

April 5, 2022

all of the County's boards and committees are taken as a whole, the appointments should include citizens from all segments of society in Brevard County reflecting differing viewpoints, gender, life experiences, professions, races, and ethnic backgrounds of Brevard County society; in an effort to provide balance with a regard to race, gender, or ethnic background; and he asked why his candidacy makes him ineligible for a citizen advisory committee per the Home Rule Charter that has nowhere holds no bearing. He opined it is actually great that he wanted to run just like each and every one of them wanted to run for where they are sitting at now and he finds that to be an honor to serve Brevard County, if elected for Brevard County Commission District 4; he did not want to make his candidacy known, but it seems like he has to because he cannot be appointed to a board after he was told he would be appointed to one after about six months of following up with the Legislative Aides; he has email correspondence saying he talked to Commissioner Smith, to see if he can get on a board; he sat right there, shook his hand and talked to him, and he said he is a candidate and he believes that everybody from an architect to an engineer, from a landscaper to a builder should have a right on those boards because he might be a landscaper, but he wanted to be on the TPO to talk about how that might impact somebody, or the architect, or the builder; and just because he is not a professional or not having a doctorate does not mean he cannot sit on a board and help the County in the direction as a citizen, he believes makes them all-inclusive, and not just the doctors and not just the professionals that makes it an exclusive. He mentioned there being a lady in back who said she is having a rough time right now; he asked how she is supposed to access public records because if they are impoverished making \$14,000 a year and what if they have a public request record for \$200 like, he did; he was only asking for the Melbourne-Tillman water canal from a certain date to a certain date; it was done in two weeks but it came back three months later with a \$250 charge; that was his first records request and he could not pay for it, and actually, Mr. Hefflefinger offered to pay for it for him when they were sitting at Panera, and in front of Mr. Abbate; and it just so happens that two hours later he got the records request back.

L.1. **Frank Abbate, County Manager, Re: Report**

Frank Abbate, County Manager, stated he has one item and staff has been speaking with the County Attorney, and it relates to the District 2 Commission office and the staff; until such time as the Governor appoints a District 2 Commissioner or there is an election for District 2 Commissioner, and that Commissioner is sworn in, there are a variety of options that are available to the Board regarding the continued operation of the District 2 Commission office; they are looking for Board direction on how to proceed; he can outline very briefly what some options are for Board; first, would be that the Board would maintain oversight and management of the District 2 office and then District 2 staff could just provide the Board with updates on as appropriate, or the Board could ask staff questions on what is going on; second, would be that the oversight and management of the District 2 office would occur through the County Manager and he would then bring during his report any issues to the Board's attention, that the Board may want or that he needed any direction on; third, would be that the oversight would be maintained by the Board and then day-to-day management and oversight would be by himself as the County Manager, and the Board would appoint someone from the District 2 office staff as the appointing authority to make the decisions for the office, and then he would sign that person's time card; and fourth, would be if the Board wants to do any combination of that or something else, they are just looking for Board direction on how to proceed since it is a rather unusual situation with that staff.

Commissioner Pritchett asked for Robert (Fritz) VanVolkenburgh to come up for a couple of questions; she stated this is tough and she wants to open with the Board does miss Bryan Lober, he had some circumstances that came up to where he was not able to serve anymore, and she just wishes him well and that she hopes he and his family are able to heal with the

recent death in his family; and she hopes he is doing alright and doing well. She stated this is difficult to figure out, she is hoping the Board has some ideas because they now have a whole section of the County that does not have representation of a Commissioner; this is difficult to figure out and how to navigate this, but she does know at the end of the day the four of them are going to be responsible for this as well; she is interested in hearing what the other Board members ideas are; Frank Abbate, County Manager, came out with some good recommendations, but she feels like Mr. VanVolkenburgh is a critical person from knowing that District up there; she wanted to open with that and to hear what they are thinking; and she has concern trying to figure out that budget with some things that they are trying to figure through, so the budget constraints are the utmost part of her head right now. She mentioned wanting to throw out an idea right now that she likes the thought of having Mr. VanVolkenburgh directly report to them, like any County staff, with things going on in District 2, for the Board to have information; she does not know if there will be someone appointed by the Governor; she has heard so many people tell her that there is probably never going to be an appointment, it is going to end up going to election; she thinks they keep Mr. VanVolkenburgh and they just let him do the liaison and maybe just let the rest of the office do something different; she wants to hear from rest of the Board and see what he needs; but that is just something she has been kicking around with trying to figure out this budget they have to absorb as well.

Comm
Pritchett

Chair Zonka stated they obviously do not talk, because she called Mr. VanVolkenburgh this afternoon and she did not want to put him on the spot publicly to see what his comfort level was; he of course graciously and very thoughtfully said yes, he would help, he would remain at the District 2 office; ultimately this is kind of a unique situation, they never expected nor have anticipated; she wants District 2 to have representation, sadly they will not have a vote or a voice unless the Governor appoints; looking at the budget it has his salary and staff, and she passed that out to the Board; she asked him that for this afternoon and it was not on the Agenda, because there was no agenda item for this, but she asked Mr. VanVolkenburgh the salaries and the positions of his office staff; and he has another full-time employee and another part-time employee. She asked for him to speak freely on this, he does not have to say an employee choice because she thinks between him and a part-time employee, they can get the job of the District 2 office done. She advised the reason why she asked is because they are not working for a Commissioner, so they would not be tasked with the day-to-day of needing to do this, that, and the other; and he is sort of just oversight and making sure their constituents in District 2 are taken care of which is kind of her primary focus right now.

Robert (Fritz) VanVolkenburgh, Chief of Staff of District 2, replied he thinks things have slowed down and he thinks that he could work with that for sure; he stated maybe what they could do if they chose to go into that direction, if things become a little difficult and he cannot manage that, he would come back to the Board to let it know; but he thinks things will slow down without having a Commissioner in the office.

Chair Zonka stated she did not want to talk to his employees because he is their direct supervisor, but she guesses he can only guesstimate if the part-timer would agree to stay on, that is kind of where she is leaning at least for the District 2 office now; if they have more needs, he can certainly let them know; but she wants to make sure that those calls are answered, that there is somebody full-time in the District 2 office so if someone calls someone is there to answer and help them out.

Mr. VanVolkenburgh stated absolutely.

Commissioner Tobia stated he thinks of the four options presented, option three provides the most flexible approach and will serve the constituents of District 2 the best; the previous

Commissioner said over and over again District 2 is unique and there is no doubt District 2 is very unique; he has worked with Mr. VanVolkenburgh before and he is nothing but straightforward, honest, and he thinks that the folks of District 2 would be very lucky to have someone who quite frankly has dealt with them on a daily basis while his time is there; he agrees that with the lack of extra work that would go in with research and all that stuff for a Commissioner, maybe they would not need that extra staff; he thinks giving Mr. VanVolkenburgh that part-time is probably a wise way to go, he does not think, however, though they need to; but he thinks option three when it comes to the functioning of District 2 is probably the best. He mentioned he does not want to have Mr. VanVolkenburgh needing a packet of pens and having to come to the Board for that, he thinks the County Manager who he has great faith in can oversee the day-to-day, and he does not think that they need to worry about any large amounts of resources; until they get everything figured out they do not know whether or not there is extra money left over, but he does not want to hamper that office on the nickel and diming and having him to wait those two weeks; and he thinks that is something that is going to be extra work for the County Manager's Office, but he thinks it probably will serve the folks of District 2. He added the policy in his office is if there is an issue with District 2 or any other District, he speaks with the Commissioner first, and then comes to the Board secondarily; it is difficult to say that now, but he thinks if they designate Mr. VanVolkenburgh as the point person there that he has a better handle on that unique District than what the Board does; but he thinks it is very important that they recognize him as managing that office until such time that the Governor makes a decision to put someone there. He advised he fully supports option three which is that hybrid between Board for larger decisions and the day-to-day basis the County Manager; sincerely, not that he wants it, but he appreciate Mr. VanVolkenburgh in the penalty box, so especially when it comes to zoning issues, he thinks he would have insightful input and certainly knowing a lot more about the water issues that face District 2; he would feel a lot more comfortable with knowing the input that they get at the meetings with him up there; and so that is why he is with option three.

Comm
Tobia

Chair Zonka asked Commissioner Tobia if he is okay with him having a part-time employee, so if he ever needs to take a day off, he can actually take a day off.

Commissioner Tobia replied he thinks it is far too much to have him by himself there answering the phones, doing the liaison between the constituents, and it is way too much to ask of one person; he certainly would not expect that even though he has got a lot of letters that follow his name; he has the knowledge of that District, so he thinks an extra person there, the part-time person there; and he may want a little bit more, but he thinks that is the one that makes financial sense until they get all the finances figured out in that office.

Commissioner Pritchett asked Mr. VanVolkenburgh as he is gathering information for the meetings, as far as zoning items and stuff, that he would not mind giving them all a call, and briefing them on the items coming up just as any staff member would so the Board is doing the best for their District; she knows he will be at the briefings as well but if he would just make sure they have all the information needed to make sure that they do not mess up District 2.

Commissioner Smith stated he would like to reserve judgement, because this is a very fluid situation that none of them are familiar with; he thinks out-of-the-box what they are talking about works, but it would behoove the Board to revisit this maybe in 30 days or six weeks to see how he is doing, get his feedback, and go from there; and that way if they need to revisit this they have already laid the groundwork to do that.

Chair Zonka advised she does not know what that means revisit, she is just trying to help him today.

Commissioner Smith stated he knows that, but he is just saying if they reach out to him in three or four weeks and do this again, maybe the Board can get some information from him that is very pertinent; and the Board may change course and give him a full-time employee or cut the part-time employee, the Board does not know.

Chair Zonka stated she differs from Commissioner Smith, her thoughts are that she wants that office to have some stability; she thinks Mr. VanVolkenburgh deserves the stability as well and if he has further needs than the part-time employees, he is going to be the first person that picks up the phone and calls them; Mr. VanVolkenburgh may be a quiet guy, but he is not shy; she would want at least a little bit of security for not just District 2 residents to feel more comfortable knowing that there is somebody stable in that office and if they need to make change the Governor could appoint somebody next week, the Board just does not know; based on the history, she does not see that happening and that is why she wanted to have some concrete things in place now so that office has some stability, because a lot has happened in that Office, over the last 30-60 days; and she would like to know that Mr. VanVolkenburgh is going to stick around for the long haul.

Commissioner Smith stated he does not doubt that he will, he is just saying that this gives the Board opportunity to just revisit it in six weeks if the Board wants to revisit this; he does not want Mr. VanVolkenburgh to feel bad or look bad that the Board is saying report to the Board; and if they tell him up front that they want some feedback then it is just part of the routine that they have already set it up, that is his point.

Commissioner Pritchett stated she is really expecting a phone call in a week from him to keep her caught up on what he has; she just needs time to study their issues as well; and at that time, if something is not right, he can just fuss away at her, and then call them and fuss at them, too, and then they will figure it out for him.

Mr. VanVolkenburgh replied he will do.

Chair Zonka asked if he is comfortable if the Board moves forward with that plan.

Mr. VanVolkenburgh replied yes.

Commissioner Smith stated he is good, whatever rest of the Board wants to do, and he just threw that out there.

Chair Zonka inquired if they need to do a motion to...

Abigail Jorandby, County Attorney replied she recommends a motion to direct putting that in process, yes.

Commissioner Tobia stated he would like to make a motion for option three, the hybridization of the management between the Board and the County Manager's Office, and to give direction that Mr. VanVolkenburgh be granted the ability to have the part-time staff that was previously discussed.

The Board approved and directed oversight for the District 2 Commission office to be maintained by the Board; approved and directed the day-to-day management and oversight to be maintained by Frank Abbate, County Manager; authorized Fritz VanVolkenburgh as appointing authority to make decisions for the District 2 office; authorized having a part-time

employee; and authorized Mr. Abbate to sign the timecard.

Result: APPROVED

Mover: John Tobia

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

L.2. Abigail Jorandby, County Attorney, Re: Report

Abigail Jorandby, County Attorney, stated she has a brief update, since their last meeting the County has received correspondence and a copy of a resolution from the Town of Malabar; this is regarding the Malabar Scrub Sanctuary, they are requesting the initiation of conflict resolution proceedings; as the Board may recall it actually adopted a Resolution in February, which actually bypassed that procedure; at this time she is just seeking Board direction if for some reason they would like to participate in the pre-dispute resolution instead; they prepared a complaint to file in court, so that would take them outside in that process; and she just wanted to see if there was any direction from this Board.

Chair Zonka stated everybody looks at the Commissioner in the District.

Commissioner Tobia stated he thinks the Board was pretty clear; he appreciate them passing that, but that could have happened ages ago; he hopes the Board would continue with the direction that it went on weeks ago; he would like to get this resolved; he thinks the Board were pretty clear in what direction they were interested in going in; the Town decided to go in another which they certainly had that ability to; but now it is putting this in someone else's hand and that would be the court system.

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

Commissioner Smith stated he would like to highlight his journey to Miami via Brightline; he has some professional pictures to show the Board; now he has some individual pictures to show the Board; the picture on the left is the inside of the train and they made a point to tell that these designs for these trains came from interviewing architects that built small homes, travel trailers, and recreational vehicles because they wanted to be able to pack as much into that small space as they could; they really succeeded, it has very comfortable leather seats, at every seat there is a 110 volt outlet, and a couple of Universal Serial Bus (USB) ports; they did a wonderful job on the bathrooms, all the doors are touchless, and when people approach them the doors open, and when people go into the bathroom they not have to turn on the water, just put hands under the faucet, it is t-shaped so when they are done washing move hands to the side, and the air comes out and dries hands; it is pretty amazing, people do not have to touch anything; and they put a lot of thought into these type of things. He mentioned Brightline saying that Amtrak is so impressed that they are ordering their trains to copy them; he rode Amtrak back in November and he was pretty impressed, and Brightline just blows them away; the card that everybody is holding up is a pledge card saying stay off the tracks which is something that they want to impose and bring to people's attention, that these trains are going to be traveling at 79 to 125 miles per hour; if a person is used to seeing a train one-half a mile away and are going to try and beat the train, they are probably not going to beat it because it is traveling three or four times what they are used to; it is important for people to be aware of this; he knows that they are in much better shape there than they were down south, because when they were on the train down south there was an awful lot of crossings they do not have the hardened crossovers that Brevard has; they have one arm crossovers; and people can drive around, it is scary. He advised the people can thank former Commissioners and the last Commission, because they negotiated those and did not have to pay for them; the next picture is a gathering, they were addressed by the Chief Executive Officer and President of Brightline,