEP grant for conversion of the 6 MGD plant at the South Beaches Wastewater Treatment Facility to AWT; and delegated authority to the County Manager to execute contracts and reimbursement requests for the grant, and to authorize any associated Budget Change Requests.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.9. Accept and permission for County Manager to execute Florida Department of Environmental Protection (FDEP) Grant Agreement associated with the Riverside Drive Force Main Improvements - Phase 3.**

The Board accepted the FDEP grant for the Riverside Drive Force Main Phase 3 project; and delegated authority to the County Manager to execute contracts and reimbursement requests for the grant, and to authorize any associated Budget Change Requests.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.11. Approval, Re: The Brevard Commission on Aging Amended Resolution and Sunset Date Extension**

The Board approved and adopted Resolution No. 22-105, revising Section 2, and extending the sunset date to September 30, 2027, for the Commission on Aging.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

**F.12. Approval RE: Resolution and Lease for a portion of Space Coast Communities Sports Complex to Space Coast Full Throttle Speedway, Inc for asphalt kart racing. (District 1)**

The Board approved and adopted Resolution No. 22-106; approved and authorized the Chair to execute the Lease with Space Coast Full Throttle Speedway, Inc. for asphalt kart racing at Space Coast Communities Sports Complex; and approved and authorized the Parks and Recreation Director to execute a renewal and amendments upon County Attorney's Office and Risk Management approval.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

**F.13. Approval, Re: Funding recommendations for listed FY2022-2023 Cycle 2 and New Sports Event Grant Applications**

The Board approved the funding of the following 2022-2023 Cycle 2 Sports Grant applications:

1. Eastern Surfing Association Southeast Regional Surfing Championships (4/21/2023 – 4/23/2023) \$17,760.00
2. Cocoa Beach Triathlon & Duathlon (4/16/2023) \$11,500.00
3. National Kidney Foundation Rich Salick Surf Fest (9/2/2023 – 9/4/2023) \$12,000.00
4. 2023 Space Coast Clash Soccer Tournament (4/1/2023 – 4/3/2023) \$15,000

The Board also approved funding the following 2022-2023 New Sports Event Development Grant applications:

1. Prep Baseball Report Spring Training Showcase (3/11/2023 – 3/19/2023) \$14,660.00
2. Space Force T-Minus 10-Miler (12/9/2022 – 12/10/2022) \$18,960.00
3. Moon Golf Junior Championship (4/20/2023 – 4/23/2023) \$5,910.00

Further, based on the facts specified, by approving this Agenda Item, the Board will make the legislative finding that Tourist Development Tax funds are authorized for sporting grants pursuant to Section 125.0104(5)(a)3, Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a, Brevard County Code of Ordinances; and each of the tourist oriented sporting and special events have as one of its main purposes the attraction of tourists, and the entity and the Space Coast Office of Tourism both intend to ensure marketing and promotion of these events to tourists.

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

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

**F.15. Approval of AT&T Switched Ethernet Service Pricing Schedule**

The Board approved and authorized the County Manager to execute Contract with AT&T for switched Ethernet services for the County's 9-1-1 system, subject to approval by the County Attorney's Office, Purchasing Services, and Risk Management; and authorized the County Manager to execute any additional changes, amendments, documents, administrative, or budget change requests, subject to approval by the County Attorney's Office, Risk Management, and Purchasing.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

**F.16. Approval of AT&T Addendum to the Incumbent Local Exchange Carrier (ILEC) Intrastate Pricing Schedule.**

The Board approved and authorized the County Manager to execute Addendum to AT&T ILEC Intrastate Pricing Schedule FL09-4148-07 for the County's Emergency 9-1-1 System, subject to approval by the County Attorney's Office, Purchasing, and Risk Management; and authorized the County Manager, or his designee, to execute any additional changes, amendments, documents, administrative, or Budget Change Requests, subject to approval by the County Attorney's Office, Risk Management, and Purchasing.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

**F.17. Approval, Re: Authorization to sign a Memorandum of Understanding with Court Administration/Adult and Juvenile Drug Court**

The Board approved and authorized the County Manager, or his designee, to execute Memorandum of Understanding with Court Administration/Adult and Juvenile Drug Court Program, on behalf of Brevard County, for FY 22-23 and future agreements.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

**F.18. Approval Re: Budget Change Requests**

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

**Result:** APPROVED

**Mover:** Rita Pritchett

**Second:** Curt Smith

**F.19. Approval of a 6-month extension to the Current Agreement for the County's Banking Services**

The Board approved a six-month extension of the current Banking Agreement between Brevard County and Truist Bank (formerly SunTrust Bank); authorized development of a competitive Request for Proposal (RFP); appointed a Selection/Negotiation Committee consisting of Mark Peterson, Financial Accounting Supervisor, Jill Hayes, Budget Director, and Jeff McKnight, Information Technology Director; and authorized the County Manager to execute an agreement with the firm most qualified, subject to review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** APPROVED

**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.20. Approval of Liability, Workers' Compensation, and Aviation Insurance Programs for FY 2022-23**

The Board approved placement of the County's Auto, General, Professional, Aircraft & Aviation Liability, and Workers' Compensation Insurance coverage at a cost not to exceed \$1,778,449; and authorized the Risk Manager to bind coverage as listed in the Agenda Report.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.21. Proposed Charter Amendment to the Brevard County Home Rule Charter, Section 2.6, Commissioner Salary**

The Board approved and adopted Resolution No. 22-107, for proposed Charter Amendment to the Brevard County Home Rule Charter, Section 2.6, Commissioner Salary; and approval of this Resolution also constitutes approval to have this Resolution, upon approval by the three-person attorney panel, to authorize the County Manager to forward this Resolution to the Supervisor of Elections, and handle any other matters related to the referendum.

**Result:** ADOPTED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.22. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.23. Appointments to Brevard Workforce Development, Inc. Board of Directors dba CareerSource Brevard**

The Board appointed Karen Houston, Cordell Rolle, Monica Shah, Karen Locke, and Holly Tanner to the Brevard Workforce Development Board (d/b/a CareerSource Brevard) with said appointments to expire June 30, 2025; and reappointed Frank Abbate, Shawn Beal, Nancy Heller, Arthur Hoelke, and Traci Kinkbeil to the Brevard Workforce Development Board (d/b/a CareerSource Brevard), with said appointments to expire June 30, 2025.

**Result:** APPROVED  
**Mover:** Rita Pritchett  
**Seconder:** Curt Smith

**F.24. Request for Approval, Re: CareerSource Brevard- 2023-2024 Two Year Update to the 4 Year Local Plan**

The Board approved and authorized the Chair to execute 2023-2024 two-year update to the four-year Local Plan developed by CareerSource Brevard for submission, review, and acceptance by the Florida Department of Economic Opportunity (DEO) and CareerSource Florida (CSF).

**Result:** APPROVED  
**Mover:** Rita Pritchett

**Seconder:** Curt Smith

**F.25. Appointment(s) / Reappointment(s)**

The Board reappointed Drew Powshok to the Melbourne-Tillman Water Control District, with said appointment to expire September 30, 2025; and appointed Dave Neuman to the Board of Adjustment, as an alternate, with said appointment to expire December 31, 2024.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconder:** Curt Smith

**F.14. Approval, Re: Tourist Development Council FY 2022-2023 Cultural Support Grant Program recommendations.**

Chair Zonka advised she has spoken with the Tourist Development Director, Peter Cranis, about the cultural support grants with the Tourist Development Council (TDC); her concern with that Item was that these organizations received 50 percent more than what they were asking for, as far as the request for funding; she would guess it was because there was extra money, so they were arbitrarily given more; and she would rather either keep that money and set it aside for affordable housing or distribute it to other agencies for their events. She advised she will not be supporting it the way it sits right now.

Commissioner Pritchett mentioned she does not disagree with Chair Zonka; she knows there is a lot of work being done on the TDC, as she sees it later in the Agenda package; she is not going to support this either; she thinks Mr. Cranis probably needs to move that money over into a place where it can be reserved; she will probably bring this up later in the Agenda as well, but she wants to discuss working towards having a more equitable distribution among the Commission Districts; she thinks this Board should charge the TDC with working towards that, it does not have to be exact, but she thinks District 5 needs more funds, District 1 needs more funds, and District 4; Districts 2 and 3 do pretty good; and she thinks the money needs to be maneuvered a little bit better moving forward with the TDC Board. She added she just wanted to throw that comment out there for thought.

Commissioner Smith asked if the Board votes no on this Item, is that authorizing the payment minus the 50 percent or is it nixing it altogether.

Chair Zonka noted that is what she would recommend, to receive the funding that they had asked for and not the extra funding.

Commissioner Smith noted he just wanted it to be clear, so he is good.

Commissioner Pritchett advised she will make that motion.

Commissioner Tobia mentioned he thinks that is a good idea, but he traditionally or consistently always votes no; he sees the dinosaur museum is on there and the fact that they continue to throw money at dinosaurs and not affordable housing is problematic for him; and that solution is probably better than the status quo, but just for consistency, he will be voting no on this one.

The Board discussed the TDC recommendation for funding of FY 2022-2023 Cultural Grant Program applications; authorized the funding level, to not include the additional 50 percent requested by the TDC, for the following FY 2022-2023 Cultural Support Grant Program applications:

- Florida Surf Museum
- Maxwell C. King Center for the Performing Arts, Inc.
- Greater Cocoa Community Partnership, Inc. DBA Historic Cocoa Village Main Street
- Brevard Symphony Orchestra
- The Historic Cocoa Village Playhouse
- Melbourne Municipal Band Association
- Melbourne Art Festival, Inc.
- U.S. Space Walk of Fame Foundation
- Museum of Dinosaurs & Ancient Cultures
- American Police Hall of Fame & Museum
- Brevard Regional Arts Group
- Melbourne Civic Theatre
- Space Coast Art Festival
- Brevard Renaissance Fair
- Valiant Air Command, Inc.
- Native Heritage Gathering, Inc.;

granted the legislative finding that Tourist Development Tax funds are authorized for cultural grants pursuant to Section 125.0104(5)(a)3, Florida Statutes, and Section 102-119(3)d, of the Brevard County Code of Ordinances, with each of the tourist-oriented cultural and special events having as one of its main purposes the attraction of tourists, and the entity and the Space Coast Office of Tourism both intend to ensure marketing and promotion of these events to tourists; authorized the Tourist Development Director to negotiate and sign all necessary grant agreements, Budget Change Requests, and related documents to support the grants upon County Attorney and Risk Management approval; and authorized the County Manager to execute necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconder:** Curt Smith

**H.1. Petition to Vacate, Re: Public Utility & Private Drainage Easement- 8175 Belford Way - “Balmoral Baytree P.U.D. Phase 3-Tract J” Plat Book 47, Page 44 - Melbourne - Edward Ray & Julie Froehlich Ray - District 4**

Chair Zonka called for a public hearing on a request by Edward and Julie Froehlich Ray for a petition to vacate a public utility and private drainage easement located at 8175 Belford Way, Balmoral Baytree P.U.D., Phase 3 – Tract J, in Melbourne.

Marc Bernath, Public Works Director, stated this Item is a petition to vacate a public utility and private drainage easement at 8175 Belford Way, for Mr. and Mrs. Froehlich Ray; it is located in District 4; it is requesting the vacating of a three-foot portion of a 10-foot wide public utility and private drainage easement for the existing home to remain in place; and there are no issues.

There being no comments or objections, the Board adopted Resolution No. 22-108, vacating a portion of a public utility and private drainage easement in Plat “Balmoral Baytree P.U.D. Phase 3 Tract J” Subdivision, Melbourne, as petitioned by Edward Cody and Julie Froehlich Ray.

**Result:** ADOPTED

**Mover:** Curt Smith

**Seconder:** Rita Pritchett

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

**H.2. Petition to Vacate, Re: Public Utility & Drainage Easement- 6480 Adrian Street - “Port St. John Unit Six” Plat Book 23, Page 53 - Cocoa - Kevin & Jaclyn Mazac - District 1**

Chair Zonka called for a public hearing on a request by Kevin and Jaclyn Mazac for a petition to vacate a public utility and drainage easement located at 6480 Adrian Street, Port St. John.

Marc Bernath, Public Works Director, stated this Item is a petition to vacate a public utility and drainage easement located at 6480 Adrian Street, Port St. John, unit 6, for Mr. and Mrs. Mazac; it is located in District 1; the petitioners are requesting to vacate a one-foot portion of a six-foot wide public utility and drainage easement to allow for an existing pool screen enclosure to be replaced; and there are no issues.

There being no comments or objections, the Board adopted Resolution No. 22-109, vacating a public utility and drainage easement in Plat “Port St. John Unit Six” Subdivision, Port St. John, as petitioned by Kevin and Jaclyn Mazac.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**H.3. First Public Hearing: Amendments to Sec. 62-1844, Brevard County Code of Ordinances RE: Criteria for Tiny House and Tiny House on Wheels**

Chair Zonka called for the first public hearing on amendments to Sec 62-1844, Brevard County Code of Ordinances referencing Criteria for tiny houses and tiny houses on wheels.

Tad Calkins, Planning and Development Director, stated this Item is the first public hearing on amendments to Section 62-1844, Brevard County Code of Ordinances for the criteria of tiny homes and tiny houses on wheels; these amendments create a common maximum square footage of 750 square feet across all zoning classifications which they are currently allowed; it also allows for multiple tiny homes in the mobile home park zoning classification; and it removes the requirement to gain notarized approval from owners when building next to their properties. He added he meant to provide the update that the Local Planning Agency (LPA) approved this unanimously, yesterday.

Brian Sodre stated he is the owner of Miniopolis; he is dedicated to building safe, affordable, and sustainable housing; he wants to share with the Board some fun facts about the averages of homes in Florida today; the average home size in Florida today is about 1,300 square feet; statistics have shown that the most used space in that home is, on average, 400 square feet; that means only 30 percent of one’s home is typically used; the average energy bill for a home today is around \$211; for a tiny home, the energy bill would average about \$63, that is 70 percent less than for the average home; an average water bill costs, for a standard home, about \$72, and for a tiny home it would be about \$53; and that is 25 percent less. He continued to say the average home insurance cost is about \$2,300 and for a tiny home it would be about \$650, about 70 percent less; average home cost is about \$350,000, a tiny home \$200,000; as one can see, there are problems today with affordable housing and sustainable building; he is in favor of what is being made today; Miniopolis prides itself in providing a solution to affordable housing; it builds to last, it builds fast, there is low maintenance costs, high energy efficiency to reduce the carbon foot print, and they are good-looking homes; and he wanted to bring a few tiny home residents with him to share what kind of people live in tiny houses. He added, in his opinion, these are smart people, kind people, thoughtful people, joyful people, conscious

people, simple people, and loving people; and he ended by saying, "Let's build tiny together."

Commissioner Smith stated Mr. Sodre mentioned the average tiny home is about \$200,000.

Mr. Sodre responded affirmatively.

Commissioner Smith asked how many square feet he is talking about.

Mr. Sodre advised they have three separate models that range between 500, and thanks to today's changes, will offer up to 750 square feet and they will range between \$200,000 and \$250,000.

Commissioner Smith asked how many dollars per square foot.

Mr. Sodre explained when it comes to cost per square footage it is higher numbers because of the footprint of the home and certain expenses that builders cannot get away from such as land cost, site development, impact fees, and design cost, therefore on average it is about \$300 per square foot.

Commissioner Smith inquired if the \$200,000 being quoted includes land cost.

Mr. Sodre responded affirmatively.

Commissioner Smith asked for a normal size house that Mr. Sodre mentioned, what is the average square foot.

Mr. Sodre advised it is 1,300 square feet.

Commissioner Smith asked if that is where he got the \$300,000.

Mr. Sodre again responded in the affirmative.

Commissioner Smith stated that is interesting because they are tiny homes, but they are not tiny prices.

Mr. Sodre noted they are building in the most expensive time in history when it comes to new construction and there are certain things that Miniopolis is not willing to sacrifice and that is building well-built homes.

Commissioner Smith thanked Mr. Sodre for his responses.

Brandon Honeycutt stated he is a resident at one of the communities where Mr. Sodre is building one of his homes; he is actually the realtor that sells all the lots for the Braveheart Properties; he moved his family there and they own a tiny house on wheels; it is about 400 square feet; it is his wife, himself, and a three-year old; they have separate lofts; they went tiny to chase some levels of financial freedom; and they are a young family who is completely debt-free. He added the house was paid off in cash; the major bill they have is the land rent for \$650; tiny for his family was the path to chase life a little more financially free; and they get to experience life instead of working their lives away, in a sense. He commented they get to work at home; they have chickens, gardens, and they are trying to build some kind of sustainability community aspect to this; they have community gardens, they are building a clubhouse and a pool, so it still has that little development that one would see in a standard suburban

neighborhood; and tiny for his family is by choice. He commented it is definitely a niche of individuals that are coming after the tiny living; it is very similar people just looking for simpler, cheaper, affordable ways to live; they have multiple families there, the retirees, single guys and single ladies, it is just a good mix throughout the community; and he is definitely for the tiny house, as it may become a necessary thing for many people, unfortunately. He commented for his family it has been very positive and he is there to try to help push the simple living to more people.

Chair Zonka inquired where that community is located.

Mr. Honeycutt advised they are located off of State Road 520 and Interstate 95, in Cocoa.

Apryl Ocampo stated she is a mother, wife, and a student at Harvard Extension School currently studying literature and creative writing, and an aspiring writer; she has been living in her tiny house with her husband and two children for a little over one and one-half years; her reason for going tiny is a contrast from her neighbors; it was not economics, minimalism, or family ties that led her to this community, it was actually spiritualism; she is Christian and tries to live her life as spirit-led as possible; she realizes she may sound like a lunatic to some people in the room, but she felt that she was completely called to live in this tiny home at 200 Square feet in the Woods of St. Augustine; they had lived there for almost a year; and as the story played out, that is how her family ended up at Peace Wind Community off of 520. She continued by saying maybe like some others, she was under the impression that tiny homes were maybe hippies, love their gardens, and were barefoot; nothing about tiny living attracted her from the start; she was going where she felt she was led; however, since living tiny, she has discovered how many biblical principles one finds living there; she has learned to live simply, she has seen what it looks like to let go of material things; and she has had more time to focus on core values, nature, and she has discovered what it truly means to get to know your neighbors. She stated she is from Los Angeles, California, and she never met her neighbors in her 30 years of life; she never introduced herself to her neighbors prior to living here; there are probably a lot more positive reasons that she could say for living tiny than she can squeeze into three minutes, but she thinks it is definitely a step in the right direction; and she thinks people should give it a chance.

Commissioner Smith stated Ms. Ocampo brings up an interesting point that he had not thought of, material things; he mentioned it is only himself and his wife now in the house that they have had for 30 years; they are cleaning out the two garages and they have filled up one garage with junk that was important to them, at one point in time; and a lot of it is Christmas decorations, but one certainly cannot worship material things, even though when one goes through it, it brings back memories, but it is still junk.

Ms. Ocampo mentioned it is a hard tear of the band-aid; she admits at first she had so many things that she could not imagine letting go of, things that were so sentimental to her; with time one just sheds them off; and she realized she really did not need any of them.

Commissioner Smith stated she is reaching out for the simple life.

Ms. Ocampo agreed.

Commissioner Pritchett stated she is pretty cool with it; she thinks the competitive market will regulate it as it moves forward anyway, with people who may or may not want to purchase them; and she loves what Commissioner Smith said, but she would have nowhere to put all of her shoes.

There being no further comments or objections, the Board conducted the public hearing to consider an ordinance revision to Section 62-1844 relating to tiny homes.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

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

#### **H.4. Ordinance on County Commission Salaries**

Chair Zonka called for a public hearing on an ordinance establishing Commission salaries for 2023 and 2024.

Morris Richardson, County Attorney, stated pursuant to Section 2.6 of the Brevard County Home Rule Charter, the salary of the County Commissioners does not adjust automatically by any formula but rather on any even numbered year; the Commission has the opportunity to consider a new ordinance to increase their salary, or the salary of Commissioners, for the next two years; it is capped in the Charter; the specified salary increase shall not exceed either the average percentage increase in the salaries of County employees for the Fiscal Year just concluded, or percentage change in consumer price index (CPI) of the previous year, whichever is less; and in this case, the lesser of those two numbers is the increase in the salaries of County employees for the Fiscal Year which just concluded, which is 3.37 percent. He noted before the Commission today is the proposed ordinance that would fix the salary of Commissioners for the next two years with a 3.37 percent increase over current salary, resulting in a new salary of \$60,272.98.

Commissioner Smith stated he is going to speak up on this, assuming the other Commissioner's may be embarrassed; and he asked when this would take place.

Attorney Richardson advised it will not be affective until January 1, 2023.

Commissioner Smith continued on to say the Board Members probably do not want to step up and say to give themselves a 3 percent raise, but he is not going to be there; he would speak up anyway because he thinks to be embarrassed to receive a three percent increase after 30 years of a fixed salary is nothing to be embarrassed about; everyone has seen the inflation go through the roof, certainly in the last 30 years; he is sure it has gone up a lot; and he does not think it is outrageous or ridiculous to contemplate and receive a three percent increase on a \$58,000 salary that is just slightly more than half of what the State recommends for a County of this size. He noted he would highly recommend that his fellow Commissioners consider voting for this and set the standard for future Commissions.

Commissioner Pritchett advised she wanted to notate on this because she has been reading some commentaries out there in media land, and this is about \$25 per week; it is like \$0.60 per hour; all minimum wages are going up a dollar; the Commission has done real well with County staff over the last six to eight years; the Board has been very consistent trying to get County staffs' income up; with this Commission, it is probably not going to make a big difference, but the hope is the next Commission group coming in will have an opportunity to start getting those salaries up some; and as Commissioner Smith said, this Board is about half of what other Commissions make in the State. She noted it is fine, but it kind of forces the Board Members to have other income because of what they all do in life; she hopes this will help the future Commissions quite a bit; she does not feel bad about it, it is still a very small amount; and it is

going to affect the future Commissions moving forward. She added people get what they pay for and the County needs people who have the ability to run the County, so there is a cost involved; she knows Chair Zonka is going to say this, but it has been 25 years since this Commission has had any kind of increase; before that, there were consistent increases for the County Commission; and she just wanted to make that notation.

Chair Zonka mentioned she thinks Commissioner Pritchett said quite a bit; she is not going to repeat everything; the biggest criticizer of the Commission salary, even discussion, in 1993 the Commission salary was \$47,857, and adjusted for inflation that value is \$88,130, so while one Commissioner from that era could brag about this being the only job he had to do, he could quit his private sector job, he made the equivalent of an \$88,000 job; that is why a lot of the Commissioner's now have to have part-time work outside of the Commission; there is not a Commissioner on this Board that works full-time outside of their Commission offices; and for all the criticism and the stone-throwers, that is just not true. She went on to say, obviously, the \$2,000 per year is not going to make a huge difference for the Board because if that were the case they would have been doing it all along and not thought twice about it; she thinks it is going to help future Commissions, maybe give them the courage to say, this is ridiculous; one has to have another job outside of the office because, really, if one wants a full-time Commissioner, then the Commissioner cannot work a part-time job; that is all she will say about it; she thinks Commissioner Pritchett said mostly everything she wanted to say; and again, from 1992 to 1996 Commissioners progressively received an increase in their salary, that's the \$88,000, and by 1996 that value today was \$89,500, to put that into today's value, it is a significant difference. She added inflation is a funny thing.

There being no further comments or objections, the Board adopted Ordinance No. 22-28, reviewing and correcting Commission salaries, requiring periodic review and approval of Commission salaries in the manner required by the Brevard County Charter.

**Result:** ADOPTED

**Mover:** Rita Pritchett

**Secunder:** Curt Smith

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

**Nay:** Tobia

#### **H.5. Approval of a Rate Resolution to Impose Non-Ad Valorem Special Assessment for the State's Medicaid Managed Care for Direct Payment Program for Local Hospitals**

Chair Zonka called for a public hearing on a rate resolution to impose non-ad valorem special assessment for the State's Medicaid Managed Care for Direct Payment Program for local hospitals.

Jill Hayes, Budget Office Director, stated this request is for approval of a rate resolution to impose non-ad valorem special assessment for local hospitals for the State's Medicaid Managed Care Program; this is the second year for Brevard County participating in this program; and what it does is allow for the State to access federal funds for managed care plan expenditures, for planned coverage services, and it offsets the hospital's Medicaid shortfall.

There being no comments or objections, the Board executed and adopted Resolution No. 22-110, that will impose non-ad valorem special assessments against private for-profit and non-profit local hospitals holding a right-of-possession and right-of-use to real property in

Brevard County for the State's Medicaid Managed Care for Direct Payment Program; authorized the County Manager to execute any necessary Budget Change Requests to implement the non-ad valorem special assessment program for the Medicaid Managed Care for Direct Payment Program for local hospitals; and authorized the County Manager to execute the Letter of Agreement with the State of Florida authorizing the County's participation in this program.

**Result:** ADOPTED

**Mover:** John Tobia

**Secunder:** Rita Pritchett

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

#### H.4. Ordinance on County Commission Salaries (Continued)

Commissioner Smith advised he wants to go back to Item H.4., while it is still on everyone's mind; the Board has talked about how miniscule the salaries are now for the Commissioners compared to 30 years ago, and 20 years since they have had a raise; one other thing he wants everybody in the public to know, and hopefully the newspaper is paying attention, there is not one Commissioner, past or present, in the last five or six years that does not have personnel staff that are making far more than they are; the boss is making \$58,000 and staff is making anywhere from \$65,000 to \$80,000; that is also something that is skewed; and that is something the public needs to know about.

#### H.6. Amendment to Brevard County Code Chapter 102, Section 120, "Tourist Development Council - Established; Composition; Terms; Chair"

Chair Zonka called for a public hearing for an amendment to Brevard County Code, Chapter 102, Section 120, "Tourist Development Council - Established; Composition; Terms; Chair."

Morris Richardson, County Attorney, stated this Item is a proposed amendment to the Brevard County Ordinances, Chapter 102, Section 120, which establishes the Tourist Development Council (TDC), and provides for its composition, terms, and appointment of a chair person; as it stands right now, Section 102, 120 differs in slight ways, from the Florida Statute providing for Tourist Development Tax (TDT) and for the establishment of the Tourism Development Council, F.S. 125.0104; these proposed amendments are to bring County Code in line with State Statute; one of the changes, currently Brevard County Code provides for at least three members who are owners or operators of hotels, motels, hoteliers, etc, this would bring it in line with the statutory language which provides for at least three, but no more than four; currently, Brevard County Code provides for at least three non-hotelier type members and the statute provides for at least two but no more than three; the Code currently provides that the chair of the council shall be the Commissioner that is serving on that council, and to bring that in line with practice and again, with the statute, the ordinance would provide that it is either that Commissioner, or with that Commissioner's consent; if that Commissioner does not desire to serve as chair, then the TDC could elect another member of the council to be chair; and finally, it clarifies there is a two-term limit in the County Code to serve on the TDC, this would clarify that members who are appointed to fill the unexpired term of a vacancy, that that service and the unexpired term does not count towards that two-term limit; and those are the changes proposed in this amendment.

Commissioner Pritchett thanked Attorney Richardson for that, and she expressed her appreciation to Commissioner Tobia for suggesting that the Board tighten this up; she stated she thinks it is good that the Board is tightening this up; she believes the County Commission should serve as the chair on that council, so whoever is appointed next term should probably serve as chair to help keep that moving forward; and she commented it gets the business a

little tighter. She continued by saying since the Agenda packet mentions October 8, 2022, she believes the Commissioners probably need to be working on all of the boards by October 8; she thinks they have been notoriously late in getting those in; she wanted to mention that while Commission staff is listening, that they should probably be working on getting the appointments ready in the next month or so; the Board also should look at Save Our Indian River Lagoon (SOIRL) that it has been assigning appointees to; and it should get ready to make changes there, if it wants to.

Eva Nagymihaly stated she does not know if this is the correct forum for this, but she does read the newspaper and she has read articles which made her concerned; one was about the salary but that was decided; and she asked if this has anything to do with the council on the Driftwood decision, and if this is the same thing. She asked if this is going to affect who will be on the Tourist Advisory Board.

Commissioner Tobia advised he was on the other side of that vote; there were some stipulations in County Code and there were some State guidelines; what this does is it is mirroring the State guidelines because the Board asked for a little more flexibility to appoint people; if the State goes along with that the County will be in line with State Statute; all this is doing is aligning the County Code with State Statute; and he can say that because he was on the other side. He added he voted on the opposite side of that, yet he still thinks that the County guidelines should be similar to that of the State.

Ms. Nagymihaly stated she kind of heard that there was a discretion like either three or four or whatever, so it still gives the Board discretion on what it wants to do.

Chair Zonka advised it gives the Board a minimum and then a maximum.

Ms. Nagymihaly replied that is correct.

Chair Zonka advised that is a State guideline, not the County.

Ms. Nagymihaly mentioned what she was concerned about was what she had read about, and that was that in trying to remove those within the hotel business of being the majority that instead putting other people that were like-minded with the majority Commissioners, and that did not sound very good to her; if the Board was doing this for the future situations she could comprehend that, but when this is being changed in order to be able to put something through, to her it sounds undemocratic; she does not think it is the right way to do it; and she is very uncomfortable with this passing when it sounds like it does not make a big difference and yet the way she read it, it will make a big difference. She continued by saying the other part is, the Board using the TDT money as a resource for funding low income housing; who can be against helping people, but do not take money from the TDT money and redefine it in the Board's terms and then change everything and use that money as a source; she just does not think that is right; and she needs an explanation as a taxpayer, and as a concerned Brevard County citizen. She added this is not how she wants her government to be run.

Commissioner Pritchett stated the motion for today is getting the County Code in line with the State Statute because it has been a little bit off; the project Ms. Nagymihaly is talking about was done a while ago and the TDC Board is an advisory board to this Commission, just like Planning and Zoning; they go out to hash out and listen to information so that it comes to this Board; this Board has to then make the decision; it is always up to this Board to make a decision; she is sure Chair Zonka is going to be able to help with the problem of there being a conflict of interest; she does that very eloquently so she will let her do that; any other board she

has been on, there are not board members that directly benefit them as they make decisions; that is kind of uncomfortable; but the wonderful thing is no one on this Board is in those businesses so when it comes to the Commission, it makes decisions that are best for all of Brevard County. She noted that decision was not benefiting any of the Board Members districts, it was a district that is missing a Commissioner, so there was a little extra work done on that; she likes the path that the Commission has going; she hopes it is able to change some of the State's criteria because she thinks it would make it a better board and help the Commission make better decisions for everybody in the County because the Commissioners cannot just serve certain groups of people, it has to serve everyone; and as far as the other, it is more of a workforce housing. She explained she completely supports the workforce housing that has been brought up; and she is really looking forward to seeing what the County is doing with some of those funds, and moving it towards that.

Chair Zonka mentioned she will try not to belabor the point but as far as the hotels collecting the tax, that is part of it; it is a bed tax, they collect it, however, if they are less than 30 percent of all tourism spending, then why should they be the only ones that benefit from it; she wants to make sure this money is more evenly distributed; and she thinks Commissioner Pritchett hit the nail on the head when she said the TDC is an advisory board because there are appointed members and they advise the County Commission. She continued by saying sometimes the Board agrees with it, sometimes it does not; that constant regurgitation of this \$30 million on Driftwood, and when one explains or tries to clarify it to someone who actually is unbiased and does not stand to benefit or lose, they are taking money they have collected from their hotel; it is not coming out of the general fund, nor is it coming from other agencies; no other agency is going to lose by Driftwood keeping some of that marketing money to market their property and to market Cocoa Beach; and she mentioned if someone else wants to come up with an idea to invest \$400 million into this community, she is all ears for that. She noted if one wants some of that tax collection back, okay, but to say that or suggest that it is taking from somebody else, yes it is taking from the sweet honey pot of money that people are used to spending just in that area, that is what it is taking from; this covers the entire County and everyone will benefit from what Driftwood has to offer; she just does not like how it is being spun, it is not a tax giveaway; and it makes good headlines, but it is not exactly the truth. She went on to say as far as affordable housing goes, yes this Board wants to make sure there is affordable housing that people can afford because those are the people that work at the hotels, the people that work in the tourism industry; this Board has a responsibility to those people as well; this Board just tried to give a cultural grant another 50 percent because there was too much money in the cultural grant fund; it said there is extra money, someone only asked for \$20,000 but the County is going to provide \$30,000 just because there is extra money; she asked is someone telling her that the County could not have used that extra \$120,000 or \$130,000 extra to put in to a workforce housing bank, that people would rather give it to the dinosaur museum, when they did not even ask for it; and she commented to spare her the comments about the Board not having a responsibility to affordable housing because every hotel benefits from somebody who would benefit from that affordable housing.

Commissioner Pritchett noted Chair Zonka brought up a lot of good points but she just has to throw in one more; as Chair Zonka said this is money that the hotels directly collect, this Westin Project, and she hopes this will get printed, they have to collect the funds to be able to get the funds; and what it is like, there is a \$12 million pot out there that the County does advertising with, what the Board really did was it gave a \$400 million hotel that is successful in advertising areas, the ability to advertise the Space Coast. She mentioned the County has problems getting good advertising out there, they know what they are doing so the County is allowing them to take over and do this advertising; they are not pocketing it, it is a reimbursement on what they do to promote the Space Coast; that is the truth of it; people can frame it however

they want, but that is all that is happening; if they collect it and they do a good job collecting it, then their advertising is doing well; there is also a cap on it, so it ended up being quite a clever way of doing things; and there was so much talk about the County building convention centers, she never would agree to that because it would have saddled the County with all kinds of problems, especially in down times. She stated this was a really good project and what she loved about it was there were so many different opinions, and the Board had to work really, really hard to get a good decision after having people that wanted to stay in their niche; the Board needed to get outside of that niche; that does not do anything for any of the Board Members; the Board had to do it's homework and make some really good decisions for the Cocoa Beach area; and she thinks people are going to see Cocoa Beach really have a lot of tourists because of it.

Commissioner Smith stated he does not want to beat this to death, but there are a couple points that have not been made; he hears from his constituents that the Board is taking their taxes and benefitting one hotel group; this is not property taxes, it is TDT, so unless any citizen of this County spends a night in a hotel or motel in Brevard County, none of their tax money is going towards this; if someone spent one night, it would be pennies that is taken out of that night for the Tourist Development Tax; and he hopes once and for all, that people get it, that TDT is not property taxes. He noted there is one other thing that he wanted to mention; currently, the property that exists there, the building that is on it, International Palms, their contribution to the TDT yearly was roughly around \$200,000 to \$250,000; the Westin company is anticipating that they are going to bring in somewhere in the \$3 million to \$4 million range per year; and if one does math quickly that is an increase of three-quarters of a million every single year, additional monies that are going to TDT that were not coming in, and never would have come in from International Palms; that place just did not bring in that kind of people; they were not bringing in people who were spending upwards of \$500 to \$600 per night, they were bringing people who were spending \$100 to \$125 per night; and that is a big difference in clientele. He added this is a 4.5 star hotel, and there is not one of those in this County; that is another big factor in its favor; if someone were to do the math, and they are not guaranteed the \$30 million, but that was the other number that was pitched around, they are going to get \$30 million over 30 years, but that is only if they perform; that means they have to raise at least \$3 million per year in TDT, which is a huge increase over the \$750,000 that the building was currently bringing; if one multiples \$750,000 times 30, that is well over \$240 million more to the County TDT; and he asked that people put all this in perspective. He stated they may get \$30 million, they may not, but if they do, the more power to them because the County benefits; how about if they raise \$5 million per year, they are still only getting \$1 million out of that; that would be a \$4.25 million increase over what the International Palms is bringing in; this is a big number and big benefit to the County; and the people who are trying to sell this short are being very disingenuous and that is being kind.

Chair Zonka commented it does not make for a good headline unless one calls it a tax giveaway.

Commissioner Smith commented he knows what sells headlines.

There being no further comments or objections, the Board adopted Ordinance No. 22-29, amending the Brevard County Code Chapter 102, Section 120, "Tourist Development Council – Established; Composition; Terms; Chair"; amending the number of owners and operators on the Council to conform to Florida Statute; amending the procedures for election of the Chair; amending the terms to clarify replacement status; amending article providing for severability; providing for an area encompassed; and providing an effective date.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Secunder:** John Tobia

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

### **I.1. Review of Draft Merritt Island Redevelopment Agency Plan Revision**

Frank Abbate, County Manager, stated he wants to provide significant credit to the Merritt Island Redevelopment Agency (MIRA) staff who has been extraordinarily responsive, diligent, and attentive to what the Board had to say and the discussion it had at the August 30, 2022, meeting to work on providing a draft of guidelines to discuss this morning, addressing the MIRA plan update that is going to move forward; what the Board had asked staff to do was to address affordable housing, infrastructure, parks and recreation, and administrative costs, and to provide an outline and framework for the Board to then provide some guidance to MIRA to look at a future update that would come back to the Board of County Commissioners; that has been provided to the Board in a very short time frame; they actually completed it in a little over a week; and he thinks they have done a nice job and staff is very much looking forward to the Board's input, so they can send something to the MIRA board.

Commissioner Tobia stated he agrees with Mr. Abbate's opinion and it is nice to hear his opinion; it is very accurate; the quality of work done in such a short time is quite remarkable; this came from his office and he was not expecting it back so quickly; that being said, he thinks there is too much specificity on some things; he thinks that can be changed around a little; and he has a couple recommendations, but he wanted to say that MIRA took the Board's suggestions to heart and came up with some creative solutions that he had not thought of. He pointed out that MIRA has infrastructure at 37 percent, parks at 15 percent, and affordable housing at 20 percent, with rolling averages and that is something he wished he would have thought of, but did not; there are a couple things that he would like to see worked around, or changed a little bit; the thought is there is not a district Commissioner for District 2 and a motion that will come from him will just be asking for a rewrite, not a vote by the Board, it is just giving direction for MIRA to make a couple changes; and he does not know that he will have the support, but to be clear, he is not asking for this, if it does come out, he would like for it to come back to the Board for another review, thus giving more time for MIRA to discuss this, as well as move closer to the impending election. He noted he had some suggestions; the \$2.1 million Merritt Island Mall Project is still in the plan and the issue he has with that is the plan referenced, 'redevelopment to meet the needs of the community for the 21st century and to reverse the loss being the center of commerce for Central Brevard County, since The Avenues of Viera opened in 2005, and that is using taxpayer's dollars on a private entity to compete with another private entity, and he is not comfortable with that; if this could be changed around and someone wanted to purchase that and they needed some incentive, that may be different, but to directly compete, he thinks is probably not the wisest use of dollars; he is not comfortable incentivizing one private company to compete with another one; he understands that business is failing, but this Board's job is not to keep businesses afloat; and he thinks there should be a level playing field. He stated he had asked for some things to be deleted and noted that MIRA did a great job; most of them are no longer in there and he greatly appreciates that; and the second issue is the incentives to businesses to encourage the rehabilitation and modernization of buildings; that sounds a lot like façade grants, it is not abandoned buildings but those that are structurally sound; if dealing with abandoned buildings, which, pretty much, is the Merritt Island Mall at this point; in all honesty, he would not mind someone knocking it down if there was someone else that would be willing to put something there that would be a little different, but this sounds like façade grants under a different name, which he is not too comfortable with;

and lastly, this one is a little uncomfortable to discuss, but again, there are many Community Redevelopment Agencies (CRA)s out there and he has not done the comparison per CRAs, but MIRA is the only one that falls under the purview of the County Commission, and the MIRA operating expenses bother him a little bit. He continued by saying, he is looking at the MIRA operating expenses; as a comparison, he pulled his own operating expenses; what MIRA has down for office supplies is \$10,000, and the office supplies budget for his office was \$2,131 and his office had \$825 available at the end of last year, so it spent 15 percent and that does not even include the thousands of dollars for binding; he does not know what MIRA is binding or what that is even for; MIRA has membership, and \$6,000 for travel that he is uncomfortable with; his office is a small fraction of that and it is the miles for his staff to get from the office to the County Commission meeting; and he does not take any of that. He mentioned he is not complaining about the salaries or the benefits, he is just complaining about all of the other stuff on there; he knows it is uncomfortable but it probably needs to be looked at; he does not think MIRA should be operating at three or four times the amount of a County Commission office; he tried to pull all these and add up aggregates for some of them, and MIRA is running on some of its line items, more than all of the County Commissioners combined; and he mentioned it may only be a few thousand dollars but leadership comes from the top. He commented he is a teacher and he likes to end with a positive, so he wanted MIRA to know it did a great job in a short amount of time; and he stated he has a motion, but it is just a motion to send it back to staff to make some changes and bring it back to the Board for review. He went on to say he thinks MIRA is 95 percent there and he would like to see that last five percent so the Board could give it a thumbs up; and he gave the commitment to give MIRA the ability to look at that, so this is not being sent to MIRA, it is being sent to staff.

Commissioner Pritchett stated she agrees with Commissioner Tobia; she thinks MIRA brought this back faster than she thought it would; she thinks they have really done a lot of good tweaking as far as defining some items; personally, she does not disagree with some of the things that he had just mentioned; her concern is that there is going to be a new District 2 Commissioner soon and she does not know what he is going to disagree with; she would guess that everyone is listening and getting an understanding of MIRA, and the Board is too; these guys are smart; and she read through the data and received a printout of everything that MIRA spent over the last few years, all the way down to the penny. She added she thinks every office can tweak on their spending. She noted she thinks the Board can make a motion and do it, or just as common courtesy, MIRA and staff keep working on it and bring it back within a month or so with some information or changes; it is the first time out so they will need some time to digest it; she thinks moving forward, that the Board should make the District 2 Commissioner a voting member of MIRA; she does not know how to do that, but she thinks it would be a good thing because it is right in the middle of the area; and she would not mind seeing the Commission go ahead and outline how it does travel for Commission offices. She went on to say she thinks the stronger the Board gets with defining things moving forward, the better it is for the future; she thinks if a Commissioner is outside of one's District, maybe put in for mileage, and if a Commissioner is not, he or she should probably just digest it because it is where he or she lives; she thinks there are things the Commission can do Countywide for reimbursements; she is going to have to really look at the things that Commissioner Tobia was talking about with 23 percent in operating expenses and see what that entails; and she knows there are some things that MIRA has to do because it is kind of a CRA, but not out seeking investments either, so it might be a little different, but it was a good point from Commissioner Tobia and she really wants to think through it. She noted she thinks it was a very kind motion but before she votes on this she is going to want a District 2 Commissioner in place; and she thinks all the things Commissioner Tobia is bringing, are very easy to digest.

Commissioner Tobia stated he understands her trepidation on that but his motion is not asking

for the Board to vote on anything other than to rework; Mr. Lallo has much more understanding than any one of the Commission offices, otherwise, he would do it; the reason he thinks this should be sent back is in this plan, and he did not mention this, but it would not start until Fiscal Year 2024, but there are some important goals in there that he did not mention and Mr. Lallo took it to heart, and he thinks it is important that everyone get this correct, because in there is a five to 10 year goal for adding 500 units of affordable housing; he really wants this tightened up as much as possible and get it ready so as the Board moves forward, there is a good document that the Board is comfortable with; if he does not have the votes before a new Commissioner comes in, so be it; however, the Board was kind enough last time to authorize staff to work on something, he is just asking that courtesy to be extended. He went on to say if he loses this at least it will be ready when that Commissioner comes in; he reiterated the motion is just asking for a few rewrites on things; and he hopes he can get the Board's support on that.

Chair Zonka advised she is okay with the rewrites because she does not plan on voting for the modified MIRA plan until there is a District 2 Commissioner; it is unfortunate that this Board is stuck again; but if it was something critical, as far as an emergency, she would say to vote on the plan, but she is fine to send this back and have MIRA rework it.

Commissioner Tobia stated he can count votes; it is very clear that Commissioner Smith will not support this; the Board has his commitment that he is not going to bring it up to support it; he is not going to waste anyone's time because the votes are not there; he would like to have a document that the Board is comfortable with and this just gets it closer to having that; however, if it was brought back at the next meeting, he would not ask the Board to vote on it; he may ask Mr. Lallo to take it to MIRA to get their feedback on it, but he will not ask for a Board vote because clearly two of the Board Members have given their indication that they would not support it until a new Commissioner is in there; and that should take the worry out of it because he does not have the votes.

Commissioner Smith commented he appreciates the effort that Commissioner Tobia has made; he has some great points; he is not going to elaborate on any of them because he thinks it is important to have that input from the District 2 Commissioner; he would be happy to hear what he may have to say when he takes office; and however the Board gets there, he does not have an objection to going forward with this, as long as the Board is not making a final vote before the District 2 Commissioner takes office.

Commissioner Tobia asked if he could amend his motion to say, at the October 11, regular Board of County Commissioner meeting, the Board will not be voting on a final plan, so everything that he has asked but to make it clear there will be no vote on a final plan.

Chair Zonka advised Commissioner Tobia he can amend his motion to anything he wants to.

Commissioner Pritchett commented she thinks she likes where Commissioner Tobia is going with that, but if there is some reason that they have an explanation, that MIRA come back with the explanation of why it needs to be different; she thinks that would greatly help the Board because she did not do the math that Commissioner Tobia did with the operating expenses; and that would be an interesting justifier. She noted she agrees to go back to the table to work things out or to provide a good explanation as to why MIRA has to have something or how it is going to change it; and she believes it is absolutely prudent of the Board to do that.

The Board discussed and reviewed the MIRA budget allocations and affordable housing plan revision drafted by MIRA staff; authorized sending the MIRA plan update back to staff; directed Mr. Lallo to update the MIRA plan proposal by removing the Merritt Island Mall Project from the

MIRA plan, removing the business incentives for the modernization and rehabilitation of structurally sound, privately owned buildings, and bring operational expenses to be more in-line with other County offices; and directed staff to bring the revised MIRA plan back to the Board by October 11, 2022, regular Board meeting for the review of the final plan with no vote to be taken until there is a District 2 Commissioner.

**Result:** APPROVED

**Mover:** John Tobia

**Seconded:** Curt Smith

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

## Review of Draft Merritt Island Redevelopment Agency Plan Revision

Marcus Herman stated what he wanted to say is now moot.

Chair Zonka advised it is not, if the Board wants to revote or withdraw it can; and she apologized showing Mr. Herman that the card was marked questions only, and they will not call on the person unless someone has a question.

Mr. Herman went on to say, he wanted to thank the Board for being a partner with MIRA; MIRA is paying attention to the Board's request for affordable housing and the Board's concerns about the request for budget allocation; when the MIRA staff was asked to do this report for the Board to consider, he also asked them to look back at all the years and find out where MIRA spent the money; what was found was over the past 15 years, MIRA spent 78 percent of the leveraged Tax Increment Financing (TIF) funds on infrastructure, along with getting more than \$3 million in grant money just in the past three years; and he believes that shows great value and reliability. He went on to say the MIRA board has consistently fulfilled this Board's requests for accountability in the allocation of funds provided to it; the Board has now given MIRA clear direction on working on affordable housing; he has no reason to think that MIRA is not going to do the same thing as it has in the past; he respectfully brings to the Board's attention to his concerns about the consequences of budget allocation; he is not sure there is enough time to talk about it, but he would like to speak to each Commissioner individually while MIRA is going through this to understand the troubles that the Board's request may cause MIRA; when there is specific pre-allocated funds for specific projects, MIRA loses the flexibility and effectiveness as an agency; and if MIRA funds are tied to a specific silo for future projects it will limit MIRA's ability to take on great opportunities to present themselves with infrastructure and Lagoon projects, or matching grant programs. He added he does not think he is communicating very well. He explained MIRA currently has a BJ's project that is on the docket; this is a project over \$3 million when it comes through; it could come through next week, next year, or two years from now; if the money is allocated in different areas and there is a grant possibility and then MIRA does not have the funds to be able to put that together, they lose that opportunity to make it happen; the same could be true for affordable housing; a lot of what is happening with the mall is MIRA is receiving calls about doing multi-family housing in that area; and MIRA has got to have some flexibility to be able to take advantage of that. He added if MIRA gets a bunch of affordable housing issues coming before it and MIRA does not have the money because it is allocated towards parks or infrastructure, then MIRA is in that same boat, it cannot move that money because it is allocated somewhere else; one of MIRA's biggest strengths is having the ability to move money around from project to project to take advantage of those great opportunities as they present themselves; he would kindly ask that the Board think about and consider these concerns as it continues working with MIRA in drafting the guidelines; and he reiterated he wants to make himself available to speak with the Commissioners individually and talk about how that works and how it worked in the past, but he thinks that 78 percent of

MIRA's work on infrastructure for the past 15 years is an indication of how MIRA works. He stated there is no reason why that cannot happen with affordable housing; he hopes MIRA gets the opportunity to share that with the Commissioners individually, the details to see why he personally feels that the allocation mode can hinder the effectiveness; and he noted MIRA has been effective.

Chair Zonka stated she apologizes for the error; and the Board made it pretty clear it would not be voting until there is a District 2 Commissioner.

Mr. Herman stated he appreciates that and he is hoping to come before each Commissioner so the Board has a better understanding of what they are trying to do at MIRA and what the hindrances might be, so the Board can help come up with a plan that is going to work, so MIRA can continue to be effective.

**J.1. Approval, Re: Funding Recommendations for FY 2022-2023 TDC Capital Facilities Grants and East Coast Zoological Society Aquarium Groundbreaking Deadline Extension**

Peter Cranis, Tourism Development Director, stated Item J.1., is approval of two capital facilities grants; one for Valiant Air Command in the amount of \$375,000; and the second is for the East Coast Zoological Society's aquarium, moving their grant amount from the \$10 million currently, to \$15 million with a two-year extension on the ground breaking.

Commissioner Tobia stated he has a couple slides.

Chair Zonka noted she has not seen them and would like to warn the public.

Commissioner Tobia noted he sent them in time. He went on to say he had a couple pages of notes on this one, but he thought Mr. Winsten could say it far better than he could and he asked for the first one to be played, preferably with audio; he mentioned that was the first one and everyone can see it was September 18, 2020 and it was going to happen in two years; and now COVID-19 happened, and he noted the Director is saying he is not coming back. He continued on by asking to play the next slide, the one about the amount; he commented he does not know why this Board is setting deadlines; he knows Mr. Winsten is trying very hard, but he has not been successful on this one; he is not going to vote for this, but in all honesty, if the Board votes for this, this is the same plea he made two years ago, do not give the man a deadline; and he called Mr. Winsten to the podium. Commissioner Tobia handed something to Mr. Winsten and asked Mr. Winsten to repeat after him because he has a dollar riding on it; and he read, "I Keith Winsten do solemnly swear with absolute certainty and beyond a shadow of a doubt, with all honesty, bearing no exceptions, scouts honor, no ifs, ands, or buts, that I will not ever, ever come back and ask for an extension or additional monies;" he stated he appreciates what Mr. Winsten is doing, but if the Board sets deadlines, what it is saying to everyone is the Board does not meet them; then things go up, and he understands that, but they do not go up 50 percent; he put in the calculation of the CPI that Mr. Winsten put in the letter, and it is like 11 percent, but Mr. Winsten is asking for 50 percent more; and he asked why the Board keeps doing this to Mr. Winsten every two years. He advised he is going to vote no on this one, no matter what; it was a no the first time when he said it was not going to happen in that time frame; he was a no the second time when he said it was not going to happen in the time frame; and he is going to be a no now, but he is trying to help Mr. Winsten for the new Commission. He inquired again on why the Board is giving Mr. Winsten a time frame.

Chair Zonka pointed out Commissioner Tobia would have said no, regardless of the time

frame; he would have said no to the grant period, even if it was...

Commissioner Tobia noted he did not say no because of the time frame; what he is saying is to be consistent, if the Board is going to set up a deadline that Mr. Winsten asked for; he knows Mr. Winsten is working extremely hard and he asked Mr. Winsten not to get him wrong, he has been to the zoo and it is wonderful; he has done fundraising and he knows it is incredibly difficult doing it with a bunch of zeros behind it; but from what Mr. Winsten said in the past, he is just not able to meet the goals that he is setting up, and the Board is having to push it back over and over again, so he is trying to help Mr. Winsten out; the Board should, at least, be kind and say no deadline whatsoever; he would not do that oath either, because he knows Mr. Winsten is going to have to come back to the Board again; and Mr. Winsten might as well just say it, because the Board would be stupid to think otherwise.

Chair Zonka commented she thinks the Board got his point.

Commissioner Pritchett stated she has a couple questions; and she asked Mr. Winsten what the total amount of funds are that he needs to build the aquarium.

Mr. Winsten advised it is a \$100 million campaign; and they are at \$47 million.

Commissioner Pritchett asked if that is counting these funds.

Mr. Winsten noted that is counting the \$10 million, not the additional \$5 million; that additional \$5 million would put them over their 50 percent; and they started the campaign formally December 2021, so they are feeling very good about it.

Commissioner Pritchett pointed out COVID-19 hit.

Mr. Winsten commented he would like to clarify one thing, Commissioner Tobia did a great job illustrating how he has less and less hair every time he comes to present to the Board; he wanted to clarify that when he last came he did have a longer request, and the quote that was showed in the video was aligned with that longer request; the Board had the foresight to say it did not want to do that, it made it two years because there was so much uncertainty with COVID-19, and asked that he come back when he knew more; with that in mind, it was only last September, 2021, that there was a formal date with the port, whom they are leasing with; they have an option to lease and that runs out the end of September 2024; and therefore, they are aligning this date with that date. He continued by saying he will never say never because he does not know what is going to happen after COVID-19, as everyone learned a lesson there.

Commissioner Pritchett asked Mr. Winsten how long he thinks he is going to need; and she stated she does not want to do no deadline because in case it quits happening, the funds can be moved back.

Mr. Winsten advised the deadline that would align with the port is the end of September 2024.

Commissioner Pritchett stated she would not mind giving him three, four, or five years, and that would be fine.

Mr. Winsten mentioned if she wants to give him an extra year it is certainly appreciated.

Commissioner Pritchett commented at least it is some type of cap for the future.

Mr. Winsten stated they need to get this done at a certain point; if there is not the momentum then there is not momentum; however, they are feeling quite good about it.

Commissioner Pritchett stated she knows to run an aquarium it is going to be really expensive with all the big fish and the water; she inquired if Mr. Winsten has done a feasibility study yet, because her guess is that once it is in, she knows he is going to be charging, but she has a feeling the Tourist Development Committee (TDC) is going to have to continue to help support it some, like it does the zoo; and she is just kind of curious about that to know how that is budgeted in the future.

Mr. Winsten noted it is actually the opposite; because of economies of scale and the ways that aquariums work, they started on this journey about 10 years ago, doing projections, and no matter how much it was stressed, because of the economies of scale, the aquarium turned out to be a profit center for conservation.

Commissioner Pritchett asked again, if they have done a feasibility study.

Mr. Winsten advised they have.

Commissioner Pritchett asked him to send that to the Board Members.

Mr. Winsten responded affirmatively; he mentioned they have done five different attendance projections and they took the most conservative.

Commissioner Pritchett commented that would be great and that she would love to see it.

Mr. Winsten advised he would get that to the Board; and he believes it is in the TDC packet.

Commissioner Pritchett stated she likes the aquarium, but she wants to notate that it's going into Cocoa Beach, so that is where all the funds are being spent; and she would give an extra \$5 million to move it to District 5 or District 1.

Mr. Winsten stated they are actually on port land, so it is very close to District 1.

Commissioner Pritchett stated she is just joking with him; she asked Mr. Cranis on the total amount of funds that were being given to these two projects, if this was the total amount of money that they had, and that was why they did what they did.

Mr. Cranis replied they had for this fiscal year, \$2 million available; out of that, they were only awarding the Valiant Air Command \$375,000, the zoo amount will not start until the 2024/2025 Fiscal Year, therefore, there would be future funds for that.

Commissioner Pritchett asked if there are extra funds left over for capital.

Mr. Cranis noted there are some capital funds available.

Commissioner Pritchett stated her request to the Commissioners, and she stated she is trying to work on the equity thing a little bit, is to give Valiant Air Command the amount they asked for; it is up to the Board, but she thinks the Board needs to start distributing some of these capital funds to other districts; she thinks it is a good project; she is not really sure she understands why this Board did what it did; maybe there should have been more projects coming in; she is just going to request the Board approve this; and she will not be mad but she

thinks it would be appropriate to go ahead and give the Warbird Museum \$750,000 as well, because she looked at the votes and who voted and she thinks it would be appropriate.

Commissioner Smith asked Commissioner Tobia if he said something about the prices not going up 50 percent, and asked if he remembers that comment.

Commissioner Tobia advised the citation made in the letter references an index on inflation, so he calculated the index that Mr. Winsten used and it was 11.3 percent; and he is not arguing, he is just arguing the index that Mr. Winsten referenced, to keep it fair.

Commissioner Smith mentioned that was really what he is referencing; and he asked the County Manager how much the price went up on the Emergency Operations Center (EOC) because they had like a \$12 million to \$15 million about two years ago and now they are spending about \$32 million.

Frank Abbate, County Manager, advised it was a little bit; actually the number for the EOC when it was reduced initially, which was more than two years, it was more like four or five years ago, was \$18 million to \$19 million; and the price that came in was closer to \$39 million.

Commissioner Smith noted that is his point; numbers are beyond people's control; if one wants to get where they want to go one will either have to spend the dime or pack it up and go home; and that is really where Mr. Winsten is at.

Mr. Winsten commented that construction costs are different, and prices are through the roof right now, as the affordable housing people talked about earlier in tiny houses.

Commissioner Tobia stated there is Valiant Air Command that was in there and listed at \$375,000; and he asked if someone just asked to double that.

Commissioner Pritchett responded by saying she was requesting that; when doing these capital projects, when the Board Members first came on, they were trying to do an event center up there for \$7 million, but they were not able to do that; they were trying to do it with Delaware North, and she felt good about that one; when they pulled that, she just did not feel like it was a good project; the Board has done good distribution with many projects; District 1 has not had any capital projects yet; and this is out of the capital projects fund. She went on to say it is a great museum and they have a lot of war planes; Mr. Winsten knows that too; she thinks the Board is doing a lot of changes; and she is just asking for it.

Commissioner Tobia stated he just wants to go back to what the Board did at the beginning when they gave Mr. Cranis a hard time for arbitrarily adding 50 percent and now the Board is going to arbitrarily add 100 percent; and so as a consistency issue during this meeting, there are a whole bunch of red flags that are going off.

Commissioner Pritchett commented they had asked for \$750,000 and with the way the votes came back, she thinks it was because they were trying to move it all to this.

Commissioner Tobia noted Commissioner Pritchett brought up some good points; he is going to be a no on this one forever; he is trying to help Mr. Winsten; it seems like bad cop, good cop, Mr. Winsten is just getting more money and more time because of the stuff he has put him through; he pointed out this aquarium is a heck of a lot better than dinosaurs; he would like to see the Board, if the Board really wants to help out the zoo or the aquarium, it needs to focus its resources on that instead of throwing \$20,000 here or \$30,000 because the Board Members

do not know what the increase will be on that; Mr. Winsten is saying that his aquarium is going to be a profit center, which he would like to see that analysis because, when other people are paying for the capital, then it is not a profit center. He explained if someone gave him a Ferrari, he can manage that Ferrari, he just cannot afford to buy one for himself; the same thing with the zoo, therefore, the analysis is probably not that fair; the strange analysis, he did not see the cost go from \$80 million to \$100 million; he mentioned what he is saying is to focus, if the Board wants this; he thinks the aquarium is far better use of dollars than what the Board did with the culture grants; that would take a concerted effort from the Board to reorganize those dollars that meet within State guidelines; and while he will not vote for the funds to go there, he would feel a lot more comfortable that they would go to the zoo or the aquarium, than to all these other nickel and dime things that are done, because he believes Mr. Winsten has a great model with the zoo, and he believes he will do a great job with the aquarium. He thanked Mr. Winsten for all the work; he mentioned Mr. Winsten has great pride in the zoo and he should, it is a wonderful area and a jewel in Brevard County; and he would ask if the Board wants these things funded that someone take the lead and reorganize the TDC resources so it can be focused in on the aquarium, because he thinks the Board needs four votes, and it would certainly have his vote if it would be aligned to get it in that area.

Commissioner Pritchett asked if the Board has to have four votes to pass this.

Commissioner Tobia advised not this.

Commissioner Pritchett stated she does not disagree with much of that; she always likes seeing the capital projects more than the cultural grants; her head knows that it is important but her heart is not always in the cultural stuff; that is just who she is; she could possibly be tweaked to make some changes with that; and she is going to try to throw out a motion. She motioned to pass the \$15 million to the aquarium, \$750,000 to the Warbird Museum, and then give an extension of five years to Mr. Winsten, or to come back at that time and let the Board know what he needs to do differently.

Chair Zonka commented she thinks five years is a little long; she thinks what gets lost in all this discussion is the fact that the concerted effort by many people, have managed to collect \$47 million for this aquarium; that is impressive; there is something to be said for that; the community is behind it; this is what these dollars are for; and she is all for this. She continued by saying the fact that the Warbird Museum requested that amount is a little different than the cultural grants that it was just arbitrarily given 50 percent more money; she noticed all the cultural grants in the Agenda packet asking for the spending was for marketing; she thought that was hilarious because there was no real plan; and God forbid the County spend money for marketing for the Westin. She noted she is going to support this because she is a big fan; she has talked to Mr. Winsten about this for many years; he is going to make money and will contribute some of that money from those tickets for the Lagoon; and she is excited. She asked what Mr. Winsten sees in the future.

Mr. Winsten commented he does not have a crystal ball; he appreciates the generosity of spirit from Commissioner Pritchett for five years; he would love that but he is going to say three years; they have a deadline with the port and that is a really hard deadline; they will lose the option ability to lease that land; he would like to have a little slush in there as Commissioner Tobia has pointed out, unforeseen things; and three years would be wonderful.

Commissioner Pritchett stated she will amend that motion.

Chair Zonka stated she would ask that semi-annually or annually that he come to the Board

and just give an update on how the fund raising is going, any new hurdles, any successes, and that kind of stuff so the Board knows what is going on because they have all had the benefit of sitting with Mr. Winsten for many hours discussing this; there will be new members; and she is sure the public would be interested in hearing it.

Mr. Winsten commented it would be his pleasure; they have wonderful updates as the design has evolved; and he would love to share those.

Commissioner Smith stated to paraphrase Shakespeare, "The course of raising money is like love, it never does run smooth" and that is the answer.

Chair Zonka noted that is what will be in Florida TODAY, tomorrow, after all that discussion.

The Board approved the funding for FY 2022-2023 Capital Facilities Grant applications for the East Coast Zoological Society Aquarium project at Port Canaveral - \$15,000,000 over 10 years (\$1.5M per year) beginning in FY 24-25, and extending the construction groundbreaking deadline for three years, and for Valiant Air Command Museum Expansion and Event Center - \$750,000, for the museum expansion and event center; granted legislative finding that Tourist Development Tax funds are authorized for capital grants pursuant to Section 125.0104(5)(a)3, Florida Statutes, and Sections 102-119(3)a, (5)a, and (6)a of the Brevard County Code of Ordinances with each of the tourist oriented capital grants having as one of its main purposes attracting tourists, and the entity and the Space Coast Office of Tourism both intend to ensure marketing and promotion of these facilities to Tourists; authorized Tourist Development Director to negotiate and sign all necessary agreements and related documents upon County Attorney's Office, Risk Management, and Central Services approval; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** APPROVED

**Mover:** Rita Pritchett

**Seconder:** Curt Smith

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

**Nay:** Tobia

The Board recessed at 10:41 a.m. and reconvened at 10:50 a.m.

**J.2. Staff Direction: Regarding the Payment of Background Investigation Screenings for Parks and Recreation Department Recreation Partners and their associated Volunteers and Recreation Instructors**

Mary Ellen Donner, Parks and Recreation Director, stated this is for direction from the Board regarding payment of background investigation screenings for recreation partners, their associated volunteers, and recreation instructors; currently, the partners are paying one-half of the background screening costs; it was anticipated that on October 1, 2022, based on a motion from the Board a year ago, the partners would pay 100 percent; and she is looking for direction to see if that is the route the Board still wants to go in.

Commissioner Tobia stated he is not necessarily comfortable with this because the Board is again extending deadlines; Commissioner Pritchett is the one who brought this up and in deference to Commissioner Pritchett, he does not know if she will like his motion, but it would be to approve option 1, but with a one-year renewal period instead of what is on the Agenda Report; after that one-year period is concluded, the cost will lie solely on the recreation

partners; and that would be his motion.

Commissioner Pritchett stated she will second that; at least it will give a little bit more time for them to adjust and the Board to see what the outcome is; she thanked Commissioner Tobia for the motion; and she mentioned her concern would be that the recreation partners may be a little sloppier with background checks, which are important.

Chair Zonka advised she is agreeance as well; she thinks this gives them another cushion of leeway to get the word out for the people who are not aware; it gives them a year to fundraise more to be able to carry the burden of those costs; and she is in support of this.

Ms. Donner asked for a clarification if the Board is proposing that they only be allowed to submit for a one-year background check.

Commissioner Pritchett noted she thinks what Commissioner Tobia was saying was to continue what it was doing right now for an extra year.

Commissioner Tobia noted that is different from what he said; that was the spin on option 1; there is a choice of whether or not to get a one-year background check or a five-year background check; of course, all of these folks are choosing the longer five-year background check; there are disproportionate amounts this year that are running up; and there is an ability for costs to run up very quickly, therefore, he thinks that is not necessarily fair. He would continue it one year and if those individuals wanted to get a one-year background check then the County would cover half of that; if they wanted a five-year, the County would not cover any of that; again, a disproportionate amount comes up this year so these costs could rise very quickly; and he recalls the Board said it was not going to do this, therefore, anything this Board does is more than what the motion was in the past. He noted the Board has given them plenty; this gives them a bridge, but does it in a fiscally responsible way; and he would not support extending it for a year and giving them the ability to get that five-year background check because he thinks that would be cost prohibitive.

Commissioner Pritchett advised she takes back her second on that.

Commissioner Smith seconded the motion.

Commissioner Pritchett stated she thinks Commissioner Tobia is only talking about a three or four dollar difference in the one-year and the five-year because the economics on that were pretty compatible; and she asked if that was correct. She asked if there was a very small delta between the one-year and five-year.

Ms. Donner replied that currently the one-year costs \$44.26 and the partners pay half and the County pays half; and the five-year costs is \$79.00, so the partners pay half and the County pays half.

Commissioner Pritchett advised it is like an \$18 delta per person for the five-years.

Commissioner Tobia explained his math was a little bit different, it is the difference of \$35.

Commissioner Pritchett noted it is divided by two because the County is paying half; therefore, it is more like \$17.50.

Commissioner Tobia explained what the Board is doing is, in essence, extending it for five

years if it is doing that.

Commissioner Pritchett responded she knows; she thinks a lot of people have already done it; she knows this is the cost of what last year was and that is why she has that impact; however, she thinks this is the last year so they kind of jumped in and did it. She commented it is whatever the Board wants to do; she has great concern because of the amount of comments she received last time from the community when this was done in her office; it is a great project for them and eventually she knows something needs to be done differently; but she has a feeling this is going to start costing the kids in sports; and if that is all she can get out of him she will take it, but she thinks if he would do the other, it would have her smiling.

Commissioner Smith asked what the primary difference is between what Commissioner Tobia is saying.

Commissioner Pritchett explained that the Board do exactly what it did this past year for one more year; and as Chair Zonka stated, that gives them one more year to get busy fundraising to cover these costs a little bit better.

Commissioner Tobia noted the Board had already set this deadline one and one-half years ago.

Ms. Donner advised it was July 2021.

Commissioner Tobia continued by saying the Board has given them more than a year heads-up on this one; he thinks extending it and allowing them to take advantage of that, whether it is \$18 or \$1.80, he thinks is inconsequential; he will meet in the middle if that makes Commissioner Pritchett happy and say that the County is going to contribute \$22, of the \$44, and contribute \$22 of the \$79 if she wants; and he thinks that is more of an accounting issue than what would practically work.

Chair Zonka commented they would have an option.

Commissioner Tobia repeated that is correct, they would have an option.

Commissioner Smith commented so the Board is talking about \$13.

Commissioner Pritchett mentioned it is \$17.50.

Commissioner Smith commented if Commissioner Tobia is going to go his route...

Chair Zonka replied no.

Commissioner Tobia explained there are two options when someone renews; a one-year which is \$44...

Commissioner Smith interjected and the other is \$79.

Commissioner Tobia continued by saying the other is \$79, the delta there is \$35; the argument he is making is that the County was going to pay \$22 of the \$44, so if someone wanted to get the five-year one for \$79, the County would give them \$22 of that \$79, what the County would have paid otherwise, and it would only cost them \$57; and \$57 is not going to keep kids from playing sports.

Commissioner Smith noted as opposed to \$39.50.

Commissioner Tobia went on to say they would still have to pay that, so no kids are going to stop playing sports because the coaches have to get background checks that cost \$30.

Chair Zonka noted she thinks that is a good compromise.

Commissioner Smith asked what Chair Zonka thinks about it.

Chair Zonka stated she is thinking the same thing; she thinks a flat amount towards it provides an option whether one wants to get a one-year or a five-year; and she kind of likes that idea a little better.

Commissioner Tobia stated he has not run this by Ms. Donner and he apologized for that; he asked if that is possible to reimburse half; and he asked if Ms. Donner has the accounting where-for-all to cover a portion of that.

Ms. Donner responded she believes that could be set up with the fingerprinting agency.

Commissioner Tobia noted that is wonderful.

Commissioner Smith stated he is good and he will amend his second to cover it.

Chair Zonka asked if Commissioner Tobia would restate his motion for the Clerk so there is no confusion.

Commissioner Tobia stated to amend the motion for one-year where the County will cover \$22.13 of the cost for either the one-year renewal or the five-year renewal; and the program will be available for and additional one year.

The Board granted approval for the Parks and Recreation Department to pay \$22.13 towards a one-year or five-year Background Investigation Screening cost for Recreation Partners and their associated volunteers and recreation instructors for one additional year.

**Result:** APPROVED

**Mover:** John Tobia

**Second:** Curt Smith

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

**J.3. Approval, Re: Pay Adjustments to comply with Florida's Medicaid Provider Minimum Wage Requirement.**

Chief Patrick Voltaire, Fire Rescue, stated this is the pay adjustment to comply with Florida's Medicaid provider minimum wage requirements; it is being requested the Board approve delegation of authority to the County Manager to approve all necessary actions, including but not limited to, a memorandum of understanding with the International Association of Fire Fighters (IAFF) Local 2969 to ensure compliance with the Florida Medicaid provider wage requirements; as part of this downward directed mandate, the supplemental wage agreement must be submitted to the Agency for Health Care Administration (AHCA) by October 1, 2022; and according to the AHCA mandate, organizations that do not meet the minimum wage threshold will be subject to civil liability including attorney's fees and costs beginning on

January 1, 2023.

Michael Bramson, President of Brevard County Professional Fire Fighters, stated he received a notice late yesterday from Jerry Visco, Brevard County Human Resources Director, that addressed one of their concerns, which was the ability, depending on what happens today, and/or implementation of something that happens on October 1, 2022, to meet with them; that includes a couple other things and potential negotiation options; until they got to that point, there was a fantastic lack of full direction and details of what was happening at the State and County level and happening at other agencies around the State of Florida, who may or may not qualify for these same restrictions; prior to that meeting or that letter yesterday, they had an opinion that was received mid-summer; and last week he was able to pull off the Clerk of Court website, J.3., that stated, pay adjustments to comply with Florida Medicaid provider minimum wage requirement. He noted that was all the information that he was able to pull off the internet; it caused quite a bit of a problem, the lack of details, transparencies, and impositions of what was going to happen; they are very much aware of how people sometimes feel, especially in this climate, about this union and the fire fighters; they have had a string of pretty bad luck in Brevard County when it comes to its Fire Department; and professional courtesy or transparency would go a long way just to know what that implies, pay adjustments to comply with, they did not know. He continued by saying because of the nature of wages, especially in Brevard County, the fire fighters became very anxious about what this is going to imply; he reiterated that they just received notice that they are going to move forward on something that they had requested by the Board; they are very hopeful that it will result in some things that will be best for the department as well as for public safety in Brevard County; they are very anxious about what they are going to be facing either after today's decision on this Item, or what will be implemented to the fire fighters on October 1, 2022, which they have no idea; in the interim, as that anxiety increases, they will continue to provide the fantastic public service that they always have; and they will try to do the best in the best interest of Brevard County.

Commissioner Tobia stated motion to give authority to the County Manager.

Chair Zonka commented she knows there was a response by staff, and her concern is compression with existing members; and she does not know what those numbers look like.

Frank Abbate, County Manager, stated staff does not look at that as a compression issue; staff is just trying to meet the regulations which were, they believe, if whatever degree of funding the State may provide, will only be partial funding for whatever the cost is; as the Board knows it has entered into a three-year negotiated agreement which is in place and what staff is looking to do is to assure that it follows the Medicaid regulatory requirements consistent with everything that was previously negotiated and have language that reflects exactly that; and that is what staff is going to do.

Commissioner Pritchett stated the Board voted to give these guys a substantial amount of money and to continue that for a while; she thinks during that conversation, she was kind of hoping that these employers would have been jumped-up fairly quickly because they had a hard time keeping new recruits; she is looking at the pay scale and this comes into play with people making \$15 an hour or less; she thinks those Emergency Medical Technicians (EMT)s and the paramedics need their salaries upped; and with what is left, move up the chain a little bit. She mentioned she is kind of hoping that will happen for those workers; that is something she would like to see; she thinks that was a lot of the conversation in the beginning; she does not think anybody should be getting hired in at \$10.00 per hour, they should be well into \$15 an hour right now; and then they can distribute the rest of the funds after that so they are able to keep the new recruits and keep people on board.

Commissioner Tobia commented he was not planning on speaking on this but it seems the Board has made comments, so he unfortunately needs to make some comments as well; this was a mandate from the State; he is actually a little disgusted with the transparency; the IAFF is the well-organized group; hopefully they have a lobbyist up in Tallahassee to watch what was going on; and if they do not, that is not this Board's problem. He went on to say, Mr. Bramson is more than welcomed to go up there and lobby one way or another; when they pass stuff down to the Board by saying that there is a lack of transparency by everything that was put on well ahead of time, that is disingenuous; he would like to point out that not one fire fighter, paramedic, or anyone will be losing one dollar; this is about a pay increase, which is very hard to understand; there is a group that is complaining or wanting to change negotiations because certain folks, and he is willing to guess certain folks in the audience and leadership, are not getting more money, any more than what they already got; to be very clear, there is a group complaining because they are receiving more money; and for the people out there, one of two things happened here, either the negotiating team for Brevard County was so good or the IAFF negotiating team was so bad, because what IAFF agreed to, the State said, they would have to bump that up a little bit more. He added it could have been a combination of both the County being so good and the IAFF being so bad; the IAFF agreed to something that the State said the County actually had to increase; he has said it in the past, though he did not support it, he thinks Brevard County's negotiating did a darn good job and this is proof when the State has to step in and say the thing that the labor union agreed to, was not good enough; and hats off to staff, he will not lose one second of sleep over an issue of compression, because if that was important to IAFF, they would not have agreed to the contract in the first place. He stated to abide by the contract that is in place, that he thinks was overly generous, but to complain about a pay increase, is just beyond him; he does not understand; and he will never understand the logic in complaining about a pay increase.

Chair Zonka stated her only other comment would be shame on herself for not knowing that EMTs made \$10 per hour because that is really sad; she is proud that this Board was finally able to bump-up people that needed it, that had already committed 10 years or more of their lives to Brevard County; she thinks that is something that was owed for many, many years; and to have a non-fire certified EMT and a Paramedic (PM) and a fire-certified EMT makes \$12.60 an hour to start, that is really sad.

Commissioner Pritchett commented that is not what the Board wants.

Chair Zonka agreed. She went on to say that is not how to get people to want to come work here; she does not think this is a bad thing; compression is a concern of hers because she does not think the guy that has worked there for six years should make close to the same, but it has happened to her at her organization; it depends on the market, depends on the negotiating team that year, and it is a problem that will always be in place with union contracts where there are steps and there are increases for different groups; and it is an unfortunate consequence of having those multi-level contracts. She mentioned she will be supporting this.

Commissioner Smith noted it is a shame that both are in this position; that the fire fighters are in this position and that the County is in this position; he thinks it is a perfect example of what happens when government interferes with the natural state, and in this case, wage increases; wages increase because of demand; that happens in a natural function; when he was an employer, when he started the last business he started, minimum wage was \$3.50, and he started everybody at \$5.00; as time went on and the minimum wage was raised to \$5.00, he was paying everyone \$8.00; that is the natural occurrence of business when one has a business that can raise prices, as he could; and he had to weigh that against losing customers

versus losing employees. He mentioned he always erred on the side of the employees because he just felt like customers will come, if people did a good job; this is government and somehow the people in this State for whatever reason, voted for an across-the-board pay increase to \$15 per hour for the minimum wage, which throws all that natural occurrence out the window; now people are betwixt in between because there are people making \$15 and people making \$10, and now the \$10 people are going to make \$15 and the \$15 people are making the same as those people, and people who were making \$18, it is just artificial; and it is a shame that everyone is in that position. He stated he feels for them and he feels for the County; but the people of this State did it because they are the ones that voted for it.

The Board approved delegating authority to the County Manager to approve all necessary actions, including, but not limited to, a Memorandum of Understanding with the International Association of Fire Fighters (IAFF), to ensure compliance with the Florida Medicaid provider minimum wage requirements; approved delegating authority for the Public Safety Director, or the current designee listed on the Medicaid Provider Agreement, to sign the required Supplemental Wage Agreement and submit it to Florida's Agency for Health Care Administration; and authorized the County Manager to approve Budget Change Requests, or other administrative actions required to meet Board direction.

**Result:** APPROVED

**Mover:** John Tobia

**Seconder:** Rita Pritchett

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

L.4. John Tobia, Commissioner District 3, Re: Board Report

Commissioner Tobia stated on August 30, the Board voted to send out letters to businesses within Brevard County encouraging participation in that self-certifying registry to protect sex offenders and predators from entering their business; he just wanted to report back that his office has been making phone calls; they have a fair amount but are working higher; the first business Graceful Gift Dance Company, located in District 2, was the first to respond to be added, and he believes there were 10 or 15 more; each business will be getting calls and follow-up letters from his office explaining the program; and he thanked Graceful Gift Dance Company and District 2 for looking out for the health and safety of the children that go there, and he would encourage the rest of the Board to make some phone calls. He noted he understands the zoo just signed up for this; it is a wonderful opportunity to make sure those individuals that people do not want in those areas are not in those areas; and he thanked the Board for taking action. He added this action is having measurable results and he hopes it continues.

L.5. Curt Smith, Commissioner District 4, Re: Board Report

Commissioner Smith advised Space Coast Government Television (SCGTV) has a flyer announcing that the City of Palm Bay invites everyone for a naming ceremony for the Patrick Woodard Memorial Park, formerly Oakwood Park; that will be this coming Monday, September 19, 2022, at 11:30 a.m.; Mayor Medina is the one that spearheaded this move; and the Palm Bay Council followed suit in honor of this fine gentleman.

Chair Zonka commented that is awesome.

Adjourn

Upon Consensus of the Board, the meeting adjourned at 11:16 a.m.

ATTEST:

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RACHEL M. SADOFF, CLERK                      RITA PRITCHETT, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA