

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, July 25, 2023**

**9:00 AM**

**Regular / Tentative Millage**

**Commission Chambers**

**A. CALL TO ORDER 9:01 AM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 3 John Tobia, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele

**C. PLEDGE OF ALLEGIANCE**

Commissioner Feltner led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the minutes from May 23, 2023, Regular meeting.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.1. Time Extension Request for the City of West Melbourne Ray Bullard Water Reclamation Facility Upgrade, Save Our Indian River Lagoon Project**

The Board authorized the Chair to execute Amendment 2 to extend the completion date for the SOIRL 21-138 Agreement with the City of West Melbourne for the Ray Bullard Water Reclamation Facility Upgrade.

**Result:** Approved

**Mover:** John Tobia

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.2. Department of the Air Force Right of Entry for Beach Construction Access at Patrick Space Force Base**

The Board approved and authorized the Chair to execute the Department of the Air Force Right-of-Entry to Brevard County, Florida, to use property located on Patrick Space Force Base; directed staff that the Air Force site will not be utilized unless any contractor using the site holds appropriate insurance and an agreement with the County to allow such work; and authorized staff to execute the agreement with the contractor after County Attorney and Risk Management approval of the agreement.

**Result:** Approved

**Mover:** John Tobia

**Second:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.3. Brevard County Shore Protection Project, Agreements for Restoration of the South Reach and Mid Reach Project Areas**

The Board approved and authorized the Chair to execute the Cooperative Agreement between the United States of America and Brevard County, Florida for rehabilitation of the Brevard County, Florida, Shore Protection Project, South Reach, subject to approval by the County Attorney; approved and authorized the Chair to execute the Cooperative Agreement between

the United States of America and Brevard County, Florida for rehabilitation of the Brevard County, Florida Shore Protection Project, Mid-Reach segment, subject to approval by the County Attorney; and approved the Memorandum of Agreement among the Bureau of Ocean Energy Management (BOEM), the U.S. Army Corp of Engineers, and Brevard County Board of

County Commissioners regarding the use of outer continental shelf sand resources for the shore protection and restoration, upon approval by the County Attorney.

**Result:** Approved

**Mover:** John Tobia

**Seconders:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.4. Funding Agreements for the Titusville Causeway Multi-Trophic Shoreline Stabilization and Resiliency Action Project (Phases 2a-2c)**

The Board authorized execution of Grant Agreement and amendments, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; approved the legal venue in Leon County for the State grant; granted extension of FY 21-22 Tourism Development Council (TDC) Tourism + Lagoon Grant term limit to September 30, 2024; authorized any associated Budget Change Requests; and approved execution by the County Manager of all competitively procured construction contracts, amendments, and change orders, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** Approved

**Mover:** John Tobia

**Seconders:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.5. Brevard County Shore Protection Projects: Resolution and State Cost-Share Request**

The Board adopted Resolution No. 23-064, supporting the Brevard County Shore Protection Projects; authorized State grant cost-share funding, matched by local option Tourist Tax that is dedicated to the Beach Improvement Fund for shore protection projects; authorized the County Manager, or his designee, with County Attorney, Risk Management, and Purchasing Services approval, to advertise and award projects, execute contracts, amendments, and task or change orders, as required and in excess of \$200,000, to secure State grant funds and accomplish work under State grants; and authorized necessary Budget Change Requests.

**Result:** Adopted

**Mover:** John Tobia

**Seconders:** Tom Goodson

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.6. Time Extension Request for the City of Melbourne Grant Street Water Reclamation Facility Upgrade, Save Our Indian River Lagoon Project**

The Board authorized the Chair to execute Amendment 3 to extend the completion date for the SOIRL 19-59 Agreement with the City of Melbourne to the Grant Street Water Reclamation Facility Upgrade.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.7. Approval of Assignment of Real Estate Contract for the Purchase of Property in County-Owned Commerce Park in Titusville**

The Board approved an assignment of a real estate contract for the purchase of industrial land (approximately 11.89 acres) in the County-owned Spaceport Commerce Park in Titusville for \$416,150 from North American Properties Florida LLC, an Ohio limited liability company, to North American Properties (NAP) Commerce A LLC, an Ohio limited liability company; and authorized the Chair to execute all documents in connection thereof.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.8. Approval, Re: Resolution and Lease with North Brevard Senior Center, Inc. for operation of the North Brevard Senior Center**

The Board adopted Resolution No. 23-065, authorizing the lease of the North Brevard Senior Center, Inc.; and approved a two-year Lease Contract with North Brevard Senior Center, Inc. for the operation of the North Brevard Senior Center and to provide programs and services to the senior population of Brevard County at the North Brevard Senior Center.

**Result:** Adopted  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.9. Board Approval for the Extension of Existing Agreements between Brevard County Fire Rescue (BCFR) and Four Communities Volunteer Fire Department, Mims Volunteer Fire Department and Merritt Island Volunteer Fire Department for Fire Protection and Rescue/Emergency Services**

The Board authorized the Chair to execute a one-year extension to the three existing County Volunteer Fire Department Agreements with Four Communities Volunteer Fire Department, Mims Volunteer Fire Department, and Merritt Island Volunteer Fire Department; and authorized the County Manager to approve subsequent renewals or amendments.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.10. Acknowledge Receipt of the Tax Collector Recapitulation and Errors and Insolvencies Reports**

The Board acknowledged receipt of the Tax Collector Recapitulation of the Tax Roll (DR-502) and Errors and Insolvencies Report (DR-505) for the 2022 Tax Year.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.11. Certification of Local Option Gas Tax (LOGT) Percentages Allocations**

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

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.12. Permission to Advertise for a Public Hearing to Consider Two Grant Applications for Brevard County**

The Board granted permission for Brevard County Sheriff's Office to advertise for a public hearing to consider the two Edward Byrne Memorial Justice Assistance Grant applications.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.13. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Tom Goodson  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**G.1. Final Public Hearing and Approval of the Fiscal Year 2023-2024 Annual Action Plan for the Brevard County HOME Investment Partnerships Program Consortium**

Ian Golden, Housing and Human Services Director, stated this Item is the final public hearing for the annual action plan that begins October 1, 2023; and this outlines what the plans are for the County's Community Development Block Grant (CDBG) funds as well as the HOME Consortium funds the County shares with the four major cities, Palm Bay, Melbourne, Cocoa, and Titusville.

The Board approved the Fiscal Year 2023-2024 Annual Action Plan; approved the Chair to execute required certifications, assurances, and the Application for Federal Assistance for the Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) grants; approved the County Manager to sign the CDBG Program and HOME Program Grant Agreements and Disbursement Agreements with four Brevard HOME Consortium member cities upon approval from Housing and Urban Development (HUD); approved the Housing and Human Services Department, as contract administrators, to use competitive procurement to secure contractors to complete proposed activities and projects; approved the Housing and Human Services Department Director to endorse agreements,

amendments, and modifications for activities and projects identified in the Action Plan and procured by the Housing and Human Services Department after approval from Risk Management and the County Attorney's Office; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

## **G.2. Adoption of Proposed FY 2023-2024 Ad Valorem Millages**

Frank Abbate, County Manager, stated this Agenda Item is staff requesting that the Board set the FY 2023-2024 proposed millage rates; the Agenda attachment provides the Board with the details on 25 individual taxing districts that the Board is the taxing authority over, 20 of which are operating and five are voter approved debt; all millage rates have been established within the Brevard County Charter Cap limitations; property values increased by approximately 13 percent this year, and consistent with Ad Valorem revenue growth limitation of three percent; and that is set forth in the Charter. He continued to say all proposed millage rates have been decreased from the current year rates; the aggregate proposed millage rate represents a 6.82 percent decrease from the Fiscal Year 2022-2023 current aggregate rate of 4.9777; additionally, the aggregate proposed millage rate of 4.6383 is equal to the aggregate rollback rate, therefore in accordance with Florida State Statutes, the final budget hearing will not be advertised as a tax increase under this proposal; and he is available for questions.

Chair Pritchett thanked Mr. Abbate and Jill Hayes, Budget Office Director, for all the work they do and tweaking the budgets this year.

The Board approved the FY 2023-2024 Proposed Millages for the purpose of notification to taxpayers by the Brevard County Property Appraiser; and instructed the County Manager to complete the Florida Department of Revenue's Certifications of Taxable Value, Forms DR-420.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Jason Steele

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

## **I.1. Approval, Re: Contract for Sale and Purchase from PMJL LLC for 5041 Martin Lane, West Melbourne, as an Advanced Acquisition for the Hollywood Boulevard Widening Project**

Marc Bernath, Public Works Director, stated Item I.1. is a contract for sale and purchase from PMJL LLC for 5041 Martin Lane, West Melbourne, as part of an advanced acquisition for the Hollywood Boulevard widening project in District 3 in the amount of \$200,000 plus \$695.25 for the appraisal; and there are no issues.

Commissioner Tobia stated he would support this, but it was a bigger project, long-term for Dr. Zonka as she always saw the necessity of widening Hollywood Boulevard; and there is one current and one former Commissioner, he thinks, that would be strongly in favor of this; and he made a motion to approve.

The Board approved and executed the Contract for Sale and Purchase; and authorized the Chair to execute all closing documents related to the Contract for Sale and Purchase.

**Result:** Approved  
**Mover:** John Tobia  
**Seconders:** Jason Steele  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**I.2. Approval, Re: Contract for Sale and Purchase from Chace Realty LLC for the Save Our Indian River Lagoon South Central Zone D Septic to Sewer Conversion Project**

Marc Bernath, Public Works Director, stated Item I.2. is a contract for sale and purchase from Chace Realty LLC for the Save Our Indian River Lagoon South Central Zone D Septic to Sewer Conversion Project, located in District 4; it is for a vacuum pump station, vacuum collection system, and force main for the purpose of the septic to sewer conversion; the appraised value is \$100,000; and there are no issues.

The Board approved and executed the Contract for Sale and Purchase; and authorized the Chair to execute all closing documents related to the Contract for Sale and Purchase.

**Result:** Approved  
**Mover:** Rob Feltner  
**Seconders:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**J.2. Morris Richardson, County Attorney, Re: Board Report**

Morris Richardson, County Attorney, reported that long-time Assistant County Attorney, Christi Schverak, who has been with the County for almost six years, who dutifully served as the Interim County Attorney during a period of transition and some turmoil last summer, and did a great job of it; she has announced her retirement from the County Attorney's Office, unfortunately; he wished her the best; and her final day will be August 4, 2023.

Chair Pritchett noted Attorney Schverak did a bang-up job while the Board was waiting on Attorney Richardson; she is a great attorney, very mature, and very smart; and there will be a great void there.

**J.3. Tom Goodson, Commissioner District 2, Vice-Chair, Re: Board Report**

Tom Goodson, Commissioner District 2, Vice Chair, expressed a Happy Birthday to Susan Smith, his Legislative Aide.

**J.5. Rob Feltner, Commissioner District 4, Re: Board Report**

Rob Feltner, Commissioner District 4, expressed a Happy Birthday to Commissioner Steele tomorrow.

**J.7. Rita Pritchett, Commissioner District 1, Chair, Re: Board Report**

Chair Pritchett asked the Commissioner Tobia if he had received all the data needed that was requested from the Constitutional Officers for the budget.

Commissioner Tobia replied he wanted to give a little more time, as he thinks there is plenty of time; hopefully, he will get that in the next couple of weeks; and his request was that the response should come to all Commissioners.

Chair Pritchett asked if he received everything he wanted from the other constitutionals, travel and everything.

Commissioner Tobia replied yes; he got those quickly and diligently; and he hopes that continues in the future.

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

John Tobia, Commissioner District 3, stated today is National Health and Happiness with Hypnosis Day; he displayed Artificial Intelligence (AI) pictures found on the internet; the useless Florida fact of the day – Bayshore Boulevard of Tampa is the longest continual sidewalk in the United States, at 4.5 miles in length; and this day in Florida history – in 1884, the Tampa Bay Times, formerly the Saint Petersburg Times, was first published under the name West Hillsborough Times. He recognized County employee, Elaine Humphrey of the Solid Waste Department; he noted the secretaries and administrative assistants are usually the first point of contact with any of the departments or offices and are instrumental in the office; he appreciates the sunny disposition that these folks have; she has been with the County six and one-half years; and her supervisor says Ms. Humphrey always provides a happy face and top-quality service to the department. He thanked her for all she does for her department and the Board.

**J.6. Jason Steele, Commissioner District 5, Re: Board Report**

Jason Steele, Commissioner District 5, stated it has been interesting to get caught-up with all of the wonderful things these Commissioners have done; probably the most notable and interesting thing that came about during these meeting was the meeting with the Tourist Development Council (TDC); he would like support from the Board in directing staff to place an item on the upcoming agenda; he would like them to prepare a report for options for using TDC money and revenues for lifeguard services; and he spent a lot of time with Morris Richardson, County Attorney, and Peter Cranis, Tourism Development Director, in regards to this.

Chair Pritchett noted she is highly in favor of that and thanked him for bringing it up; it is good to know there will be support to do this; as far as tourism goes, if there are people not surviving at the beaches, it is not a good thing; she mentioned Commissioner Tobia recently put a lot of County funds towards getting that handled; and she thinks that is a very good proposition.

Commissioner Tobia asked if it is talking about County beaches or municipal beaches.

Commissioner Steele replied both.

Commissioner Tobia noted there was discussion with the Board and he believes Commissioner Goodson had some reservations; he would like to hear his thoughts on the municipalities that are charging for parking; and he asked Commissioner Goodson if his reservations are still there.

Commissioner Goodson replied his reservation still stands where they should pay some of the cost.

Commissioner Tobia agreed; he wanted to make sure before asking staff to move forward on that.

Commissioner Steele remarked this would be in addition to those things because what he thinks would happen once staff gives the Board the report, it would be able to determine where

the lifeguard stands would go and whether or not the TDC funds could be used; he understands and agrees with the concerns; but this is an opportunity to get lifeguards with TDC money.

Commissioner Tobia mentioned since this would be TDC money, and he does not show up at those meetings all that much, he asked Chair Pritchett if the TDC has discussed the possibility of using those funds; and he asked what is the thought of getting the TDC recommendation on something that would directly impact them, before it was brought to the Board.

Chair Pritchett replied she did not think there has been a lot of discussion yet; she knows Mr. Cranis is bringing a marketing program where he has put in the need for lifeguards out of some of the funds; she mentioned she started a spreadsheet with certain parks and stuff that would be able to move over to TDC and undo a lot of funds; and she would like to go ahead and send out some of her work to the Commission.

Commissioner Steele stated he looked Mr. Cranis straight in the eye and said he wanted to know right now before he moved forward with this, if he was going to recommend the TDC use of monies for lifeguards, and if he was, he would move it forward, otherwise, he would not; and he stated Mr. Cranis said he will in fact support this and tell the Board he would support it.

Chair Pritchett remarked she believes the TDC board is going to support it as well, if that helps.

Commissioner Tobia asked if Mr. Cranis was present.

\*video/audio interruption\*

Commissioner Feltner stated he thinks that would be a good process but they should consider possibility one, that Tourist Development Tax (TDT) funds lifeguards in unincorporated Brevard, and the second option where it funds both unincorporated and municipalities, or to what extent it subsidizes the municipality; there has been this question of whether TDT can be used to fund lifeguards and that question could be answered in the same meeting; and it would be easier for the board to start with the TDT funding unincorporated, then have the question of the municipality.

Chair Pritchett stated the Board started down this path a while ago, as at one time the Board was trying to use the cultural funds and she believes that Attorney Richardson did come to the determination that there was a path to use some of these funds for lifeguards; then trying to figure out which funds to use; the County has to maintain a lot of the parks which are eligible to be used for the TDT fund; and she will send out the charts, as she went through the County parks and the amount of money that could possibly be moved over to the TDT funds which would free-up these funds for lifeguards. She added the County just footed a big bill to get the safety on the beaches as we move forward and trying to figure it out for the next budget cycle; and she noted it has her support.

Commissioner Tobia stated he imagined there was probably a miscommunication; he asked Mr. Cranis if he would be in favor of this if his board or the Board of County Commissioners (BOCC) decided to go in that direction, or was he referring to this as in his personal capacity as Mr. Cranis.

Mr. Cranis replied he works for Frank Abbate, County Manager, and he works for the BOCC, so he would support whatever direction as long as the County Attorney's Office finds a path; and he would be behind that.

Commissioner Tobia asked, to be clear, once the approval was by either the TDC or the BOCC, is that correct.

Mr. Cranis replied absolutely.

Commissioner Tobia remarked to Commissioner Steele he thinks it is a good idea; he thinks the Board needs to look at all its options; recently some of the Board had spoken of concerns about some municipalities that were charging for parking yet not remitting any of that for the services of lifeguards; Mr. Steele could re-examine that, absolutely; right now, he would be a no on going forward with this even though he has been informed by the County Attorney there is a path; and what this Board made a determination about two months ago was to ask the County Manager and the County Attorney to meet with the municipalities and get some buy-in so they would cover the cost of the lifeguards on the municipal beaches. He continued to say by all of a sudden saying that the TDT will cover this, the Board is basically cutting them off at the knees in negotiating power, because now the municipalities are saying why would they need to do that if there is another source here; he does not want to close the door on this because the opinion of the board may have changed; his mind could be changed, but he would need to hear from the TDC board first, if that was the direction; and he wanted to give all that information before Commissioner Steele decided on his motion.

Commissioner Steele stated he was aware of what was going on with the cities and counties; he would be flexible in regards to eliminating that from this motion; he thinks the motion would be to move forward with the staff report to use TDC funds in unincorporated areas of Brevard County; he thinks there is an avenue there; he has spent a lot of time with the County Attorney on this; and he thinks this is one of the most highly sought-after things that the County needs. He added tourism dies with drownings and the County is going to need to get more money for that; he firmly believes that it can work through the process; the staff report would give the recommendation of what they felt was important; and all he is trying to do is get staff to give the Board their report on whether or not the avenue works and what is recommended for the Board to do; and if he needs to eliminate cities and municipalities, it is no problem.

Commissioner Feltner asked for clarity, if Commissioner Steele means TDC when saying staff, and if it will go before the TDC.

Commissioner Steele replied he would prefer staff give the Board the report and then it is sent to TDC.

The Board authorized staff to prepare a report in regards to using Tourist Development Council funds to provide lifeguards for the unincorporated areas of Brevard County.

**Result:** Approved

**Mover:** Jason Steele

**Second:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

#### **K. PUBLIC COMMENTS**

Charles Tovey stated he expects it, 20 years of hell, he expects it; he apologized for snapping at Commissioner Tobia, as he has a defensive reaction he cannot control all the time; he can let any woman go in front of him he wants to; it is about public comment and he goes to meetings early so he does not waste his time because he cannot afford what the rest of the world has to spend; but he goes to public meetings, fills out his card, he is the first one there, and hours go by while he waits there in pain. He added that is the other reason why he is in a bad mood, because is in pain all the time from the negligent driver running him over the day he

was going to file on the Fifth District Court of Appeal hearings from this issue; it is all stemming from the issue of public commenting; he wanted to thank Commissioner Smith for the 100 acres and one would notice that it is full already; that should be telling Brevard County that the people need more areas; and his area is a designated environmental recharge area, and that is what he does. He went on to say he wants to expound on everything because a lot of people make quick judgments, irrational or whatever, but they do not understand the full picture so he tries to explain where his position is and what he does; it takes so long in arguments and delays and all kinds of other things; he stated he loves Commissioner Tobia and thanked him for his work on the Community Redevelopment Agencies, and Commissioner Smith for the 100 acres; and he has three minutes and with all the other distractions before he speaks, he is very nervous. He mentioned Environmentally Endangered Lands (EEL) and he does it because he does not want Rockledge to end up like Palm Shores; Palm Shores used to be EELs land and Virginia Barker, Natural Resources Management Director, used to be the head of EELs and she is with the Mayor and former Commissioner Bolin-Lewis; he could spend hours of this and no one would even understand it then either; he appreciates the Board's time and allowing him to come and speak at public comment; and he does not mind being last.

David Avila stated he has been dealing with harassment and reckless behavior from Waste Management Cocoa Hauling to the point where he started the Facebook page, Waste Management Cocoa Hauling Complaints; people can go there and see things like this (he played sound of horns from his cell phone); that is what he deals with six times a day, sometimes more; he also has videos, as he wears a phone live streaming, as he is today, cutting his grass hundreds of feet from the road; and they are doing this to him, not doing it to warn him, just to bother him. He added he also has recordings of the police officer accompanying me there and then writing him a trespass warning when he was complaining about them beeping the horn for no legitimate reason; 80-90 decibel air horns on commercial trucks should not be beeped in front of someone's residence for any ill will or ill intent; he has reached out to every agency he could think of but because they are a private entity, there is no accountability or transparency; there is no one who will take accountability; even this morning, he has a video of one of the black Dodge Chargers speeding down the road with pictures of the tag and the car placed in the parking lot; and there is no denying that these people are breaking the law and getting paid to do it. He went on to say he does not know if it is tax dollars or how they are getting paid, but they are being paid to harass people; it just does not stand; he is present today to let the Board know, make them aware, it needs to stop; law enforcement has written him a trespass warning so he has no recourse other than reporting this is going on; he has installed over 16 cameras with audio to catch them; and now he walks around his front yard and neighborhood with a phone that he converted to a body camera. He noted he catches numerous infractions from their employees on and off duty, following him, tailgating, revving their motor, beeping their horns in their personal vehicles, and it is just because he is the person who speaks up and speaks his mind; that is all he is trying to do today; he wants the Board to take notice and let him know what he can do; law enforcement does not have any solutions, so what can he do; if anyone looks at the Facebook page, there are numerous videos; and he is not the only one. He mentioned other people have moved out of the neighborhood because of this, as it is stated in the comments that they had a miscarriage or complication to their pregnancy from being harassed like they do to him; but it just needs to stop.

Katie Delaney stated she is present because of something she has heard through different meetings that she has been to that there is a possibility of incorporating Merritt Island; this is very concerning to her mostly because she feels like this has been being talked about since November and most of the public has no idea this is going on; being from unincorporated Brevard, the idea that the Commission would be speaking about this without making it very clear that this is an option, is very troubling; she hopes that more transparency is given to the

public about this; and there are a lot of downsides to this including property taxes going up, more funding needed for police and fire, and infrastructure as far as roads and everything else that goes into incorporating a city.

Commissioner Tobia asked if Ms. Delaney had seen a copy of the report; he has not seen it either but understands it just became available; he stated if she contacted his office, he would be more than willing to get her a copy; there is a whole long procedure, which he would also be willing to get her; and the County Attorney did a very good job. The short of this is, this would have to go up to the legislature, then the legislature would then determine whether or not this was appropriate; at that point, the voters would have a say on it; right now, there is only a report and he would like to get her that; and he can get that to her as early as today.

Ms. Delaney asked how much funding has been used to do all of this prior to it getting to the people.

Commissioner Tobia replied he could get her that number; and he does not know off-hand and does not want to give her a bad number.

Chair Pritchett mentioned this is Commissioner Goodson's district, but if somebody is open to an idea of something, if it can open, it always will; to understand, even for this to happen, the County will lose a lot of funds; there is a lot of bad information going on and a person cannot believe everything they read; but this will directly affect Commissioner Goodson, so he is in contact with his constituents. She added this will go to the vote to the people; and as of right now, she does not think the County Commission has a whole lot with this right now.

Commissioner Goodson stated there is \$40,000 appropriated by the Board for a study; that is all that has been given, if he remembers the number correctly; that being said, it still has to go to the people; yes, they will get the tax dollars or the County might lose tax dollars; and as a city, they would have to fund things such as fire, police, infrastructure, roads and bridges, all of that. He added with all of that being said, it still has to go to the legislature after the vote; and he asked Commissioner Tobia if that was correct.

Commissioner Tobia responded it would go to the legislature, then the legislature would determine through a special act whether or not...

Commissioner Goodson interjected saying if one knows anything about Tallahassee, which is where the fight should be, not here; there are two legislators, Randy Fine and Tyler Sirois; and he asked Ms. Delaney if she had spoken to them.

Ms. Delaney replied they are in communications.

Commissioner Goodson stated they are either for it or against it, he does not know; he mentioned he does not live in the district, as he lives in Rockledge, so he cannot vote; he has told people he does not care but to vote yes or no; also, he made a comment to "hurry up and get it done," which was in reference to the fact the people that are implying they want to be a city, need to get it on the ballot in 2024; and there is no collusion. He noted that people can accuse anybody of anything they wish, but proving it is a whole different world; there is a developer on the Merritt Island Redevelopment Agency (MIRA) Board, Andy Barber; he used to build houses and is the most honest person he knows in the building trade on Merritt Island; accusations against MIRA or against the Board, they are going to turn out the report, but she still has a yes or no vote; and she can call his office for anything she wishes. He added that what one reads in the paper is not necessarily true.

Ms. Delaney stated she hopes he did not take what she said to offense, as she was not trying to insinuate anything; and more transparency is always great.

Commissioner Feltner noted that long before the referendum, the Brevard legislative delegation has to take that up at their delegation meeting; his understanding is that if they are okay with it, it can be moved forward as a local bill; then it will be referred to committee and it has to go through; he would encourage her and everyone interested in this, to go to the legislative delegation meeting and speak to the legislators about it, specifically, because it does not come back to this Board for a vote; and the legislative delegation meeting is sometime in November or December.

Morris Richardson, County Attorney, noted the report has to be submitted to the legislature by the first Monday in September, which is why the timeline for the report was established the way it was.

Kerry Takacs stated she is present to echo much of Ms. Delaney's concerns; her family chose to settle in Merritt Island when her husband retired from the service since it is a small town; it is great, they love it, they do not want it to be incorporated, and most of her neighbors do not want to; their biggest concern is, from what they are reading, and she understands there is fallacies, they need transparency so they understand; and what she is reading online is not what people want. She added coming here, the Board is telling us that is not true; if there was a way the Board could get the information out to the people to understand exactly what is going on; he concerns are higher taxes, infrastructure overwhelming all of that, and evacuation takes about 56 or 57 hours; adding more people to that will create a bigger problem; and she would like a copy of the report as well. She stated that in the future she hopes that the people are invited to the table, as what she understands, is this all started in November and it is July and they are just hearing about it; and maybe there is a better way to get the information out to the people so that they are on the same page.

Commissioner Tobia remarked that he could get the reports to them in about an hour after he gets back to his office; he mentioned the report just landed and the Board did not do this report, as it was sent out for a Request for Proposal (RFP); he does not know where the rest of the Board is, but he will not be calling the legislative delegation; they can call him, and Representative Sirois has called him and he gave him the information; and he told him this was his determination, not his, and it is completely out of his hands.

Ms. Takacs responded she does not want the Board to think she is coming at aggressively or anything; they are confused by the conflicting information; and talking with her neighbors and residents, they feel they need more transparency so they understand what is going on.

Commissioner Goodson mentioned hearing Ms. Takacs speak of evacuations off the barrier islands; and he asked if she knows who controls the routes to be taken.

Ms. Takacs replied she assumed it is the County.

Commissioner Goodson remarked 520, State, 528, State, Pineda Causeway, State; and if she wanted an extra lane on those roads to evacuate, she would need to start talking to the long-term plan of transportation, State of Florida; as long as she understands to get another lane across the river involves the Army Corps of Engineers, snail fish, and gopher turtles; and it is going to be a struggle and a long-term process; and he mentioned the key to evacuation is to do it early.

Ms. Takacs replied she agrees; and she does not want another lane.

Commissioner Goodson stated to get another lane, it is going to cost a lot of money.

Ms. Takacs replied that is her concern; and most of them like how they live, which is why they live there.

Commissioner Goodson stated she could call his office for the same report or questions; his office is not involved and does not want to be involved, even though he has been accused of being involved; and he cannot vote, but he wants her to vote.

Ms. Takacs remarked that is why she is present because of misinformation; and she just wants clarity.

Chair Pritchett asked the Florida TODAY reporter if he would not mind doing a good report on this for the Board because people are talking about it; she thinks that will help with getting the information out; and she asked to please not read things online.

Commissioner Feltner asked Attorney Richardson about voter referendum in November, if it actually gets that far, is it simple majority or is it 60 percent.

Attorney Richardson replied he believes it will be a simple majority; but he will verify again.

Sandra Sullivan stated whatever one does, do not read anything online, because they will find out about it here; she asked what happened there, as she is the watchdog that went back on the minutes and put this online because the Board did not let Merritt Island know; in 2012, the Board rescinded the vote for the feasibility study, and this vote, she has come up here twice for public comments at the last two meetings and talked about public comments; she said with the exception of emergency items, the Board will take no action under public comment section, but can refer the matter to another meeting agenda or request a staff report; and at the last meeting when she read that into the record, the County Attorney said that was done under Board reports. She went on to show a screen shot of a meeting during public comments with Michael Yauch and Susan Aroyan when they came before the Board during public comments so it would not be under an agenda; the people did not know about this; she mentioned the procedure document done by the County Attorney talks about Port St. John and how their voters were given the opportunity to vote if they wanted the feasibility study; given all the controversy in the past with Merritt Island in 1988, they voted no, and it was run down their throat; and Chuck Nelson was Commissioner when that was rescinded. She noted on her records request for who was on the committee, Chuck Nelson was on it; he of all people, knows how controversial this is to Merritt Island; yet, the Board did not give the courtesy to the people to put this on an agenda item for transparency to the people of Merritt Island; and she proclaimed the Board should all be ashamed of themselves. She mentioned an attestation document signed by Frank Abbate; the Citizen Oversight Committee (COC) for the sale of the lagoon was presented for almost \$8.3 million to do the Grand Canal Project in Satellite Beach, and it was approved by the COC; this came before the Board to vote for the Save the Lagoon plan, which was done on February 7; on February 12, just five days later, the County Manager files to the State to get \$18 million to get \$9 million on 50/50 funding; that looks like bait and switch to her; and she asked why would the County deceive the COC and then turn around, and for more than double that amount, go to the State for funding.

Chair Pritchett stated she typically does not like responding to much of this, because if it just goes away, it is usually a little better, except is causing too much confusion to our constituents, which concerns her; just because something is said over and over and over does not make it true, and it seems to jump from topic to topic so many times; if there is something that may need to be looked at that the Board can make different decisions or tweak, but constant attack on people's character is getting old; she works with a lot of good, honest people and there is

just a way to do things; and to constantly stir things up and to take things that are true and twist them and make them untrue does not work for her. She stated she wanted to make one thing clear, do what they want, she does not care, but kids are off limits; she has people contacting her about a certain person starting to narrow-in on people's kids and their relationships with other kids; and she just wants to say it is going to quit.

Morris Richardson, County Attorney, stated the Brevard County Sheriff's Office (BCSO) participates in the Edward Byrne Memorial Justice Assistance grant program through Florida Department of Law Enforcement (FDLE); earlier during Consent, the Board approved permission to advertise two specific grant awards; generally BCSO administers that grant locally, Countywide and does so under the umbrella of the Board of County Commissioners; the Chair has been asked to execute a certificate of participation for FDLE; and because of the timing there will not be another meeting before this letter needs to go back to FDLE. He noted it is something that the Board does annually; it simply provides notification that the Board will serve as the coordinating unit of government for the FDLE program; the Sheriff handles administration of that program through their Finance Director; and he asked for a motion authorizing the Chair to sign that certification on behalf of the Board.

The Board approved the Chair to sign Certifications for the Edward Byrne Memorial Justice Assistance.

**Result:** Approved

**Mover:** Jason Steele

**Seconded:** Rita Pritchett

**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

Upon consensus of the Board, the meeting adjourned at 9:50 A.M.

ATTEST:



RACHEL M. SADOFF, CLERK



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

AS APPROVED BY THE BOARD ON AUGUST 22, 2023.