

May 18, 2021

# Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, May 18, 2021**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:02 a.m.**

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Lober led the assembly in the Pledge of Allegiance.

**E.1. Resolution Proclaiming May 2021 as Mental Health Awareness Month**

Commissioner Smith read aloud, and the Board adopted Resolution No. 21-055, proclaiming May 2021 as Mental Health Awareness Month.

A representative of the National Alliance of Mental Illness in Brevard County, expressed her appreciation for the Resolution. She stated they provide education for people who have mental illness and their family members; they provide support and advocacy; she knows how important the Commissioners are to Zoning of houses in Brevard County; she wants the Board to be aware that they are there; and she hopes that in the future they can find some supportive housing for people who need it.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**D. MINUTES FOR APPROVAL**

The Board approved the January 26, 2021 Regular meeting minutes and the February 4, 2021 Zoning meeting.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**E.2. Resolution Recognizing May 20th as Emancipation Day for Brevard County and Florida**

Chair Pritchett read aloud, and the Board adopted Resolution No. 21-056, recognizing May 20th as Emancipation Day for Brevard County and Florida.

Mr. Garry expressed his appreciation for the Resolution.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Bryan Lober

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

**E.4. Approval of Resolution, Re: Emergency Medical Services (EMS) Week**

Commissioner Lober read aloud, and the Board adopted Resolution No. 21-057, acknowledging Emergency Medical Services Week in Brevard County.

Chief Orlando Dominguez, Emergency Medical Services, thanked the County Manager, Kathy Wall the Assistant to the County Manager, and Chief Schollmeyer for their unwavering support for lean six sigma and continuous quality improvement; he noted those are the same tools being used to improve the pre-hospital sudden cardiac arrest outcomes; some of the Board may know that cardiac arrest event is when someone's heart, unfortunately, stops beating; they refer to individuals at that state as being clinically dead; and unless something is done quickly, to be precise within 600 seconds or 10 minutes, the prognosis is poor. He continued by saying before they embarked on this initiative, the cardiac arrest outcomes were about 16 percent that they were able to save during a cardiac arrest event; now that they have embarked on this journey, he is happy to report that they are at 31 percent; that means they have doubled cardiac arrest survival outcomes and more people are surviving cardiac arrest; it takes a village and they could not have done this without the community, the partnership with law enforcement, hospital personnel, and their municipal partners who are there with them on every call; and the backbone of this initiative has been the Brevard County Fire Rescue (BCFR) 911 dispatchers, the EMTs and Paramedics. He noted he had invited some of their pre-hospital cardiac arrest survivors to join them; and he asked them to stand and stated they are all survivors. He added with the Board's support there is no doubt they will continue to save lives in Brevard County.

**Result:** Adopted

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**E.5. Resolution Recognizing Robert H. Clark on His 102nd Birthday**

Commissioner Zonka read aloud, and the Board adopted Resolution No. 21-058, recognizing Robert H. Clark on his 102nd birthday.

Mr. Clark expressed his appreciation for the Resolution.

**Result:** Adopted

**Mover:** Kristine Zonka

**Second:** Curt Smith

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

**E.6. Presentation by CFX**

Commissioner Smith introduced Laura Kelley, Director of Central Florida Expressway (CFX) Authority.

Laura Kelley stated she feels honored to be before the Board; this is her very first presentation to the Brevard County Commission since it became a part of CFX in 2017; today she is going to talk about their Master Plan process; Brevard County became a part of the CFX family in 2017, it was actually made a regional agency in 2014; and she is excited to be there to talk about what the community would like from CFX and how they can serve the County better moving into the next 25 years. She mentioned CFX is fortunate to have Commissioner Smith serve on their board; currently CFX owns and operates 125 centerline miles of expressway in

Central Florida; CFX really was created in the 1960s when Kennedy Space Center needed an express connection to its education center, it was the Florida Institute back then and is now known as the University of Central Florida; the Florida Legislature created CFX back then so

that NASA could connect to its education center; and that is how the foundation of the expressway system was created. She continued by saying as the Board knows, Central Florida is growing quickly; thousands of people move here every day; for the last two months the traffic has eclipsed pre-COVID levels; Central Florida is right back at fighting the congestion that it is trying to face every day and mitigate; and it will be seen in the work plan that there are many miles of widenings as well as extensions and new expressways in Central Florida. She went on to say why the plan so important is the foundation by which they prioritize projects; they deliver transportation solutions to Central Florida so it is really important to weigh in and tell them how they can serve the County better now and in the future; they meet with hundreds of people during this process; and she thinks with the Board's help they can reach hundreds of people in Brevard County to get their opinion on how CFX can better serve them. The last Master Plan was for four counties, Brevard had not yet joined the CFX family; they identified \$11 billion of potential expressways across four counties; they could also only identify \$9 billion in funding for the \$11 billion; that is why that prioritization process is so important; and the Master Plan defines the prioritization process as well as the types of transportation that they invest in. She stated as of just last week, they are currently investing \$3.2 billion over the next five years into transportation solutions; she wants to talk a little about some of the major projects over the past five years; one was a rebuild of State Roads (SR) 408/417 interchange; the SR 417 actually doubled its traffic in just five years so it was very important to reconfigure this Interchange to greatly increase throughput; and today this interchange is open to traffic and provides an express route to downtown Orlando from the East Coast. She went on to explain they are in the midst of completely rebuilding the gateway to the Orlando International Airport; as the Board probably knows, the tight interchange that was there for over 40 years is now being reconfigured to greatly increase throughput and really create a beautiful gateway into the Central Florida area; that project will be done in about a year and one-half; their ability to work with intermodal partners has made it possible to grant Brightline an easement just south of the beachline to the Orlando International Airport; if anyone travels the beachline today, they can see the tracks coming out of ground; and the Brightline train will be open to traffic in early 2023. She mentioned the Master Plan process is important because for the very first time they are getting Brevard County's input; they are excited about that and they look forward to hearing from the Board; they have two major projects that they have added to their systems since 2015; one is Wekiva Parkway, which portions of have been open to traffic since 2017; and then the Poinciana Parkway was acquired by CFX a couple years ago; they are adding a lot of additional capacity and trying their best to keep up with the potential demand moving forward; SR 417 and SR 429 are two of the fastest growing parts of the system and it is the beltway around Orlando, as well as the beachline in and around the Orlando International Airport. She noted there are many areas that they are developing concept feasibility and mobility studies; the concept and feasibility study identifies potential alignments in a given corridor, it does not prioritize alignments, that is done in the next phase of development; one area she wanted to point out is the massive area that connects Brevard County to Orange County and Osceola County, that big swath in blue is to identify potential alignments for evacuation routes, future evacuation routes, and additional connectivity as Central Florida grows; it is a very important study; and once those potential alignments are identified, this will probably go back on the shelf for a few years because the demand has not really reached the point where an alignment needs to be prioritized. She added but when it does, it is done, so it starts that process and they are able to pick up a Project Development and Environmental (PD&E) study. She continued by saying, of course, there are a lot of PD&E studies going on, on some of these that have been identified on the map, and are also moving forward into design and construction; one is Poinciana Parkway's extension which will eventually reach I-4 and SR 429; this is a very

important connection for Osceola County which really has no way out from a really growing residential area; and then there is one very important reliever that connects U.S. 27, near Lake Louisa Park, to SR 429. She went on to say there are five major questions that CFX would love for Brevard County to weigh-in on; they will send the survey electronically and they hope to hear from many Brevard County residents to help with these very important questions.

Commissioner Lober thanked Ms. Kelley for coming out; having lived in Seminole County for many years himself, the roads that were managed by CFX had always been great; with that said SR 528 is one of the few roads of huge importance, not just to a small percentage of his constituents, but to a lot of them; it runs right dead center through his District; he looks out of his window on this road; he does not know specifically the plans by Florida Department of Transportation (FDOT), but FDOT has been working with other stake holders for a long time on different possibilities with respect to the SR 528 Causeway, as they cross over the waterways; he knows they fully understand that there are tens, if not hundreds, of millions of dollars that are needed in order to get that where it needs to be, or at least closer to it; and this is not his attempt to shoot down anything, he is open to listening to any proposal CFX has, but he wants to put out there whatever is proposed if it would cause the County to lose the funding that FDOT has already budgeted or is planning to budget in, knowing that the expense has been building for decades, he would be concerned with how that funding would be replaced. He continued by saying more specifically, where the sources of funding to replace or offset that would come from; from his perspective he thinks CFX's history of managing roadways in a stellar fashion certainly has a value to him; but there are some concerns along with the good as well; he is very interested in seeing what CFX has; he is not opposed to anything categorically; however, he just has to see the specifics of it.

Ms. Kelley responded absolutely; she stated what is important to understand is CFX delivers tolled expressways; tolling is not the answer to every transportation problem; CFX has a history of working with FDOT to be partners to deliver transportation; in some cases FDOT delivers transportation solutions that a toll road would not serve well; that is why a concept and feasibility study is always done before CFX even embarks on a solution; and what is important to understand is Brevard County residents that travel on CFX roads, they get two very important benefits. She noted number one is the tolls that CFX collects in the Central Florida area get reinvested back here in central Florida; that is extremely important to understand; FDOT is a State agency, the tolls they collect are invested throughout the State; that is a nuance that Brevard County residents need to understand, and why that is important; number two, CFX offers volume discounts to every e-pass customer; those e-pass discounts add up to a lot of money; they gave back millions and millions of dollars to their customers every year through volume discounts; and that is something people only get with CFX. She added that FDOT and the Turnpike do not offer volume discounts; for those two reasons, Brevard County's local agency provides that because she thinks it understands, they are closer, and they have a local voice of Commissioner Smith on the agency board who gets to listen to the needs of the residents every month; and CFX hopes to deliver on those.

Commissioner Smith pointed out CFX had a discussion about SR 417 the other day and Ms. Kelley had already alluded to the fact that Central Florida had already exceeded pre-COVID numbers.

Ms. Kelley responded that is correct.

Commissioner Smith asked for clarity that SR 417 has doubled in the last five years, in that one section.

Ms. Kelley responded affirmatively.

Commissioner Smith noted CFX is already on it and ready to expand that one section already; he thinks it is important for everyone to understand that being a local agency, they see developments as they happen; CFX is ready to do something about it; and he thinks that is important to know.

Ms. Kelley responded she agrees; SR 417 almost in its entirety, is being widened right now; it is also being equipped with hard, on-shoulder running; it just means that when congestion occurs, there is an additional lane that opens up so they are able to meet the peak hour demands of the roadway; and that is something CFX is introducing to Central Florida now on every road that they widen.

Commissioner Smith noted that is a huge benefit when traffic gets heavy, because there is that extra lane in each direction that can be opened up to relieve the pressure.

Ms. Kelley replied exactly.

Commissioner Lober stated Ms. Kelley mentioned a moment ago that the tolls that are collected in Brevard County, and something that can be shared with residents is that the tolls that are collected here are going to be reinvested in Central Florida; and he asked if CFX, when it collects tolls, keeps them in that area in which they are collected or do they get spread throughout the system, because the concern he sees coming up from constituents is if tolls are collected here and they are spent here, that might be far more palatable than tolls being collected here, but then being spent on SR 417.

Ms. Kelley noted that is a really good point; Brevard County just became a part of the CFX family in 2017; CFX is able to take the foundation of their system, where the majority is in Orange County, and invest it here in Brevard County; that is the brilliance of a regional system; as expressways are identified in Brevard County it is likely the tolls that are collected in the other counties, will be reinvested in Brevard County; another point is the prioritization process of CFX is so important; and that is why she is asking the Board to weigh in. She mentioned if someone on the Board were a king for the day and he or she wanted to tell a five County regional agency how to prioritize projects, they would love the input; right now they base it on demand, viability of the project, and the community needs; and they are not in the habit of delivering transportation solutions that a community does not want.

Commissioner Lober inquired, in terms of the causeways, and he knows that is something of tremendous importance to everyone, is it likely or has there been any thought given to the extent to which SR 528 might be switched over from FDOT to CFX, in terms of whether that transfer would include one or both of the causeways, or is it the thought that it would go up just to the extent that the mainland goes to; and then it would stop prior to crossing over either of the rivers.

Ms. Kelley replied she really cannot answer that question; what she can say is that CFX owns and operates the Beachline, where it starts at McCoy Road, which is about eight miles in from Interstate (I)-4, all the way to SR 520; the remainder of the Beachline, from SR 520 to the east to US Highway 1, and then from McCoy back to I-4 is owned by FDOT; there is a request from the local community to transfer those roadways owned by FDOT to CFX, but it is because they really want locals to have a say in how those roads are managed and operated; and the reason Brevard County might also be interested in that is, right now the tolls that are collected by FDOT, if the tolls were collected by a local agency, such as CFX they would stay in the regional area.

Commissioner Lober commented as far as locals having a say, that sounds great, but he is

trying to understand a little better in terms of what the difference would be with CFX versus FDOT; he asked is it just a few entities involved, or fewer municipalities and localities involved; he noted he is asking that with particular focus to SR 528, because there were some plans that FDOT was trying to steamroll through with that, and he does not think many of the Board Members were very happy with; but with that said, the TPO passed a Resolution, the Board passed a Resolution, and the Indian River Lagoon (IRL) Council passed a Resolution, when he was on there a couple years ago, basically encouraging FDOT to rethink the design, focusing more so on water flow and some other concerns; and the Board was able to put that on hold, to get that reevaluated. He noted while he is not always thrilled with FDOT, and CFX's roads are by and large better managed, he does not feel that the Board did not have a say with it; it seemed like the Board did have a say; he thinks when it comes to certain buzz words, good or bad, that the more specificity in the proposal the better it is; from his perspective, this road running dead through his District, surprises are bad; and he would make the same offer to Ms. Kelley that he made to every one of his constituents, if he knows how he is going to vote on something prior to the meeting, and she calls or emails him to ask, he will tell her how he is going to vote on it, but if he does not know all of the specifics or all of the material questions, prior to getting to a meeting, he probably would not support it until he had a chance to run it by his constituents of what the impact would be to them and whether or not it is something they would support. He continued by saying it is not that he is not willing to look at it or that he is categorically opposed to it by any means; he thinks there are a lot of advantages that come with having CFX take over a portion of that roadway; he is concerned about the specifics of how it might be implemented; as far as the feasibility study is concerned, if that is something that CFX wants to undergo using predominantly CFX money, by all means if she thinks that is something that is beneficial for the organization, go for it; but if it is going to be involving County funds over and above what the County puts into CFX, from his perspective he would need more specificity, even if he does not know the precise toll amounts that may be implemented; even a guesstimate based on prior experience running the other roadways, in terms of where toll booths might be located, because in his perspective he cannot support spending any County funds over what they invest in CFX until he has a better idea of what the end goal looks like; and he does not mean to come across as being totally negative towards it, but there are a lot of concerns and his constituents are impacted by this more so perhaps than all the other Districts. He added he looks forward to working with Ms. Kelley and seeing what she has; the biggest thing in having a higher likelihood of his support behind anything, is having all of that material that she is able to provide, provided in advance; and he expressed his appreciation for Ms. Kelley coming to the Board. He noted this makes him a little queasy without all those specifics.

Ms. Kelley responded that she is not taking Commissioner Lober's comments as negative feedback; he has covered a lot and she is going to try to remember the main ones; she is hearing the concerns for the older bridges and water flow issues, throughout Central Florida, it is not just State Road 528, as the bridges are being replaced and rebuilt; it is extremely important; it must be fixed no matter who does it; FDOT does a great job and if they are studying those bridges and providing a fix for Brevard County that is wonderful; CFX is there to work together with FDOT, they are not there to replace any project that is already funded; they are there to fill the gaps when no other solution is available and an expressway is direly needed; and in Central Florida that is a big deal. She continued by saying in many large areas like Central Florida, where that is not an option, there are very little options left, where money is not available; the foresight that the Legislatures had in the 1960s to start this system really was a blessing in disguise, because without it, there would be no last option; she commented she hopes she covered most of the concerns; and she advised CFX is not there to replace any type of work that is already funded.

Chair Pritchett stated she may set up some times with Ms. Kelley for the Board Members to go over their own individual District's situations and provide her some time to prepare.

Ms. Kelley responded she would love that.

Chair Pritchett advised Ms. Kelley would probably be hearing from some Commission Offices.

**F. Consent Items to be Pulled**

Commissioner Lober stated he would like to pull Item F.2.

Chair Pritchett noted she has a card on F.36.

**F.36. Request Authority for Chair to Request and Sign an Amendment to Project Partnership Agreement with U.S. Army Corps of Engineers**

Sandra Sullivan stated as the Board knows it has been a concern of this community regarding the sand renourishment; at the last meeting she attended she showed some photos comparing and contrasting the beach in Satellite Beach compared to the beach in South Patrick Shores; in Satellite Beach there is hardening of the coastline; and obviously that is going to have a different sand renourishment issue than South Patrick Shores which has good policy and naturally renourishes. She commented she understands that this document is probably being signed because of the lawsuit that the owners of the property won; she does not know if that is true; she would like clarification on that but she wanted to point out that there is a number of issues regarding sand renourishment project; the Army Corp of Engineers put a mitigation reef several miles to the South down here and pointed to an area on the map, and she explained her area is up here; the densest reef is between Patrick Air Force Base and Hightower which is here; it is a different ecological zone; it is out in deeper water; and basically they circumvented State and Federal law in order to put the sand renourishment on. She noted her point in talking about Satellite Beach and South Patrick Shores is in the Olsen Reporting; that area is not delineated separately so there is an area in Satellite Beach, which is narrow beach, it just doesn't take as much volume as sand; then there is South Patrick Shores with a wide beach that is going to take a much greater volume of sand and then it spreads out so people do not get the full picture; there are other things that Bureau of Ocean Energy Management (BOEM) Report by the Corp of Engineers requires; and that is transit study of the reef. She went on to say the Florida Oceanographic have done a recent lecture on the near shore reef showing there is not enough research on the impact; the Olsen Report also downplays what they did, so this pictures shows only a little bit of sand; an actual fact that was taken before several other layers were put in, and she showed the Board pictures that she took; and she stated in the middle of it, there is a whole lot more volume of sand and what they put in the Olsen Report. She stated she documented for months the crabs and other organisms washing up dead; so while this regenerates on the reef, the other critters that get buried do not. She advised she is asking that more of a study be done.

Commissioner Lober advised he has questions for Eden Bentley on this Item. He stated his understanding for this Item was that the only thing being done, is to ensure continuity in the language between the Project Partnership Agreement (PPA) and the Army Corp and in effect, quite literally the only thing they would be doing is, in the PPA instead of it reading, continued public use, it would strike the word "continued" and have it read, public use, to be more in line with the phrase "public use and access," which is what the Corp requires.

Eden Bentley, County Attorney, advised they are trying to get the PPA to match the easement language, Public Use, and Access exactly, so it matches.

Commissioner Lober mentioned he just wants to make sure from her perspective as well; he takes it as this is not going to impact anything other than whether or not the language coincides; this is not something that changes any party's obligations under the agreements, or modifies to add, detract, or to pick different locations, or otherwise change any other term within the agreement.

Attorney Bentley responded in the affirmative.

The Board authorized the Chair to request and sign an amendment to PPA with U.S. Army Corps of Engineers for the construction of the Brevard County, Florida Shore Protection Project Mid-Reach Segment; and authorized the Chair to sign any documentation regarding this amendment, subject to review of the County Attorney's Office.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.1. Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Arthropod Control Budget Amendment**

The Board authorized the Chair to execute the State of Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Arthropod Control Budget Amendment.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.3. Approval, Re: Mud Lake Phase 1 Drainage Improvements FEMA Grant for the Design of Flood Mitigation Improvements**

The Board approved and authorized the Chair to execute FEMA Agreement H0556/4337-445-R for Mud Lake Phase 1 drainage improvements; authorized the County Manager, or his designee, to sign project associated agreements (including interlocal) and cost-share amendments subject to approval by Purchasing, Risk Management, and the County Attorney's Office; waived environmental site assessment report requirements unless deemed necessary by Natural Resources Management or other County departments; approved Land Acquisition to offer the appraised values for related property purchases; approved advertisement and execution of related construction contract(s); and approved necessary Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.4. Florida Department of Environmental Protection Grant INV14 - Satellite Algae Bloom and Nutrient Source Tracking**

The Board authorized the County Manager to execute DEP Contract INV14, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; authorized the

County Manager to execute task orders up to the grant funded amount, as needed to accomplish the work, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; authorized the County Manager to execute amendments to the contract, as needed, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; and approved associated Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.5. Review of BCC-96 - Delegation of Public Interest Determinations (PID) for Exceedance of 30% Impervious Area For Accessory Structures in Single Family Residential Surface Water Protection Buffers (Buffers)**

The Board continued to delegate authority to the Natural Resources Management (NRM) Director, or designee, to administratively approve PIDs for the exceedance of 30 percent impervious area for accessory structures in single family residential buffers; delegated authority to the NRM Director, or designee, to administratively approve PIDs for the exceedance of 30 percent impervious area for accessory structures in multi-family and commercial property buffers; and approved Board Policy BCC-96.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.6. Board Policy Review, Re: BCC-41, Waiver of Development Review and Permit Fees.**

The Board approved the request to continue Board Policy BCC-41, Waiver of Development Review and Permit Fees.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.7. Board Policy Review, Re: BCC-50, Fee Waivers**

The Board approved the request to continue Board Policy BCC-50, Fee Waivers.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.8. Final Plat and Contract Approval, Re: The Greens at Indian River Preserve (Pods 16 & 19) Developer: Indian River Preserve Estates, Corp.**

The Board granted final plat approval and authorized the Chair to sign the final plat and contract for The Greens at Indian River Preserve (Pods 16 & 19) Developer- Indian River Preserve Estates, Corporation, subject to minor changes, if necessary, receipt of all documents

required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.9. Legislative Intent and Permission to Advertise, Re: Code Revisions to Section 62-2110, Floor Area Ratio (FAR)**

The Board granted legislative intent and permission to advertise an amendment to Article VI, Zoning Regulations, Section 62-2110, relating to the FAR.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.10. Final Plat and Contract Approval, Re: Sendero Cove & Sierra Cove at Addison Village - Phase 3 (21FM00004)**

The Board granted final plat approval and authorized the Chair to sign the final plat and contract for Sendero Cove and Sierra Cove at Addison Village- Phase 3 - Developer: The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.11. Approval, Re: Interlocal Agreement with the School Board of Brevard County for Class B Commercial Driver's License Certification and the Sharing of Property**

The Board approved and authorized the Chair to execute the Interlocal Agreement with the School Board of Brevard County for Class B Commercial Driver's License, Certification, and the sharing of property.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.12. Approval, Re: Conveyance of Barnes Boulevard from Fiske Boulevard to Cobblewood Drive to the City of Rockledge**

The Board executed and approved the County Deed; executed and adopted Resolution No. 21-059, authorizing conveyance of County property; executed and approved assignment of easement; adopted Resolution No. 21-060, authorizing the assignment of easements; executed and approved the Drainage Easement; Utility Drainage Easement, and adopted Resolution No. 21-061, authorizing the conveyance of Easements in County property; executed and approved the Release of Temporary Construction Easements; and authorized transfer of any associated

permits.

**Result:** Approved  
**Mover:** Curt Smith  
**Seconded:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.13. Adopt Resolution and Release Performance Bond: Lake Andrew Drive - Segment E and Pineda Boulevard Segment I, Phase 1 - Developer: The Viera Company**

The Board adopted Resolution No. 21-062; and authorized the Chair to sign the Resolution releasing the Contract and Surety Performance Bond dated August 4, 2020, for the above referenced project.

**Result:** Adopted  
**Mover:** Curt Smith  
**Seconded:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.14. Approval, Re: Warranty Deed and Utility Easement for the Love's Travel Stops and Country Stores, Inc., Mims Project**

The Board approved and accepted the Warranty Deed and Utility Easement for the Love's Travel Stops and Country Stores, Inc., Project.

**Result:** Approved  
**Mover:** Curt Smith  
**Seconded:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.15. Request Approval of Attachment to Omni Waste Expired Contract to Include FEMA Required Provisions and Authorize the Chair to Sign the Attachment**

The Board approved the attachment to the expired contract with Omni Waste for Class III Waste Disposal Services; and authorized the Chair to sign the attachment.

**Result:** Approved  
**Mover:** Curt Smith  
**Seconded:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.16. Resolution Amending the Criteria for Water and Sanitary Sewerage Systems Within Brevard County**

The Board executed and adopted Resolution No. 21-063, amending the Criteria for Water and Sanitary Sewerage Systems within Brevard County.

**Result:** Approved  
**Mover:** Curt Smith  
**Seconded:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.17. Public Transportation Grant Agreement, AWOS Installation at Valkaria Airport**

The Board approved and authorized the Chair to execute the Florida Department of Transportation PTGA for AWOS installation at Valkaria Airport; authorized all necessary Budget Change Requests associated with this PTGA; and authorized Purchasing Services to develop, advertise, and award a competitive solicitation for the construction upon completion of design documents.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.18. Public Transportation Grant Agreement, Design, Permit and Construct Hangars, and Access Taxiway at Valkaria Airport.**

The Board approved and authorized the Chair to execute Florida Department of Transportation PTGA to Design, Permit and Construct Hangars, and Access Taxiway at Valkaria Airport; authorized all necessary Budget Change Requests; authorized staff to execute the design task order associated with this PTGA; and authorized Purchasing Services to develop, advertise, and award a competitive solicitation for the construction upon completion of design documents.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.19. Amendments to the Valkaria Airport Rules & Regulations (BCC-79), and the Non-Commercial Aircraft Storage Lease**

The Board approved and authorized the amended Valkaria Airport Rules and Regulations Policy BCC-79; and approved the Non-Commercial Aircraft Storage Lease.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.20. Approval of FY 2021-2022 Tourist Development Council (TDC) Capital Facilities Committee Grant Program Schedule, Guidelines, Application, and Score Sheet.**

The Board approved the FY 2021-2022 TDC Capital Facilities Grant Program Grant Cycle Schedule; approved the TDC FY 2021-2022 Capital Facilities Grant Program Guidelines, Application, and Committee Score Sheet; approved funding for the FY 2021-2022 Capital Facilities Grant Program, as well as made the necessary legislative findings; recommended TDC for approved applications which shall come before the Board for final funding approval as the grant application cycle schedule commences, as well as made the necessary legislative findings (Section 125.0104)(5)(a)(3), Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a of the Brevard County Code of Ordinances; and granted the Tourist Development Office Director authority to negotiate and execute all necessary grant agreements and related documents to support the grants for applications that receive future approval as the grant cycle commences for FY 2021-2022.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.21. Approval FY 2021-2022 Tourist Development Council (TDC) Cultural Committee Grant Program Schedule, Guidelines, Application, and Score Sheet**

The Board approved the FY 2021-2022 TDC Cultural Committee Grant Program cycle schedule; approved the TDC FY 2021-2022 Cultural Support Grant Program Guidelines, Application, and Committee Scoresheet; authorized the TDC to approve applications that shall come before the Board for final funding; authorized the TDC to make the necessary legislative findings in accordance with Section 125.0104(5)(a)(3), Florida Statutes, and Section 102-119(3)(a),(5)(a),(6)(a) of the Brevard County Code of Ordinances; and authorized the Tourist Development Office Director to negotiate and sign all necessary grant agreements and related documents to support the grants for applications that receive future approval as the grant cycle commences for FY 2021-2022.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.22. Approval, Re: Authorizing Resolution, Grant Application, Use of Toll Revenue Credits, Designation of Signature Authority and Execution of Follow-Up Master Grant Agreement with the Federal Transit Administration (FTA), FY2021/FY2022 Brevard County Transit Federal Capital and Operating Assistance Urbanized Area Grant**

The Board took the following actions for the FY 2021, Section 5307, Urbanized Formula Program, Capital and Operating Assistance Grant from the FTA in the amount of \$5,336,035:

- adopted Resolution No. 21-064, authorizing the filing applications with the Department of Transportation, United States of America, for grant(s) under the Urban Mass Transportation Act of 1964; for Capital and Operating Assistance Urbanized Area Grant;
- authorized the Chair to sign the Capital and Operating Assistance Grant application;
- authorized the use of the Florida Department of Transportation (FDOT) Toll Revenue Credits;
- authorized the Chair to sign the Designation of Signature Authority for staff to submit the grant electronically;
- authorized the Transit Services Director to execute and submit the Grant Master Agreement electronically, contingent upon County Attorney and Risk Management approvals;
- authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure the funds; and
- authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Adopted  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.23. Approval, Re: Resolution and Public Transportation Grant Agreement, Re: Florida Department of Transportation (FDOT) Public Transit Block Grant Program**

The Board took the following actions for a State FY2022 Public Transit Block Grant from the FDOT in the amount of \$1,652,923:

- adopted Resolution No. 21-065, authorizing the execution of the Public Transportation Grant Agreement with the FDOT;
- authorized the Chair to sign the follow-up Grant Agreement, contingent upon County Attorney and Risk Management approval;
- authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure the funds; and
- authorized the County Manager to execute necessary Budget Change Requests.

**Result:** Adopted

**Mover:** Curt Smith

**Seconder:** Kristine Zonka

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

**F.24. Approval, Re: Resolutions and Public Transportation Grant Agreements, Florida Department of Transportation (FDOT) Transit Corridor Grants for SR520 and SRA1A Fixed Route Bus Service**

The Board took the following actions for State FY2022 Public Transit Corridor Grants for SR520 and SRA1A from the FDOT in the amount of \$426,416 per grant:

- adopted Resolution No. 21-066, authorizing the execution of the Public Transportation Grant Agreement for the Transit Corridor Development Program for State Financial Project Number 420642-1-84-05 with the FDOT for SFY2022 Public Transit Corridor Grant for SR520 in the amount of \$426,416;
- adopted Resolution No. 21-067, authorizing the execution of the Public Transportation Grant Agreement for the Transit Corridor Development Program for State Financial Project Number 420643-1-84-05 with the FDOT for SFY2022 Public Transit Corridor Grant for SRA1A in the amount of \$426,416;
- authorized the Chair to sign the Follow-Up Grant Agreements, contingent upon County Attorney and Risk Management approval;
- authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure funds; and
- authorized the County Manager to execute necessary Budget Change Requests.

**Result:** Adopted

**Mover:** Curt Smith

**Seconder:** Kristine Zonka

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

**F.25. Approval, Re: Authorizing Resolution, Grant Application, Standard Assurances, and Execution of Follow-up Grant Agreement for SFY 2022 Florida Commission for the Transportation Disadvantaged Trip & Equipment Grant**

The Board took the following actions for a SFY2022 for the Trip and Equipment Grant from the Florida Commission for the Transportation Disadvantaged in the amount of \$1,447,322:

- adopted Resolution No. 21-068, authorizing the filing and execution of a Transportation Disadvantaged Trip and Equipment Grant Agreement with the Florida Commission for the Transportation Disadvantaged;
- authorized the Chair to sign the Transportation Disadvantaged Trip and Equipment Grant

- Application;
- authorized the Chair to sign the Transportation Disadvantaged Trip and Equipment Grant Standard Assurances Certification;
- authorized the Chair to execute the Grant Agreement, contingent upon County Attorney and Risk Management approvals;
- authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure the funds; and
- authorized the County Manager to execute necessary Budget Change Requests.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.26 Approval, Re: Authorizing Resolution, Grant Application, Designation of Signature Authority and Execution of Follow-up Master Grant Agreement with Federal Transit Administration, Re: Space Coast Area Transit American Rescue Plan Act of 2021 Formula Grant**

The Board took the following actions for the American Rescue Plan Act of 2021 Urbanized Area Formula Program from the Federal Transit Administration in the amount of \$3,055,694:

- adopted Resolution No. 21-069, authorizing the filing of application(s) with the Department of Transportation, United States of America, for grant(s) under the Urban Mass Transportation Act of 1964, for the American Rescue Plan Act of 2021 Formula Grant;
- authorized the Chair to sign the Urbanized Area Formula Grant application;
- authorized the Chair to sign the Designation of Signature Authority for Staff to submit the Master Grant Agreement electronically;
- authorized Transit Services Director to execute and submit the Master Grant Agreement electronically, contingent upon County Attorney and Risk Management approvals;
- authorized Transit Services Director to execute any additional follow-up documentation, resolutions, and amendments necessary to secure funds; and
- authorized the County Manager to execute necessary Budget Change Requests.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.27. Approval of Coordination Agreement, Re: Bus Transportation Services with School Board of Brevard County**

The Board approved and authorized the Chair to sign the Transportation Coordination Agreement between the Brevard County School Board and Brevard County for the purpose of Bus Transportation Services.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Kristine Zonka

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

**F.28. Approval, Re: Lease Modification #4 to Agreement for the State of Florida Division of Plant Industry Lease at UF/Extension Services**

The Board adopted Resolution No. 21-070, authorizing the lease of County property to the State of Florida Department of Agriculture and Consumer Services; approved and executed Lease Modification No. 4 with the State of Florida, Bureau of Leasing Department of Management Services, Division of Plant Industry; and executed the Disclosure Statement with the State of Florida Department of Management Services.

**Result:** Adopted

**Mover:** Curt Smith

**Seconded:** Kristine Zonka

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

**F.29. Approval, Re: Agreement with Feeding Florida, Fresh Access Bucks Program at the Brevard County Farmers Markets Located at Wickham Park and the Titusville Welcome Center**

The Board executed and approved the Fresh Access Bucks (FAB) Strategic Partnership Agreement with Feeding Florida, Inc.; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Seconded:** Kristine Zonka

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

**F.30. Delegation of Authority for Hurricane Season**

The Board approved the current Chair or Vice-Chair to have authority to declare a Local State of Emergency for any tropical cyclone event during the 2021 season after obtaining input from the Emergency Management Director, the County Manager, and/or the Policy Group; authorized the County Manager, and/or his designee, to sign extensions to any Local State of Emergency; authorized the Chair or Vice-Chair to order Emergency Protective Actions, including implementing any restrictions necessary to protect life and property as a direct result of storm impacts after obtaining input from the Emergency Management Director and the Policy Group, including, but not limited to, Evacuation Orders and Shelter Operations decisions; and authorized the County Manager to delegate the same authority if the Chair or Vice-Chair are not available.

**Result:** Approved

**Mover:** Curt Smith

**Seconded:** Kristine Zonka

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

**F.31. Approval and Acceptance of Florida Department of Economic Opportunity Defense Infrastructure Grant Funds and to Apply Them to Emergency Operations Center Site Work Utilizing the Existing Board Approved Contract.**

The Board accepted the Florida Department of Economic Opportunity Defense Infrastructure Grant funds to perform previously approved site work for the new Emergency Operations Center utilizing the current Board approved contract; and authorized the County Manager, or designee, to submit and execute any additional changes, documents, or Budget Change

Requests, in recognition of a Defense Infrastructure Grant Agreement with the Florida Department of Economic Opportunity, subject to County Attorney and Risk Management approvals.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.32. Authorization, Re: Municipal Review of Local Option Gas Tax (LOGT) Percentages Allocations**

The Board directed the Clerk to mail a copy of the LOGT percentage allocations to each municipality for review; and recommended the Board conduct the final reviews of the allocations at the July 20, 2021, Board meeting.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.33. Approval of Budget Change Requests**

The Board approved the Budget Change Requests.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.34. Revised Contractor Prequalification and Intended Award of Sykes Creek Phase I Muck Removal Services to Waterfront Property Services, LLC., D/B/A Gator Dredging**

The Board approved the recommendation to revise the award of Sykes Creek Phase I Muck Removal Services to Waterfront Property Services, LLC., D/B/A Gator Dredging; authorized staff to move forward with Prequalification of Waterfront Property Services, LLC., D/B/A Gator Dredging, and if prequalified authorize Central Services Director to issue the Notice of Award; authorized the County Manager, or designee, to execute any resulting contract, contract amendments or extensions, as necessary; and authorized the County Manager to approve any necessary Budget Change Requests.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.35. Resolution, Re: National Prescription Opiate Litigation Case No. 1:17-MD-2804**

The Board adopted Resolution No. 21-071, authorizing Brevard County, Florida to join with the State of Florida and other local government units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a unified plan for the proposed allocation and use of opioid settlement proceeds; and authorized the Chair to sign the

referenced agreements and related documents as necessary.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.37. Acknowledge Receipt of the Proposed FY 2021/2022 Budget of the City of Palm Bay's Bayfront Community Redevelopment Agency**

The Board acknowledged receipt of the Proposed FY 2021-2022 Budget of the City of Palm Bay's Bayfront CRA.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.38. Economic Development Commission of Florida's Space Coast, Inc. (hereafter referred to as the "EDC") Annual Audit Report and Bi-Annual Report**

The Board acknowledged receipt of the EDC's Annual Audit Report for years ended September 30, 2020 and 2019 and the Bi-Annual Report for the period of October 1, 2020 through March 31, 2021.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

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

The Board appointed/reappointed Robin Fisher, Kendall Moore, and Marcia Newell to the Charter Review Committee, with said appointments to expire December 31, 2022; and Adrienne Schmadeke to the Employee Benefits and Insurance Advisory Committee, with said appointment to expire December 31, 2021.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.40. Precinct Boundaries - Altered and Added (Chapter 101.001 (1) F.S.)**

The Board approved the revised Precinct Boundaries due to Annexations by the City of West Melbourne.

**Result:** Approved  
**Mover:** Curt Smith  
**Second:** Kristine Zonka  
**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.41. Brevard County Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2020 and Brevard County Annual Financial Audits Report for the Fiscal Year Ended September 30, 2020**

The Board acknowledged receipt of the Brevard County Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2020 and Brevard County Annual Financial Audits Report for the Fiscal Year ended September 30, 2020.

**Result:** Approved

**Mover:** Curt Smith

**Seconded:** Kristine Zonka

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

**F.2. Florida Department of Environmental Protection Grant LPA0093 - Water Quality Improvements**

Commissioner Lober stated he is not going to make a huge sticking point on this because he thinks it is a relatively small portion of the overall Items; he has concerns with one of the projects included in this; he spoke with Representative Randy Fine, in person, last week about this and he had indicated that although he is going to be in Tallahassee this week; he is there now, otherwise, he would have been here; Representative fine is willing to have discussions with him, Natural Resources, and even the other Board Members about potential alternatives to the one project that is a concern to him; smoke testing is great, and the septic the sewer is great, and putting houses on advanced septic is great; and it is the algal scrubbing, and he is probably the only person in the room with an algal scrubber. He explained he has had an algal scrubber for years at his house; it was not cheap, even for something that worked on a 150 to 200 gallon system, like he has for his little reef tank; it is a pretty simple system, and the idea for an aquarium is it is a means of filtration where it serves a couple of different goals, one of which applies to the Lagoon; and one of the goals, if there is nutrients in the water, people do not want to have algae in the main tank, but if someone intentionally grows algae in the filtration it removes nutrients from the waters so there is no algae in the main tank. He added the other thing is that it removes the nutrients, which is good. He stated in order to work, it needs a couple things; it needs nutrients in the water, or else the algae is not going to grow; it needs some source of light, otherwise the algae is not going to grow; the other item that is needed after it does its job, over and apart from those two, in order to get the growth, something is needed to clean it out; as someone who has had an algal scrubber for a number of years, it is very labor intensive; if it does its job effectively, and the more that it pulls out, the more people have to do in order to keep it clean; people take out the bulk of the algae, but leave enough that its seeded so it grows again, with the idea being that as the algae is being pulled out, there is less nutrients; and not pulling all of it out so it is able to grow again. He mentioned out of all the filtration that he put in place, it is probably one of the most expensive, in terms of bang for the buck, for what he gets; to him this looks something like a study; he is fine with everything else that they have listed, but he would ask that if the Board approves this that it also ask Natural Resources Management to get with Representative Fine and Florida Department of Environmental Protection (FDEP) as he understands from speaking with Virginia, the real difficulty in getting this where it was is that there were a couple different parties involved; and since Representative Fine secured the money for the County, and he is very appreciative of that, this is something that he would essentially need to green light as well. He noted Representative Fine said that he is willing to consider it; he would ask the Board to give Natural Resources Management the direction to contact Representative Fine to make sure he is still okay with the algae scrubbing or if he would like to go in a different direction, which he suspects may be the case; and in that instance he would ask that Natural Resources Management bring that particular portion back to the Board. He advised he will make a motion

to approve with the caveat to give Natural Resources Management the direction to speak with Representative Fine to see if that is the direction he wants to go as far as the algae scrubbing; and if not, to bring that portion back to the Board.

The Board authorized the Chair to execute DEP Contract LPA0093; authorized the County Manager to execute amendments to the Contract as needed, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; approved any associated Budget Change Requests; and directed Natural Resources Management Director to speak with Representative Randy Fine to ensure algae scrubbing is still the direction he wants to continue with and, if not, to bring that portion back to the Board of County Commissioners.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**Nay:** Tobia

## G. PUBLIC COMMENTS

Chair Pritchett noted she is going to ask that all the comments are done before the Board asks any questions, just to allow the public to have freedom to speak.

Dennis Dyer stated he would like to talk about animal control; a few years ago people moved in next door and they had two boxers; apparently they would place them in the backyard which was fenced along his property line, then they would leave; this went on, and he would talk to the owners with no resolution; and then the dogs started to come over and became more and more aggressive towards him. He continued by saying on February 28, 2020, the dogs had corned him, attacked him, and sent him to the emergency room with 14 puncture wounds and some lacerations; after this happened he talked with the Supervisor of Animal Control and asked if they could be declared dangerous; she told him no because he did not get any stitches; he read the Ordinance which she said she asked the County Attorney about; and she was told no, the person has to have stitches or they cannot be dangerous. He went on to say there is a lesser Ordinance for aggressive dogs; she told him no they could not be declared aggressive because that Ordinance pertained to dogs on dogs or dogs on a domestic animal, not people; so the problem continued; he talked to them about barking and it appears the way it is written in the Nuisance Ordinance, the dog can bark for 30 minutes, then quiet for 30 seconds; this means in an hour the dog gets his 30 seconds of silence; to do the math, in 24 hours the dogs can bark for more than 23 and one-half hours a day; therefore, he would the Board, if it can, to get a better time frame on the nuisance Ordinance, have the aggressive Ordinance to include people, and he saw nothing in the other Ordinance about stitches.

Sandra Sullivan stated the Central Florida Expressway (CFX) presentation is concerning to her; it was not put on as an Agenda Item allowing for public comment; in the section, it allowed for five minutes, and Ms. Kelley spoke well beyond that; she timed it, and it was nearly eight minutes; she is also concerned about some of the comments Ms. Kelley made when asked about how far the toll road goes; the documents show it only goes as far as US1; and Ms. Kelley was very evasive on that answer, and she did not answer it directly. She mentioned pertaining to working with Florida Department of Transportation (FDOT), the letter that was sent to the State Representative and in their documents, it clearly shows that their way of operating is to circumvent FDOT and use local Board authorization to go to the State and circumvent FDOT by going to the Governor; that is in their own writing; and if that is how they are starting with the Board, then how trustworthy is CFX. She stated the Lagoon meeting, in three months, has not addressed the manatee mortality event which is now at a Federal level;

in the Lagoon meeting, they addressed that Fish and Wildlife had found Chalupa Algae in the stomachs of the Necropsies; she did some searches on the scientific literature and it is very toxic; this should be a discussion at the County level; and she questioned why that had not been done in three months, given that Brevard County has had about 300 manatees die. She mentioned, the third issue is Hightower; the County Attorney's Office determined that the Sky Bridge violated the public use aspect of the former County park; the State has compliance issues, as is indicated by emails she received yesterday, showing the City is now maneuvering to rewrite their management plan with a firm out of Orlando, which brings up some other controversies that she will leave for another day; and the Federal government and the U.S. Fish and Wildlife Service have also determined that Patrick Air Force Base violated Federal Law with regard to Section 7 under the Endangered and Threatened Species Act, by not putting the requested covenants in it. She added it is like a domino effect, if one of the levels of government will take action, the rest will click into place; and she asked the Board to take action.

Ralph Livingston stated he is there to readdress the volunteer coaching issues; he just left Parks and Recreation in Viera and they are short four to five basketball coaches for the youth basketball program; it all boils down, in the way he looks at it, to the administrative order; he appreciates that the Board is looking into it; he hopes it can be tweaked somehow; his concern is the kids today are lacking coaches; and he knows the Board is supposed to look at it in July but he asked about the months prior and further on. He noted there is so much to be said and the three minutes does not seem to be enough; he asked the Board to consider looking at the way Brevard County schools do their volunteers; it came to him to be there because of the lack of coaches for the Basketball program this season, along with him participating in the Viera Charter school's track team, where there were two coaches coaching 40-plus kids; it was a good season, but imagine if it was just that one coach or no coaches for that; he thinks there are a lot of people who qualify to be volunteers, not just him; he is not going to be there forever; and this is for the future, so he wanted to talk about it some more. He commented he appreciates the effort being given, but finding out about the lack of coaches and what he went through with the track team, he wanted to readdress it and let the Board know it is still ongoing.

#### **H.1. Repeal of Ordinance Establishing Farmton-Brevard Community Development District, Ordinance 2015-30**

Chair Pritchett called for public hearing on repeal of an Ordinance establishing Farmton-Brevard Community Development District (CDD).

Eden Bentley, County Attorney, advised this is Farmton-CDD Item; the Board approved legislative Intent to advertise the repeal of this Ordinance; and the CDD is being merged into the Farmton Stewardship.

There being no further comments or objections, the Board adopted Ordinance No. 2021-12, repealing Ordinance No. 2015-30 establishing Farmton-Brevard CDD.

**Result:** Adopted

**Mover:** Bryan Lober

**Secunder:** Curt Smith

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

**H.2. Amendment to Resolution 13-229 in Order to Adopt the Water and Sewerage Maintenance Index for Setting Annual Increases in the Countywide System Monthly Water & Sewer Charges in Lieu of the Consumer Price Index (CPI-U)**

Chair Pritchett called for public hearing on an amendment to Resolution No 13-229, in order to adopt the Water and Sewerage Maintenance Index, setting annual increases in the County-wide system monthly water and sewer charges in lieu of the Consumer Price Index (CPI-U).

Edward Fontanin, Utility Services Director, stated in February at the Budget Hearing it was approved to replace the CPI with the water and sewerage maintenance index; in order to follow proper procedure he had to advertise for 20 days and present it at a Commission meeting for final approval; and that is what this Agenda Item is.

Commissioner Lober mentioned he thinks this is one of those Items that was hashed out in pretty good detail at the Budget Workshop; he thinks the shortest way to put this, is when the County's cost goes up a certain percentage for utilities that money has to come from somewhere; there is no money tree in Brevard County; and until the County figures out how to accomplish that, the costs have to be passed on. He explained if CPI goes up one percent and utilities goes up three percent for a particular year, that money does not miraculously show up in the account; to him this makes sense that the Board is tying the closest most accurate index to the system that it is looking at maintaining and potentially improving; and he is supportive of it.

There being no further comments or objections, the Board adopted Resolution No. 21-072, amending Resolution No. 13-229, in order to utilize the water and sewerage maintenance index for setting annual increases in the Countywide system monthly water and sewer charges in lieu of the CPI-U.

**Result:** Adopted

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**H.3. Adoption of Ordinance Revising Chapter 22 of the Brevard County Code of Ordinances, Re: Deregulation of Certain Specialty Trades**

Chair Pritchett called for public hearing to adopt an ordinance revising Chapter 22 of the Brevard County Code of Ordinances to deregulate certain specialty trades.

Commissioner Tobia stated since he asked for Legislative Intent and permission to advertise on this one, there have been some developments; House Bill (HB) 735, which preempts local government from requiring certain licensing, including those that the Board discussed, was passed with bipartisan support in the legislature; however, the preemption of licensing these trades would not go into effect until 2023; instead of going through this, he would like to ask the Board if it would rather wait until 2023 or do the preemption prior to that; he would prefer to do it immediately; however, if this Board would decide to go in a different direction he certainly would not want to waste anyone's time. He mentioned he will wait to see where the rest of the Board is at on this and go from there.

Chair Pritchett advised she is going to support this as she had enough time to do some research on it; and she thinks it is a good proposal.

Commissioner Lober noted he is fine with the inclusion of painting contractors; he thinks worst case, if someone has a guy who does not know what they are doing, the owner ends up with a crummy paint job and no one is going to die because of it; to go to the other extreme towards masonry and framing, he starts to have issues with it; now it is talking about structural portions of a particular building; there are some that he is fine eliminating now, but there are others that he kind of baulks at because it makes him wince; he noted he would like to see where the others are; and he will certainly support it, in part.

Commissioner Smith noted he agrees with Commissioner Lober; while he thinks it is okay to remove some of these for the reasons Commissioner Lober mentioned, there are some that he disagrees with; he has some friends that bought property in Tennessee and they wanted to enlarge the house that was on the property; when they went to the county seat about how to go about getting a building permit, they were told they could just build it, if it falls down it would be their own problem; but he does not think Brevard County should operate that way; and he thinks the Board needs to look out for the safety of its residents.

Chair Pritchett advised she had the same concern so she asked staff and they said they would catch it before it got through permitting, so she got a little more comfort with it.

Commissioner Zonka stated it would not only be caught through permitting, it would also be caught through inspection; Brevard County requires many inspections in this County; if the County is not doing its job, then shame on it; but she does not see that being the case, the inspectors do a very thorough job inspecting the masonry, the floor covering, the paint, or whatever; and she has no problem supporting it the way it is stands.

Commissioner Tobia advised he is not interested in piece-mealing this; there are 76 members of the Florida House, there are republicans, and all 76 got together and said this was probably too much government; if there was a no vote, there would be more no votes on this County Commission than what there would be in the entire Florida House; it sounds like he has his three votes, so one way or another this is happening, so the question is whether they trust individuals as opposed to government; and he made the motion.

Nathan Slusher stated he owns a company that does property maintenance and service calls for real estate agencies and apartment complexes from Mims to Malabar; this directly affects companies like his; currently in Brevard County, people have to have a license for painting and floor covering, which includes tiling or Luxury Vinyl Tile (LVTs); it does not include sub flooring, so if someone is on the second level, it does not include the safety process, it is just the tile that is laid on the floor; Brevard County also allows for tile to be placed up a wall, without having that occupational license; it does not cover wall tiling, only floor tiling; and while someone may be putting rocks 10 feet up a wall, they cannot lay them on the floor. He continued by saying the structural issue is regulated by the State of Florida; even if he is allowed to do framing of non-structural walls in a house by Brevard County, he still would not be allowed to do structural walls on the exterior of a house or any load-bearing walls on the interior of the home; if this is approved, then a company like his or any property maintenance company, any handyman business, any general repair business, or any renovation business would still not be allowed to do door framing, window framing, structural framing, and no structural masonry because it is load bearing; however, if one of his clients backs their car into their concrete wall around their garden, he cannot repair it if he does not have that occupational license from Brevard County, even it is only two blocks, it is still not allowed. He noted he just wanted to use his company as a real example of how this affects Brevard County citizens; and even if it is passed, it does not affect the safety aspect of it, because that is highly regulated by the State of Florida, and they are not allowed to touch it.

Commissioner Smith advised hearing the thoughts of his fellow Commissioners, he will be supporting this.

Commissioner Lober stated he has a couple thoughts but if the Board wants to support it, then it can; he does not think it should be supported if the Board is relying on information that may not be entirely accurate as to some of the things that were heard; Mr. Slusher stated portions of what is included in this are already regulated by the State of Florida; it also just heard from Commissioner Tobia that it is not going to be the case in 2023, and that these are essentially going to be deregulated at the State level; to say they do not have to do something because the State is doing it, that is correct but only for the next two years; and to him, that is a specious argument. He continued by saying as far as the contention that the structural portions dealing with framing are not permitted anyway, or that this would not impact that, he does not know if that is accurate, because there is nothing in the Agenda Item that says this disallowance would still exist for those who are doing structural portions of framing; the current licensing structure allows staff, and by extension the County, to have an opportunity to help resolve issues that residents face with people that are licensed; and if the County does away with the licensing and something happens that is unfortunate or catastrophic, the Board does not have the same ability to intervene on behalf of residents who have problems with people who are not licensed by the Board. He advised the Board can vote how it wants, but those are his concerns.

There being no further comments or objections, the Board adopted Ordinance No. 2021-13, amending Chapter 22, Article VI, Section 22-477 and Section 22-529, of the Brevard County Code of Ordinances for deregulation of certain specialty trades.

**Result:** Adopted

**Mover:** John Tobia

**Seconded:** Kristine Zonka

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

**Nay:** Lober

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

Chair Pritchett called for public hearing on the Intersection Signalization Construction Contract for North Wickham Road at Deer Lakes Drive and Meeting Lane.

Scott Knox stated this involves signalization at an intersection between North Wickham Road and Deer Lake Park; they have been working on it for a long time and they were 99 percent of the way home when the inflation spiraled and the construction costs started to take place; his client received the bids on this project last Friday; and the costs on the project have accelerated to about \$231,000 more; according to the contract they have before the Board, that would be his clients burden to pick up; and his client is really not in a position to do that, at this point. He noted that price either has to come down somehow or the project is going to have to go by the wayside; he is asking the Board to postpone this until July so they can talk to the contractors and see if they can get this down to or close to where it was or if there is some other way of handling it; but at this point, it is not economically feasible for his client.

Commissioner Lober advised he will do whatever Commissioner Smith wants to do on this one, it is in his District.

Commissioner Smith advised he is going to make the motion to postpone until July to give Mr. Knox's client a chance to run through the numbers to see if he can make it work.

There being no further comments or objections, the Board continued the Public Hearing for the intersection signalization construction contract for N. Wickham Road at Deer Lakes Drive and Meeting Lane, to the July 6, 2021, Board of County Commissioner meeting.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

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

**H.5. Ordinance to Create a Non-Ad Valorem Special Assessment for the Medicaid Managed Care for Direct Payment Program for Local Hospitals**

Chair Pritchett called for public hearing for an ordinance to create a non-ad valorem special assessment for the Medicaid-managed care for direct payment program for local hospitals.

Commissioner Zonka advised she will abstain due to her relationship with Health First, because she is an employee.

There being no further comments or objections, the Board of County Commissioners, in regular session on May 18, 2021, adopted Ordinance No. 2021-14, creating a non-ad valorem special assessment on real property owned by private for-profit and non-profit local hospitals, for the Medicaid managed care hospital's Direct Payment Program.

**Result:** Adopted

**Mover:** Bryan Lober

**Second:** John Tobia

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

**Abstain:** Zonka

**I.1. Request the Board of County Commissioners to Authorize Initiation of Construction of the US192 Class III Landfill Project and Notification of Deseret Ranch of Commencement of Construction.**

Euripides Rodriguez, Solid Waste Management Director, this is a request for authorization to initiate construction of the US.192, and send notification to Deseret Ranch, that the County is going to assume responsibility for the property to start construction on it; this notification has to be sent 120 days before, according to the settlement agreement; several things have happened since the last time he met with the Board; last time there was discussion about the possibility of several options; and one thing that came about was Florida Recyclers had submitted a request to the City of Melbourne to go beyond the current 40 feet and the City determined that was deficient. He went on to say, that is not to say they cannot resubmit, but right now it is considered deficient, therefore they would have to make changes before resubmitting; Florida Department of Environmental Protection (FDEP) recently came to apartments east of the County property, that had some complaints regarding odor; it was determined that the odor was mulch, but they could not determine where it came from; the inspectors went to Florida Recyclers and determined that Florida Recyclers did produce mulch and it did smell of mulch; they went to the County's site and made the same determination; what they could not do is determine where the odors were migrating off-site; and since they could not do that, both were declared guilty. He continued by saying they are in the process of going through their internal review; what he has been told is they will have some type of consent and a fine; and every time this occurs the fine will double in amount. He mentioned another thing that occurred, in the January meeting staff received permission to sign the US Army Corp of Engineers permit, which they did; they sent it to the US Army Corp of Engineers

and they sat on it for several months; they suddenly told staff that they are no longer doing that and they sent it to the FDEP, and when they reviewed their records, for some strange reason, the permit was not forwarded to FDEP; therefore, they had to resubmit some additional paperwork that the Department wanted; and he does not expect any major problems, it is just an additional delay. He stated they have estimates that the landfill would last until 2023; he did some analysis of it, and that projection is about a year old and the new projection is not expected to come out until mid or late summer, but he has the yearly increases and what has been seen in the Sarno landfill is an average of a 16 percent increase over the prior year in tonnage; out of the 12 months there was 10 months of increases; anything from two percent all the way up to 36 percent with two months of decrease over the prior year; and having said that, in 2021, the three months have been a decrease over 2020, but the volume has still been consumed. He noted he expects the life, as determined by the engineers, to be a lot less. He mentioned Florida Department of Transportation (FDOT) has told them that no construction is allowed on site until turn lanes are built; those turn lanes must be fully built before any kind of construction can start on the site; a fence also has to be built in order to divide the north and the south for Deseret to reoccupy the north; it has to be built before the turn lanes are built; there is a series of projects that have to be done; it is not one construction contract, it is a multitude of construction contracts because of the nature of what they are building and the sequence in which they have to be built; and what staff is doing is asking to send that letter to Deseret Ranch and permission to start construction as soon as they can. He asked that the Board realize for him, putting up a fence is a construction activity.

Chair Pritchett asked Mr. Rodriguez to tell her what construction items have to be done right now; and she reminded him that during the meeting she had with him, he had said there were some that had to be done now and some that could potentially wait a few months.

Mr. Rodriguez reiterated the turn lane has to be built, the fence has to be put in as part of the turn lanes; right after the turn lane, some internal roads have to be built; those internal roads are dirt roads, not asphalted roads, at the beginning; some storm water has to be done; and one of the last activities to be done is the scale house because that would be a totally different construction contractor; and the actual building of the landfill itself, putting down the liner and that kind of stuff would be one of the last activities to be done.

Chair Pritchett commented as a Commission, they are still trying to figure out any other opportunities, so that is one it can wait on and come back to later.

Mr. Rodriguez responded affirmatively; he noted the timing of it is different; and the contractors are different.

Commissioner Lober commented from his perspective, this has been one of those items that has come up over the past two and one-half years that he has been on the Board, that he does not really love; he has racked his brain doing some due diligence on this with staff independently; he was hoping they would see Florida Recyclers get their Conditional Use Permit (CUP) from Melbourne; he is not horribly optimistic that it would take place but he was hoping that it would; it has not happened but he would still like to keep the Board's options open as long as possible; and with that said, he thinks what was being alluded to was the best path forward is to do what has to be done, so they do not put themselves in a position that they cannot dig out of, but not do any more than that at this point.

Chair Pritchett noted she thinks Mr. Rodriguez said the entrance way, the storm water which approved the land anyway, but not to start on the construction of the landfill with scale house and class three, cell one construction.

Commissioner Lober commented if staff is good with that he would make a motion to do the minimum necessary to keep this option open for the County, such that it does not run into any time frame issues with getting it constructed by the time that they need to; and he asked if that was a sufficient motion, because he does not want to direct staff to do or not do something that they needs to be done, because he does not have the expertise to know which of these items has to be done now versus six months from now.

Eden Bentley, County Attorney, explained Mr. Rodriguez would be the best to answer that because he has to do the permits.

Mr. Rodriguez responded affirmatively; he asked that the Board realize the biggest time line is the construction of the landfill itself; that could be anywhere from 14 to 18 months; and the Board may see someone in the next six months to talk about that.

Commissioner Lober asked Mr. Rodriguez what he would need right now in terms of authorization from the Board to keep its options open; he explained if Mr. Rodriguez needs to construct a landfill he is sure there are ways to segment the construction so there are certain portions that would need to be done now, so if the Board finds that there is another option, the County does not pour in more money than it has to, if it is something that it could, in theory, back out of down the road.

Mr. Rodriguez stated the way he sees it is turn lanes are an improvement to the property and could add value to the property; storm water is the same thing, regardless of what use is put to the property at the end of the day; interior road is dirt, not asphalt and it is going to be the base of future permanent road but it is still a dirt road; all the storm water, the berm would have to be built to hide is probably the only thing that will not add value to it; but it needs to be done beforehand.

Commissioner Lober asked if it is those four items.

Mr. Rodriguez noted he forgot about the fence.

Commissioner Lober repeated, so the turn lanes, the storm water improvements, the interior unpaved road, the berm, and a fence, is what you need now.

Mr. Rodriguez replied yes; he asked that the Board realize that when he is talking about storm water, right before the storm water, there has to be wetland mitigation that is required; and he suggested they call it dirt moving activities, without actually having to build a landfill and or a scale house.

Commissioner Lober stated he will amend the motion to authorize staff to put in turn lanes, storm water, interior dirt road, berm, fence, and any other activities that are necessary in order to effectuate those directions; and that would include wetlands.

Attorney Bentley noted that would include the notice to Deseret Ranch.

Commissioner Lober commented it would include the notice to Deseret, whatever has to be done with respect to wetland mitigation, but nothing more than that.

Mr. Rodriguez advised that would work.

Commissioner Zonka stated the Board obviously knows where she stands on this; she has made it pretty well known; she was going through the report and she remembered the Board

had discussed the mulch before; leading this presentation saying the mulch had an odor, if everything were to go perfectly well and the Board was to buy this property, the mulch would be taken care of whether that be a deal that the County made or Florida Recyclers made, that would be part of it, because the County has no use for the mulch; and to her, this odor thing is a non-issue, at least as far as being a total detriment to the property. She continued by saying she did not call, but probably should have, but she already knew the votes were not there to support stopping this from moving forward; she is curious to find out what is happening with the City of Melbourne; and she asked Chair Pritchett if she could ask Mr. Kirschenbaum or Mr. Moia some questions.

Chair Pritchett advised she could. She advised Commissioner Zonka that she had talked to Mr. Rodriguez and he tried to approach the FAA to loosen the height restriction so that the County could lengthen its time; and she wanted Commissioner Zonka to know that.

Bruce Moia stated MBV Engineering is the engineer of record for the project to get a CUP from the City of Melbourne for the height of this property; they have made several submittals; there have been staff comments as there are with any other submittals; the staff at the City of Melbourne does recommend approval or denial of things that are provided to their Planning and Zoning and their City Council; from what he understands, their staff will not be supporting the request; however, that does not mean that it will not move forward to the Planning and Zoning and City Council for their consideration. He advised they are in that process; they have not been scheduled to go before public hearing yet, but he believes it is coming soon; and they are working with staff to address their technical comments so they can get to public hearing.

Commissioner Zonka asked if it is part of their submittal, because she has not seen it, to talk about the prospect of the County purchasing the property, or is it submitted with the request that he is requesting; she commented she is sure they know his intentions; and in his world, obviously, the perfect scenario would be the County purchasing the property.

Mr. Moia responded that is obviously one option that they are pursuing; for that property to continue to operate, they would need the height regardless; they are making that height request so they can continue to operation; as a matter of fact, one of the problems they had with the application is the permitted height was already exceeded; they are bringing the property back into compliance; and that is why they need the additional height.

Commissioner Zonka responded okay.

Mr. Moia stated the way it operates, it fluctuates very quickly, but at the time of the inspection the height was being exceeded; they are bringing the property into conformance, then they will move forward with getting the public hearing; but they do need it regardless if the County purchases the property.

Commissioner Tobia stated it sounds like Florida Recyclers is close; and he asked if there was just one or two deficiencies listed.

Mr. Moia responded it has been quite a process; they submitted this over a year ago; they are still going back and forth with the City to get their technical questions resolved because they seem to grow; and he mentioned he did not receive a full set of comments and then just dwindled them down.

Commissioner Zonka asked if they had new comments.

Mr. Moia advised they have had some new comments; there have been some new challenges;

they have discovered some things along the way; they have been addressing them as quickly as possible; but it has taken a lot more time than they thought it would.

Commissioner Tobia asked again if there was only one or two deficiencies listed or more than that.

Mr. Moia responded there is only one noncompliance issue, everything else is just technical information that they want.

Commissioner Tobia responded okay.

Mr. Moia explained it is a unique project so he is sure they did not know everything they needed up front; now they are understanding it better as they go along; and they are pretty close, with only a few more comments left.

Commissioner Tobia inquired, only a few more comments.

Mr. Moia responded affirmatively.

Commissioner Zonka stated she knows Mr. Moia does not want to pick on the City of Melbourne, but it is interesting that the comments grow, the time goes on, and it is another governmental agency.

Mr. Moia stated it is not a convenience store where they have done 20 of them, this is kind of unique so it has been a challenge.

Commissioner Zonka responded perhaps they could have come to County and asked what they should be asking for.

Mr. Moia stated he is sure they have talked to the County about it.

Commissioner Zonka replied she is sure they have too, but that is probably a discussion not for a public meeting. She noted she does not have any more questions for Mr. Moia; she would ask that the Board still consider it, assuming that all goes well and obviously taking into consideration the very detailed eight-page report where some things clearly are applicable and some are not; some things apply to the County's own existing landfill at Sarno; she mentioned the County obviously wants to get it for a good price, that is probably the most important aside from the environmental issues; and if that site has the potential to increase the life of that landfill by 19 years, the Board would be neglectful if it was not considered.

Chair Pritchett advised she is with Commissioner Zonka on that; she thinks the Board should just do those; hold on to this here; and there is another six months to figure out if they can get some approvals done.

Commissioner Zonka noted obviously their options are limited, and that goes without saying, they are limited to who they can sell to; that leaves the County at an advantage; they can see how eager the County is to move forward with the landfill out at the start of the County entrance; she would prefer not to see that happen; and for as many people who come to these meetings and worry about the environment and complain, she wishes more people cared about the fact that the County is about to put a dump at the entrance to this County. She noted not a lot of people care about it and that is heartbreaking to her; this is something that she has been thumping her fist about for a while; she knows there is not a perfect solution; she knows this it is the easiest solution; but the Board should be doing everything it can to avoid having to make

another footprint out there. She advised she is not going to keep fighting because it is a mute point and she sounds like a broken record at this point; she is disappointed; she is going to be somewhat hopeful that this Board could do something better, sooner, and that technology will catch up within that time and the Board could say to use the existing site, and not have to put that landfill out there on US 192; and she asked that staff be cooperative, be responsive to American Recyclers, and do the same if this Board wants to, at least, still consider this as an option for the County. She added she does not know how the rest of the Board feels about that.

Commissioner Lober noted he does not disagree with what Commissioner Zonka said.

Commissioner Zonka asked how Commissioner Tobia feels about that.

Commissioner Tobia mentioned he got where Commissioner Zonka asked that staff be responsive to the questions and concerns.

Commissioner Zonka asserted to at least have the Board still try to consider this as an option.

Commissioner Tobia noted he has no problem with that; and he must have seen something different because it looks like there were 18 different deficiencies listed from Melbourne.

Commissioner Zonka noted deficiencies, but she thinks there were more questions on their application.

Commissioner Tobia mentioned he gets it, but it has been a year in the process so he understands how people are getting frustrated on it; and he certainly would ask that staff be receptive to the continued processes as they move forward.

Commissioner Zonka remarked hopefully the City of Melbourne will not throw any roadblocks.

The Board authorized the Solid Waste Management Department to construct turn lanes, put in stormwater, interior dirt road, berm, and a fence, and any other activities that are necessary in order to effectuate those directions, including wetland mitigation; and authorized staff to provide notice to Deseret Ranches of Florida of the construction.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**Nay:** Zonka

Chair Pritchett stated the Board looks forward to any kind of creative things they can come back with to help extend the existing landfill.

Commissioner Zonka asked the County Attorney if there needs to be a motion on any of that discussion that occurred as far as direction.

Attorney Bentley advised yes specific direction would be helpful.

Commissioner Zonka made the motion.

Commissioner Lober asked if she would be willing to modify the motion to include the word "reasonably" prior to assist; and if so he would be happy to second it.

Commissioner Zonka commented reasonably is a very subjective word, but that is fine.

The Board directed staff to continue to explore the opportunity of the purchase and to reasonably assist with any questions regarding height expansion; and directed staff to be helpful to American Recyclers if they can, and be receptive to any questions they may have of the County.

**Result:** Approved

**Mover:** Kristine Zonka

**Secunder:** Bryan Lober

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

**\*The Board recessed at 10:41 a.m. and reconvened at 10:51 a.m.**

## I.2. County Attorney Recruitment

Jerry Visco, Human Resources Director, stated in response to direction the Board previously provided to Human Resources, they have initiated a recruitment effort to find the next County Attorney to assume Eden Bentley's, County Attorney, role, upon her retirement; in April they posted advertisements in a couple dozen job boards and professional associations; the end results were 16 candidates expressing interest in the position; also in accordance with the Board's prior direction, a screening committee made up of himself, County Manager, and the County Attorney reviewed those applicants to present to the Board a short list of top candidates; and he has made that information available to the Board in previous memos posted on the County's secured servers. He added they have identified, for the Board separately, the same six candidates that they feel very strongly represent the best of the list. He continued by saying what he is requesting today is to see if the Board has an interest in reducing that list, adding to the list, or substituting individuals from the list, because he has provided all of the applications and resumes for all of the candidates that provided responses to them; now they can initiate from the Board's shortlist, background screenings and normal employment background screening, social media searches, and such; the idea would be to have that information in the Board's hand in June and in advance of the July 6, Board meeting, where they will ask the Board to identify candidates for interview; and with that he would like to open the conversation to the Board to see what it would like to have done.

Chair Pritchett stated she likes staff's top six because her top two are in that top six; she thinks staff has done a great job with that; and she asked if the Board members have any that they want added in, they can bring that up.

Commissioner Lober thanked those staff members who are on the committee for separating the sports cars from the economy models; he mentioned there are a couple, one in particular, listed under all remaining applicants that he thinks could be good; with that said this is a good list and he is not looking to knock the top six that have been identified; and like Chair Pritchett said, her top two were in there. He stated there were two that he wanted to see there and those two are both there; he does not know if staff is looking for a motion, but his thought is he would like to see all six of them have the opportunity to be considered; he does not want to whittle it down any further at the committee level; he believes the Board was given capable people; one he has never met; and he would just be interested in hearing from them. He asked if staff is looking for him to include in the motion that staff is requested to take measures to arrange to have them come and speak before the Commission regarding their applications.

Mr. Visco advised not at this point; all staff is asking is for the Board to provide direction to

conduct background screenings on those six candidates.

Commissioner Lober noted that is exactly his motion, to conduct background screenings on those six individuals identified.

The Board accepted the recommendation of the top six candidates, Abigail Jorandby, Bruce Barnard, Cecil Richardson (Morris), John Cary, Mark Moriarty, and Robert Eschenfelder, selected for the County Attorney position; and authorized the Human Resources Director to conduct background screenings on the candidates.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Kristine Zonka

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

**J.1. Approval, Re: Resolutions and Leases at the Gibson Complex and Field**

The Board adopted Resolutions Nos. 21-073, 21-074, and 21-075, authorizing the lease of real property to Titusville Model Railroad Club, Inc., Progressive Action Society, Inc. and Shining Stars Learning Academy, Inc.; approved and authorized the Chair to execute the leases to utilize the Gibson Complex; approved a Management Services Contract with the Christian Life of Titusville, Inc. for operation of the gymnasium at the Gibson Complex; and authorized the Parks and Recreation Director to execute renewals and amendments upon County Attorney and Risk Management Approval.

**Result:** Adopted

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**J.2. Approval, Re: FY 2021-2022 Tourist Development Council (TDC) Beach Improvement Committee Grant Program Schedule, Guidelines, Application, and Score Sheet**

Peter Cranis, Tourist Development Office Director, stated this is approval of the Indian River Lagoon (IRL) Grant guidelines and the accompanying documentation; and the major change here was a request by the committee to have the applicants give a little more detail on the actual impact of their projects.

The Board approved the FY2021-2022 TDC Beach Improvement Committee Grant Program grant cycle schedule, guidelines, application, and Committee score sheet; approved the recommendation that the TDC approve applications which shall come before the Board for final funding approval as the grant application cycle schedule commences, and make the necessary legislative findings (Section 125.0104(5)(a)3, Florida Statutes, and Section 102-119(3)a, (5)a, and (6)a of the Brevard County Code of Ordinances); and granted the Tourist Development Office Director authority to negotiate and sign all necessary grant agreements and related documents to support the grants for applications that receive future approval as the grant cycle commences for FY2021-2022.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**J.3. Amendment to BCC-97, Placing Limitations on Actions Taken at Zoning Meetings**

Commissioner Tobia advised this is a simple amendment to existing Board Policy that would hopefully limit the time that is spent in Zoning Meetings; he did this because what happened at the last zoning meeting that really had no connection to any land issues whatsoever; one was dealing with litter and the other was dealing with trash; both of these Items, while legitimate, had absolutely nothing to do with the zoning; and he understands that these are publicly noticed meetings, but at certain zoning meetings, including the one last time, there was an individual who retained attorney services and that person was eating those costs while the Board was talking about an individual who picked up some trash. He asserted his proposal includes an exception where the Board finds by supermajority vote that a delay would be detrimental to the public if any emergencies arise; this just asks that non-zoning items not appear on the zoning Agenda.

Commissioner Lober pointed out that the Board does, from time to time, have zoning Items at the regular meetings; if that is okay, he does not see why the other is not, especially in the light; the reason why Items are often placed on the Agenda, from his District, is because they are generally shorter Agendas; if there is an Agenda Item with 40-plus consent Items and stacks of people in the audience, he does not know that it would make sense to add certain Items to a long meeting and have a short meeting two days later that could have been put on; and if people want to have a six-hour meeting and a 30-minute meeting then that is fine. He mentioned his thought is if the Board can balance it out a little, given the fact that there is cross-pollination going both ways with respect to zoning Items and non-zoning Items; he does not see it as a problem; as far as the concern that there are people that are paying attorneys and waiting while the Board has non-zoning items on zoning meetings, if the Chair wants to, in her discretion, move things around at the meetings because someone is paying for counsel, he has no objection to that; but he is not going to support this.

Commissioner Smith commented he agrees with the intent put forward by Commissioner Tobia; his one concern would be for example, the next zoning meeting is coming up on a break and the Board is going to be out for four weeks; if there is something that staff needs to get before the Board and needs an answer for, this does not provide for that; and if this could be amended to allow staff to interject anything that they deem is important, and time sensitive, then he would support it.

Commissioner Tobia advised this was more aimed at the Board Members than it would be staff; another concern, and a certain staff member did not want him to include this, but there was staff that does not normally show up at a zoning meeting have to show up at a zoning meeting; staff goes above and beyond for the Board all the time; and to put an even greater concern on them is more important of a loss, than the Board Member's time would be; and the intent was to limit the Board not staff. He added that was a good call and one that he should have included and would be glad to add should it be supported or not.

Commissioner Smith noted if Commissioner Tobia will add that he will second the motion.

Commissioner Lober stated he just wants to point out, sometimes, even when someone is okay with where things are with respect to what is proposed, to keep in mind there may be unintended consequences from this as well; he says that because if he has an Item that is informational like he had at the last Zoning meeting, with respect to Lagoon water quality, absolutely nothing precludes him from bringing it up under Board Reports, inviting whomever he wants, and having a question and answer session that lasts far longer than a noticed Agenda Item would call for; and the only difference is if the Board passes this it is precluding his ability to advertise what he intends to discuss to the public. He mentioned if the Board

wants the public to have less notice and have these things come up in Board Reports more often, then by all means, go for it.

Chair Pritchett stated when she first got on the Board, the City of Titusville kept zoning with zoning; it is just recently that the Board has started getting a little bit of other Items coming up; she would request that the Board would keep the meeting Agenda Items as the new ones and keep the Zoning on the zone board; she is probably going to support this as long as staff can do that; and he asked that whoever is Chair that the Board go with the direction of the Chair. She mentioned these meetings have to be gone through quickly; as far as bringing up a new item and a bunch of people for it, she would ask that the Board Member run that through the Chair and put it on as an Agenda Item like they do at a regular meeting because all that is going to do is get four other Commissioners cranky; and nothing will get passed. She noted she would like to maintain some order on this Board as far as how it is running with directions and not do too many outlanders; another thing she would like to mention is presentations; if the Board wants them, make sure it is run through the Chair, no matter who the Chair is; she would request that they keep them to County business; and that all presentations be less than five minutes, so it is not misusing Board time. She reiterated that Commissioner Tobia probably has her support on this because it is what she is used to doing for the past few years; she thinks it is a better way to do business; at the regular meetings they can bring out all the other Items that are not zoning; when they do bring zoning into these meetings it is because there is a time critical for the community; and that makes sense because the Board is there to serve the public.

The Board approved the amendment to BCC-97, "Action by the Board of County Commissioners at a Zoning Board meeting shall be limited to those purposes related to land-use, unless the Board finds by a supermajority vote that delaying action until a regular meeting would be detrimental to the interests of the public;" and approved an additional clause for staff to include time-sensitive Items as necessary, and Commissioners to submit Items and presentations to the Chairperson prior to attempting to add Items during Board Reports.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Curt Smith

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

**Nay:** Lober

#### **J.4. Obloy Code Enforcement Liens**

The Board authorized the County Attorney's Office to file foreclosure action against Eric and Amanda Obloy, based on additional Code Enforcement Lien(s); and authorized the County Attorney's Office to sue for and recover money judgments on any and all Code Enforcement Lien(s).

**Result:** Approved

**Mover:** Bryan Lober

**Secunder:** Curt Smith

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

#### **L.4. Bryan Lober, Commissioner District 2, Re: Board Report**

Commissioner Lober stated he has a request but he does not think there needs to be a motion, although he is sure the prior Comptroller would contend that he does; if someone wants him to make a motion he will, but he does not feel he has the need to do that; there were some

programs identified in the District 2, \$5 million portion of the CARES act funds from some months ago that came in a little under budget; he has identified another potential recipient where there is a compelling need that ties, at least to a large extent, to the COVID pandemic; Brevard County Legal Aid which is a non-profit, he is not on their board and has never been on it, he has done some pro bono work for them, but that is the extent of it, and he would like to authorize up to \$90,000, although the number is likely to be quite a bit less than that to go toward funding them to deal with domestic violence costs that have risen over and above what they have previously had, based upon the COVID pandemic, or at least it looks like they are in all likelihood increased based upon the COVID pandemic.

The Board authorized expenditure of up to \$90,000 of the remaining funds out of the \$5 million delegated to the District 2 Commissioner Allocation Fund, over and above what was previously allocated, for the Brevard County Legal Aid, for use on Domestic Violence cases which have resulted from the COVID-19 pandemic.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** Curt Smith

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

**Nay:** Zonka

Commissioner Zonka advised she is not against Commissioner Lober supporting that organization, what she is against is the divvying up of the funding, and that is what she has an issue with; she would love to be able to designate pieces and portions of COVID relief money to places and organizations that she finds worthy; and she thinks it sets a bad precedent.

Commissioner Lober advised he certainly disagrees with some of those remarks; and with respect to something that the Board heard earlier today, on an Item where he thinks he was in the minority of 4:1.

Chair Pritchett remarked he is handling them better too.

Commissioner Lober commented when he gets older, he cares less about certain things; when he has less hair, he cares less about certain things; thankfully no one else on the Board has that concern; one of the Items that was heard earlier was there are X number of Republicans in Tallahassee, all of whom voted a certain way; he needs to vent for a few seconds; this ideological parody nonsense is just getting real old; folks are constituent-elect individuals, not political parties; for instance, if every Republican in Tallahassee voted to reuse and share dirty needles, would he somehow be wrong for having a spine and using a little logic and good sense in saying he was not going to support sharing these needles in Brevard County; he thinks that a Commission composed of five republicans, yes disproportionately he thinks folks expect the Board Members to follow party lines; but no one should be a robot where they feel absolutely incapable of deviating with particular Items where there is a compelling reason or some local peculiarity or extenuating circumstances that apply in a District, or something that may not even be considered elsewhere. He went on to say, the fact is there is home rule, there is local rules, some people love it, some people hate it, but he is never going to feel tied because a particular political party has a position on an Item where he can articulate why he is voting a different way; is it persuasive to him that every Republican may vote a different way, yes it is persuasive, but it is not something that binds him to follow that particular precedent; there have been bills in Tallahassee that he has not agreed with, probably every Board Member would agree that they did not like; there was one that he was informed of a while ago that he believed had passed; he knows it did well with the Republican majority of the House, that would essentially alter how the Board would have to give notice and what it would have to do with

respect to cancelling solid waste collection contracts with outside entities. He commented not only is that an assault on home rule, but the way it was phrased they would have to give them something like three years of notice and pay them 18 months of what they would stand to gain in the contract; he believes that may have gone through; if he is off on numbers a little, he apologizes; but that kind of stuff, where if every single Republican supported it, he does not care, the bottom line is if it is bad for the constituent she is not going to support it. He stated to the extent that it makes people feel great to try to twist a Board Members arm by saying a certain individual is not voting along with how the party voted elsewhere, go for it if that is what one needs to do to feel happy; but to him, he finds it incredibly offensive. He noted he has never said that to anyone; this business, with the logical fallacy, is called no true Scotsman where someone can say no true whatever would do X, Y, and Z, is meaningless; he said to look at his party registration, he will put his record for what he has done for the political party against almost anyone, but to say that he is somehow more or less Republican because he disagrees with a particular proposal or another Board Member's stance is ridiculous; and he will now be quiet, he has made his point.

Chair Pritchett advised he is not alone on that most of the time.

**L.5. John Tobia, Commissioner District 3, Re: Board Report**

Commissioner Tobia stated this too, to Commissioner Lober's consternation will be dealing with stuff up in Tallahassee; he just wanted to make everyone aware of a bill that made it through as it certainly pertains to stuff that the Board has dealt with; to be clear it is not something that he intends to bring back, but it is something the Board may want to weigh in on; and that is House Bill (HB) 403, which preempts local governments from restricting home-based businesses. He noted this strongly indicates that the winds are certainly changing in Tallahassee; the parallel is, this is virtually identical to short-term rentals; this would prohibit the Board from taking action on it; he is on the other side of this, than the rest of the Board; but he wanted the Board to be aware of this. He commented he thinks a level playing field is best; to give the Board an idea, a repair shop could open in a garage, dogs could be barking at a grooming facility, located in a garage, or a simple online retail could be run out of a neighbor's house; he brought this up because he knows this Board and a lot of constituents were concerned with short term rentals; he thinks this has many parallels to it; and it is the precursor to short-term rentals being controlled by Tallahassee. He went on to say he knows there is preemption that the Board took legislative action prior to that, however, the State has the ability to preempt that as well; he advised to be aware, and if someone is on the other side of this to contact their legislators; and make their constituents aware that there will be deregulation of home-based businesses, which he sees as a very positive sign, however he understands many people could be on the other side of that.

Commissioner Lober stated with respect to that, he is happy to criticize where criticism is due, but he thinks even when he does not agree with someone on everything, he thinks they need to be recognized when they do things that are worthy of recognition; Commissioner Tobia's stance with respect to short-term rentals, even though he did not agree with him in the end, he thinks it is admirable that despite the political fallout and the backlash, that he did have that stance; he thinks it shows that Commissioner Tobia is willing to take a position that might not be the most popular; and for whatever it is worth, he wants Commissioner Tobia to know that it is noticed, and from his perspective it is commendable.

**L.6. Curt Smith, Commissioner District 4, Re: Board Report**

Commissioner Smith stated at the last meeting he was charged with looking into microfibers to see if they were a concerning issue, and if so, how much; he relied on his go-to people, Virginia

Barker, Natural Resources Management Director, and Duane DeFrese, Director of the Indian River Lagoon (IRL); they both expanded on microfibers; the real issue boiled down to it being an issue, but they do not know how significant it is yet; Mr. DeFrese, after spending about 15 minutes on it, stated the bottom line is with all the things they do know about what is a problem with the IRL and microfibers, he would say to put it on a scale of one to 10, microfibers are a 10; and Ms. Barker stated it is a complicated issue and what stunned him about her comment was that most microfibers can be determined to actually come from clothing, so when someone is doing their wash at home and that goes into the wastewater, it does not get filtered out in the processing, so when it gets pumped, it is in the environment. He mentioned while there are microfibers contributed with the trash on the sides of the road, particularly when it gets cut up with mowers, it really is not the primary source; it is scary to him that things like Polyfluoroalkyl Substances (PFAS) which everyone has heard about being detrimental to one's health, it is actually on a person's clothes with perma pressed clothing; that is how they make the perma press in the clothing; however, the good news is, one cannot absorb PFAS through the skin; one could fill a swimming pool and swim in it and it would not hurt anyone as long as it was not ingested somehow; but once it is ingested, then it is trouble.

Chair Pritchett commented that edible clothes are out.

Commissioner Smith noted that Ms. Barker said unless one's clothing is 100 percent cotton or made from bamboo, people are walking around with microfibers on them. He noted he had mentioned to the Board about the visitor passes that are available to the public; that has just been made easier; these will be in the Orlando airport and other places around the County in Orlando; it allows a visitor to get a transponder that allows them to be charged the same as permanent residents; Laura Kelley had mentioned earlier today that there are discounts if one has a transponder; the discounts are applicable to visitors; and the only thing they are responsible for is to return it, and they will get their deposit back. He advised they will be in the airports and different places around the County; they will be unveiled next month; that is one more step Central Florida Expressway (CFX) Authority is doing to make visitors feel welcome; and to make it a more pleasant experience when they visit.

Chair Pritchett stated Commissioner Smith is doing a good job on that board.

**L.7. Kristine Zonka, Commissioner District 5, Vice Chair, Re: Board Report**

Commissioner Zonka stated she did not know if she would admit to this publicly but she has agreed to volunteer her dancing skills for Dancing with the Space Coast on June 5; luckily for her, they paired her with a professional; her job is to fundraise; obviously she has to learn to dance, which she thinks she has already done 12 dance classes; she thought she could dance beforehand, before she worked with a professional, but it is clear she cannot; as long as she does not fall, it will be a success for her; and she gets to raise money for charity. She noted this is a big event, and the Sheriff's Department usually leads the charge on this; in 2019, they raised over \$350,000 for local charities; this year the charities are US Law Enforcement Eternal Flame, the Habitat for Humanity of Brevard, the Women's Center, Family Promise of Brevard, and the Brevard Public Safety charity; and she is asking if anyone wants to come and support her, come to the dance and have a good laugh; it is fun, and she has had fun learning; she was fortunate to be paired with Barry Johnson and he is the owner and professional dancer with the Melbourne Ballroom; and she is very grateful to Barry, he has been wonderful. She added if anyone is interested to send her an email or a message on Facebook and she would be more than happy to help collect the fundraising dollars; she reiterated it is a great event; it puts a lot of money into these charities; and that is why she agreed to do it, and why she let her husband and the Sheriff talk her into doing it this year. She noted her husband did it one year and he said it was fun, and it truly has been an enormous amount of fun; if anyone is interested in

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supporting a charity this is a great one. She congratulated her daughter on graduating Eastern Florida with her Associates this past week; she stated she started college at age 14 and she actually graduated with her college degree before she graduates from high school, later this month; Jackie will start the University of Central Florida Biomed program this summer; and she wants to be a doctor, so she will go to medical school after that degree. She added she is very proud of her daughter and just wanted to give her a shout out.

Chair Pritchett stated that is really wonderful; and she commented Dancing with the Space Coast is like Dancing with the Stars.

Commissioner Zonka responded affirmatively; and advised Chair Pritchett has done it before.

Chair Pritchett responded yes it was pretty terrible, but it is fun; people can go to the website and buy a table under Commissioner Zonka's name; and they will even give people food while they are there.

Commissioner Zonka mentioned she does not have a problem promoting it because it does benefit charity; there is no benefit to her other than a lifetime of embarrassment; and a YouTube video that will never go away.

Chair Pritchett joked she will probably shock everyone with her cha cha cha.

Commissioner Zonka replied she is going to try.

**L.3. Rita Pritchett, Commissioner District 1, Chair, Re: Board Report**

Chair Pritchett noted that her office staff received an email that looked like it was from her, so staff might want to pay attention to that and watch for scams coming to their emails; and she intends on sending it to IT. She noted she wanted to brag on something; yesterday there was an accident her District and the car was on fire; her administrative assistant was driving behind this car; and she had stopped and pulled the child out of the car; and that is a shout out to

Jessica Price for doing such a heroic job.

Upon the consensus of the Board, the meeting adjourned at 11:20 a.m.

ATTEST:

  
RACHEL M. SADOFF, CLERK

  
RITA PRITCHETT, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA