

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, March 21, 2023

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:02 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 Kristine Zonka

C. PLEDGE OF ALLEGIANCE

Commissioner Zonka led the assembly in the Pledge of Allegiance.

E.1. Resolution, Re: Florida Surveyors & Mappers Week in Brevard County

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-025, recognizing March 19 – 25, 2023, as Florida Surveyors and Mappers Week in Brevard County.

Mike Sweeney, Brevard County Surveyor, stated this year in June will be his 50th college reunion and he thinks back to when he walked across that stage did he imagine this is where he would end up; he really enjoys where he is at now; he has been very lucky to choose this profession; as a young person, one gets to explore and map the outdoors; and they have a love of mathematics, mapping, and geodesy. He added they love the laws of the land and some of them ancient and yet to be settled laws; they love the art of science, mapping, history, and the land puzzles it presents; because of all that, they are a unique breed and survey mapping is a unique, rewarding profession; and he thinks his staff feels that way too. He introduced a few of his staff, stating the rest are probably out in the field; he stated he appreciates the Board giving him the opportunity to use his profession at this unique level; it has been a wonderful profession; he thinks they all enjoy it; and he mentioned there are some great career opportunities available in the Surveying and Mapping Program.

Result: Adopted

Mover: Kristine Zonka

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

E.2. Resolution Acknowledging Military Child Awareness Month for April of 2023

Commissioner Feltner read aloud, and the Board adopted Resolution No. 23-026, acknowledging Military Child Awareness Month for April of 2023.

Result: Adopted

Mover: Rob Feltner

Second: Kristine Zonka

Ayes: Pritchett, Goodson, Feltner, and Zonka

Nay: Tobia

Chair Pritchett mentioned it is Commissioner Zonka's last meeting; and she presented Commissioner Zonka with a commemorative plaque; she stated Commissioner Zonka has been a great Commissioner and will be greatly missed; many times she brought a real strength of common sense and clarity to the Board; and she is going to greatly miss her.

F. ITEMS PULLED FROM THE CONSENT AGENDA

Commissioner Tobia stated he would like to pull Item F.17. from the Consent Agenda.

F.1. Interlocal Agreement Between Sebastian Inlet District and the Brevard Mosquito Control District for Acquisition of Non-Beach Compatible Material

The Board authorized the Mosquito Control District to enter into an Interlocal Agreement for acquisition of non-beach compatible material with Sebastian Inlet District; and authorized the Chair to sign on behalf of the Mosquito Control District.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.2. Board Policy Review, Re: BCC-51, Zoning Actions and Findings of Fact

The Board authorized continuing Board Policy BCC-51, Zoning Actions and Findings of Fact.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.3. Acceptance, Re: Binding Development Plan with Nicholas Boardman and Andrea Bedard

The Board executed a Binding Development Plan Agreement with Nicholas Boardman and Andrea Bedard for property located from said point of beginning commence N. 68° 10'00" East along said right-of-way a distance of 150.87 feet and from said point of beginning commence in 68° 10'00" East along said right-of-way a distance of 150.87 feet to the point of beginning for Lot B in Brevard County, Florida.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.4. Approval, Re: Dedication of Public Utility Easement from Cumberland Farms, Inc. for the Cumberland Farms Micco Project

The Board accepted the public utility easement from Cumberland Farms, Inc. for the Cumberland Farms Micco Project.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.5. Approval, Re: Donation of Temporary Construction Easement from Harlan Property Development, LLC for Lift Station W-09

The Board accepted the donation of a temporary construction easement from Harlan Property Development, LLC for Lift Station W-09.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

**F.6. Adopt Resolution and Release Performance Bond: Viera Town Center IV
Developer: The Viera Company**

The Board authorized the Chair to sign and adopt Resolution No. 23-027, releasing the Contract and Surety Performance Bond dated February 22, 2022, for the Viera Town Center IV Project, by Developer: The Viera Company.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.7. Micco Force Main Extension Project - Execution of Change Order 4

The Board executed and approved Change Order 4 for the Micco Force Main Extension Project; and authorized any associated Budget Change Requests.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.8. Permission to Accept Florida Airports Council Internship Grant Funds

The Board granted permission and authorized staff to accept the grant funds delegated to Valkaria Airport through the Florida Airports Council; authorized the Interim Valkaria Airport Manager to execute the Grant Agreement; and authorized all necessary Budget Change Requests associated with this Agreement.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.9. Approval Re: Agreement Between the Brevard County Board of County Commissioners, the City of Titusville, and Housing for Homeless, Inc. (Up to \$80,437)

The Board authorized the County Manager to execute an Agreement between the BOCC, the City of Titusville, and Housing for Homeless, Inc.; authorized the Housing and Human Services Director to execute any future amendments or modification upon approval by the County Attorney and Risk Management; and authorized the County Manager to execute all necessary Budget Change Requests.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.10. Approval, Re: Housing and Human Services Department Purchase Assistance Policy (HS-027) for the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership Program

The Board approved the changes and updates to the Housing and Human Services Department Purchase Assistance Policy (HS-027) for the U.S. Department of HUD HOME Investment Partnership Program.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.11. Revision of BCC-26 Policy, Acquisition of Consultant Professional Services

The Board approved the proposed revisions to Board Policy BCC-26, Acquisition of Consultant Professional Services.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.12. Approval of Attorney Fees - Mid-Reach Beach Restoration Project, Brevard County

The Board approved paying attorney's fees of \$8,270.00 in Brevard County v. Altman, et al, Case No. 05-2022-CA-052647 to Edgar Lopez of Harris, Harris, Bauerle, and Lopez.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.14. Revisions to BCC-97 Providing for the Advertisement of Certain Postponed or Continued Public Hearings, and Amending the Board's Public Comment Procedures

The Board approved the revised BCC-91, Policy to provide for the advertisement of certain postponed or continued public hearings relating to the enactment of ordinances, and to amend the Board's public comment procedures.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.15. Authorize Chair to Execute an Agreement with the Firm of Gardner, Bist, Bowden, Et Al for Legal Services to be Rendered on Behalf of Brevard County with Regard to Environmental Law Issues

The Board authorized the Chair to execute Agreement with the firm of Gardner, Bist, Bowden, et al, for legal services to be rendered on behalf of Brevard County with regard to environmental law issues.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.16. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.18. Resolution Recognizing Joseph Brubaker, Jr's Life of Service

The Board adopted Resolution No. 23-028, recognizing the life of service for the late Joseph Brubaker, Jr.

Result: Adopted

Mover: Tom Goodson

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.17. Appointment(s)/Reappointment(s)

Commissioner Tobia advised the Transportation Planning Organization (TPO) appointee on here, who hails from his District, has made some disparaging remarks about this Board on some social media posts; while that individual is more than welcome to make whatever comments she would like on those post, he does not think it is probably wise for the Board to employ her services as an advisor if she is openly not in favor of actions that this Board has taken; to be clear, he has no concerns with the Planning and Zoning appointment, Robert Brothers; and he stated the person in question is the TPO appointment. He added he would be willing to go over the social media posts, but they are not complimentary.

Commissioner Zonka stated if the Board said no to everybody that criticized it, there would not be many people on these boards; she has seen some of those posts and it could be rehashed, but she would hope by engaging individuals that can learn more about what the Board does and learn more about the decisions that are made, she has no problem with it; she is perfectly aware of Ms. Twigg's criticism of the Board; and she accepts that. She added Ms. Twigg asked for the appointment and she does not believe anybody else applied for that; and that is why she moved her forward.

Chair Pritchett remarked she agreed with Commissioner Zonka and this Board criticizes itself quite often too.

Commissioner Feltner stated he knows Ms. Twigg and has bought bicycles from her at her bicycle shop in Suntree, Revolutions Cyclery; it is a very popular shop; she does not turn off too much of the public in her business; he knows she is very passionate about bicycle and pedestrian safety; he would not hold her social media comments against her; and he thinks she will do fine on the TPO.

The Board approved appointment/reappointment of **Ginger Twigg** to the Transportation Planning Organization Citizens Advisory Committee with term expiring March 21, 2025, **Robert Brothers** to the Planning and Zoning Board, with term expiring March 21, 2025; and **Brandon McKinney** to the Historical Commission, with term expiring December 31, 2024.

Result: Approved

Mover: Kristine Zonka

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Zonka

Nay: Tobia

G. PUBLIC COMMENTS

Frank Hahnel stated he is a former United States Marine and Vietnam War Veteran, and a Florida Veteran Hall of Fame member, class of 2020; the State of Florida established the Florida Veterans Hall of Fame in 2013 to recognize and honor those military veterans who, through their works and lives during and after their military service, have made a significant contribution to the State of Florida; in selecting nominees for submission to the Hall of Fame Council, a preference is given to veterans who were born in Florida or, have adopted Florida as their home state; the military veterans chosen for review by the Hall of Fame Council will have made a significant contribution to the State of Florida in civic, business, public service, or other pursuits; the selection process for consideration is conducted by a military panel consisting of a council chair and six judges; and after the council selection has been made, the list of nominees is sent to the Florida Cabinet, and then to the Governor, for review, finalization and approval. He went on to say today there are approximately one million veterans residing in the State of Florida and of those veterans, there are 131 that have been inducted into the Florida Veterans Hall of Fame; he would suggest that this is a very unique and select group of veterans; on December 6, 2022, the County Council of Volusia County held a special tribute for the six veteran residents of Volusia County that have been inducted into the Florida Veterans Hall of Fame; during that tribute, a framed proclamation was given to each of the veterans and a large physical space adjacent to the building entrance rotunda was dedicated to them; mounted high on the wall is the inscription "The Florida Veterans Hall of Fame, Volusia County Members" and below the inscription is a color photograph of each of the six veterans; and Brevard County is very unique in as much as it is the home of four members of the Florida Veterans Hall of Fame, Major General John Cleland, US Army, class of 2013, Chief Master Sergeant Eugene Johnson, US Air Force, class of 2014, Sergeant First Class Juan Santiago, US Army, class of 2019, and Lieutenant Colonel Harry Taylor, US Army, class of 2022.

Chair Pritchett stated she read ahead and she believes he would have any one of the Board do a resolution for each of these; and she asked if that is what he is asking.

Mr. Hahnel replied yes.

Chair Pritchett asked if another Commissioner would like to do it, otherwise she would be happy to do it at a future meeting; she advised Mr. Hahnel that she would have her staff reach out to him this week for information; and she will have a nice plaque made for each one of them that could be placed in the new facility for the Florida Hall of Fame.

Commissioner Zonka commented she would be remiss if she did not recognize Juan Santiago; if one could envision a mother and her teenager at the mall, eating lunch at the food court, about half an hour before going to the Army recruiting office; she does not know if he just picked up on it, but Juan came up to them and started talking to her son about all the great things the Army is and what a great family it is; she and her son will never forget it; and he is a sergeant now. She added he is an inspiration to them and she wanted to thank him; she recognized him right away when she saw him; and he is an inspiration to young men who decide to serve.

Scott Knox stated he is present today representing Mr. Stewart and he has a simple request; Mr. Stewart filed an application for a takings claim back in August 2022; he has been working with staff trying to get something resolved and the Board has probably seen emails going back and forth; he does not think it is going to be resolved through staff, so he thinks it needs a hearing on the takings claim; and he respectfully requested to get the hearing on April 18th, 2023, to get it over with, one way or the other.

Chair Pritchett asked Mr. Knox to let her consult with staff a little bit later to find out what can be done; she knows he has read the emails; but she thinks what may need to be considered is how to get him to just fulfill that one little thing staff needs him to do.

Commissioner Tobia asked Mr. Knox if he were sitting up there in his old spot and an attorney off the side of the road came up and pled directly with the Board for such a request, what he would advise.

Mr. Knox responded he would say that from August 2022 to today is probably too long to wait for a hearing on this; as much as he tries to work it out with staff, every time he gets another request for more information, more surveys, a road construction, or something; and it just needs to get resolved at this point.

Commissioner Tobia thanked him for his answer; and he stated he is glad Mr. Knox is no longer sitting up here, and glad he is sitting out there with an answer like that.

Chair Pritchett mentioned to John Denninghoff, Assistant County Manager, she thinks there was one primary piece of information still needed from Mr. Stewart to complete and it is consistent with what it is doing in the community, and she thinks it was important for the taxpayers; and she asked him to let Mr. Knox know, so it will be on the record.

Mr. Denninghoff responded he is unaware that County staff has asked for additional information beyond what was asked from Mr. Stewart at the very beginning, the first time he came in to talk to staff about what he was looking for; he is interested to find out exactly what it is that staff may be asking for that was not asked for under Board direction when Mr. Stewart appeared before the Board in, he believes, 2021; staff has been consistent asking him to provide an engineering plan to show that the drainage system will work, the transportation system will work for the road that he proposes, that would then be able to be maintained by County and meet adequate standards; and he has failed to provide even a rudimentary engineering design for that road.

Chair Pritchett remarked she thinks that is what staff is waiting on; she thinks if that would have been done, probably he would be in a house by now; the problem is he is saying everyone is okay with this, but that documentation has to be done by the people who know what they are doing so that the County does not have a liability later on this County right-of-way; in between that time, she had talked to him about getting this done early-on and she was told there are already millings on the road; and she told him there should not be, as it is a right-of-way. She added the very next weekend, someone re-milled the whole thing; she put Code Enforcement

on it because it seemed very blatant that some things happened through this process; when it came to the Board for the waiver, she would not have voted in favor of it, but instead of denying it, she gave staff the ability to work with it; and she has been waiting for that to happen.

Commissioner Tobia stated he had a list of the things that are short; he asked Mr. Knox about 50 feet of right-of-way for the project as proposed for the Land Development Code, Chapter 62, Article 2, Division 1, Section 62-102, Section C-1; and he asked Mr. Knox if that was provided.

Mr. Knox responded that was the subject of a waiver request two years ago; and it still has not been resolved.

Commissioner Tobia asked about an 84-foot diameter cul-de-sac or T-turnaround terminus of the road as required by Fire Rescue.

Mr. Knox replied that is not required by Fire Rescue and he has documentation of that; and he stated Commissioner Tobia has that somewhere as it was sent to all of the Commissioners.

Commissioner Tobia asked about the location of existing wetlands or water bodies within the right-of-way of the proposed unpaved road.

Mr. Knox responded to let him stop for a second; this claim today is based on the takings claim because the State law allows anybody who is landlocked to have an opportunity to set-up a statutory way-of-necessity; that is what he is claiming; the County has prevented Mr. Stewart from getting any kind of permit on his piece of property for a building permit; and all the criteria Commissioner Tobia is talking about are not applicable to this particular situation.

Commissioner Tobia stated he appreciated it, but he is not an attorney, clearly Mr. Knox is; the fact that he is here and has not filed is telling him something; he has redress on this one and he is more than welcome up here for his three minutes, but his understanding is there are numerous documentations that staff has asked for and now he is asking for a waiver on top of a waiver; and this is getting absolutely ridiculous.

Mr. Knox remarked what is ridiculous is Commissioners that do not follow their own ordinances; the ordinances do not require any of this; and the fact that Commissioner Tobia thinks it does is where the error is.

Chair Pritchett stated if County could, at least, get the engineering showing that this would be available to use that path; Mr. Knox knows the history, as it took that property before and she was hoping to give it back to the neighbors and let them figure out how to deal with it; it is a County responsibility and liability, which is what she is watching over, because if this is not done properly and an emergency vehicle had to get back there...it is actually becoming a road now and it is supposed to be paved; she is willing to waive that to keep it a dirt road, but she does not know how the other Commissioners are feeling; but she thinks there are certain things that have to be done to protect the citizens of the County and to make sure it is done properly, seeing that the County took this property back in the beginning for the drainage and the right-of-way situation. She added she wishes he could get in and build his home, but if he would just go do that one engineering thing, she thinks this would all be moot; and she asked Mr. Denninghoff if that was correct.

Mr. Denninghoff replied he believes she is correct.

Mr. Knox remarked Mr. Stewart is not willing to come out-of-pocket for \$20,000-\$100,000, depending on how the County wants to go about it, in engineering in order to do engineering for a road that has been in existence since 1967.

Commissioner Pritchett responded it is not a road; just because someone dumped millings on it, which should not have been done, it does not make it a road any more than if she walked into a garage, she becomes a car; and she just thinks it is the right thing to do.

Mr. Knox stated if Code Enforcement finds the millings are a violation, then it should find out who put the millings there and make them remove them; he does not think that was his client; and he does not think his client should be punished for something that someone else did.

Commissioner Pritchett replied she did not either, but it was a little bit suspect with the meeting before; and she does not know, but when she made calls, nobody kind of denied it.

Mr. Knox remarked he would also point out that the only criteria the County has for an unpaved road, in this kind of situation, is the density requirement, which has been met; his client got that test done and it meets the requirements of the Ordinance; and there is no other requirement that pertains to this kind of situation.

Commissioner Pritchett commented except it is not a road.

Mr. Knox stated it has been used as a road or as access to two properties that are abutting that road; and it has been there for over 30 years.

Commissioner Pritchett replied she knows, maybe the County should have popped on them for using it as well; and she thinks this needs to be done appropriately to save every citizen of Brevard County funds or liability down the road.

Mr. Knox stated his client is not going to pay \$20,000-\$100,000 for an engineering report that is not required under the Ordinance; and if she is going to say no, just say no, and they will go about it some other way.

Morris Richardson, County Attorney, stated where it is at now, the Board heard a waiver application to the unpaved road Ordinance in October of 2022, where it gave direction to get the engineering required to establish that the road could be constructed within the constrained right-of-way, as it is a 30-foot, not a 50-foot right-of-way; that required a waiver from the requirement of a 50-foot right-of-way; staff has worked with Mr. Stewart, most recently sending the most minimal standards that it could possibly point to, that a dirt road could be both engineered and built to; the drainage still has to be shown and things like that, just like anyone doing a property and doing a road; but the Board's action, when it requested that additional action, was to table the waiver application. He went on to say that right now, there has not been a final determination on the waiver; in his opinion, the regulatory takings application under the Code is not ripe yet, so it needs to be moved to a final determination of the waiver application; if the answer is that Mr. Stewart is never going to provide the things that the Board requested, then he thinks that is the next thing that needs to be brought forward for a final action on the waiver application; and then go forward from there, however Mr. Stewart wants to proceed. He stated in his opinion, although there are certain things Mr. Knox said that are set forth directly within the unpaved road Ordinance, it certainly contemplates that a road will be constructed to County standards; all of the standards within every section of the Code do not have to be recited, and he thinks staff has been very agreeable to try to work with Mr. Stewart to get there; and for the two driveway accesses, one predated the requirement that a permit must be pulled based on the access to a County-maintained road, the other one was permitted based on a permit on Dixie Highway, which is a County-maintained road, but later constructed that driveway onto this road without authorization.

Mr. Knox stated he respectfully disagrees with some of what was said; his client is not going to put up any engineering or any other information needed in terms of the requests made; he has been requested to provide a road that is built to low volume standards; he has a 61-page manual to explain that; and this glorified driveway has been there for over 35 years.

Chair Pritchett asked Mr. Knox to send his requests in writing with all of those points so Legal and County staff have time to do everything appropriately; and no one wants to make emotional decisions here.

Mr. Knox commented he is not asking for a decision today, that is why he wanted to have a hearing on April 18; and he did explain this in a seven page letter but he will be glad to send that to the Board again.

Commissioner Zonka commented she would recommend that Mr. Knox have his client speak through him rather than sending the Board numerous emails that with all sorts of wild accusations.

Chair Pritchett remarked she just ignores them, as she knows when people are frustrated, they say things they should not say; and that does not typically move her too much.

H.1. Public Hearing and Approval, Re: HOME American Rescue Plan Act (HOME-ARP) Allocation Plan Substantial Amendment to the 2021 Annual Action Plan (\$4,524,586)

Chair Pritchett called for a public hearing and approval for HOME American Rescue Plan Act (HOME-ARP) Allocation Plan Substantial Amendment to the 2021 Annual Action Plan.

Ian Golden, Housing and Human Services Director, stated Item H.1. is a public hearing for the HOME-ARP Allocation Plan; when the American Rescue Plan Act was voted in, \$5 billion was allocated to Housing and Urban Development (HUD); HUD then in-turn allocated those dollars down to public and local communities, of which Brevard County was allocated \$4.5 million; there is a process that HUD has put in place before the County can actually access those funds; and one of them is this Allocation Plan before the Board. He went on to say the Plan itself has to be developed with a lot of stakeholder input; the target population for these funds are laid out by HUD as individuals experiencing homelessness, risk of homelessness, persons fleeing or attempting to flee domestic violence, and other populations for whom providing supportive services or assistance would prevent homelessness; there is a consulting group who conducted the stakeholder meetings, put the Plan together, and also in coordination with the four partner cities who make up the Home Consortium, Palm Bay, Cocoa, Melbourne, and Titusville; and the Plan itself looks to allocate funding with 11 percent going to supportive services, 67 percent going to the development of affordable rental housing, three percent to non-profit operating, three percent to non-profit capacity building, and 15 percent to administration and planning. He added there was a required public comment period of 15 days which ended yesterday; he received 28 comments, which actually did not pertain to the Plan itself, it was more about the needs of the population and in the County; he will acknowledge those comments and do a summary to add to the Plan, then add all the comments as part of an appendix for the submission to HUD; the next step, if this is approved, is to add that information and submit it to HUD for approval; and if it is approved, the funds become available and he will put out Requests for Proposal (RFP) for the services and activities. He stated there is a PowerPoint available.

Chair Pritchett asked the Board if they would like to see the PowerPoint; and the Board responded they were good.

There being no comments or objections, the Board approved the HOME-ARP Allocation Plan as a Substantial Amendment to the 2021 Annual Action Plan; authorized the County Manager to sign the required applications for Federal Assistance (SF-424s) and certifications to the U.S. Department of Housing and Urban Development (HUD) as Brevard County's Authorized Representative; authorized the Housing and Human Services Department to submit all required documentation to HUD; authorized the Housing and Human Services Department to conduct procurements with the approval of the County Attorney, Risk Management, and Purchasing Services in order to accomplish the activities and services outlined in the HOME-ARP Allocation Plan; authorized the Housing and Human Services Director to endorse contracts, agreements, amendments, and modifications related to procured activities and services; and authorized the County Manager to execute all related Budget Change Requests.

Result: Approved

Mover: Kristine Zonka

Second: John Tobia

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

H.2. Proposed Ordinance Amending Chapter 2, Brevard County Code of Ordinances, to Create a New Article IX Relating to Publication of Legal Advertisements and Public Notices on a Publicly Accessible Website

Chair Pritchett called for a public hearing for a proposed ordinance amending Chapter 2, Brevard County Code of Ordinances, to create a new Article IX relating to publication of legal advertisements and public notices on a publicly accessible website.

Morris Richardson, County Attorney, stated Item H.2. is an ordinance amending the County Code to create a new Article IX that is going to govern publication of legal advertisements and public notices on a publicly accessible website; as the Board is aware, effective the first of this year, Chapter 50 of Florida Statutes was amended by HB 7049 to allow for the publication of many statutorily required public notices and legal advertisements on a publicly accessible website rather than in newspapers; and the County is well on its way to implementing that. He went on to say there is a number of local requirements either in the Code of Ordinances, Resolutions, Board Policies, and Administrative Orders, that specify advertisement or notice in the newspaper; this ordinance would provide for those advertisements and notices to be placed on the publicly accessible website in lieu of publication in a newspaper when it is required just by a local rule; it would not affect newspaper advertisements that are required by the Charter, those newspaper advertisements that continue to be required by Statute, by special act, and sometimes by Federal requirements and grant agreements; and only the local regulations specifying for newspaper advertisement.

Commissioner Tobia stated he wanted to give a bit of history on this, as this had come up long before he was in the Legislature; he voted for it and co-sponsored it a number of times and Chairman Randy Fine finally got this passed in 2022; he thanked the County Attorney's office for dealing with the language; he commented as a side note, the software needed to implement this ordinance will cost roughly \$24,000; this is a small amount in contrast to the more than half a million dollars that various governments locally pay to advertise in the paper; and the software also allows Constitutional offices, which the County budgets for, and municipalities to utilize the new system. He added the County cannot force other government agencies to publish on an accessible website instead of the newspaper; according to Communications Director, Don Walker, during Fiscal Year 2022, the County, in total, spent \$471,160.40 on advertising; and to put that in perspective, the Tax Collector, Lisa Cullen, has the opportunity to save the taxpayers \$115,000 should she go through with this, Clerk of the Courts, Rachel Sadoff, has the opportunity to save \$65,485. He stated he wants to be very clear that, where he does not believe in trying to hide anything from the citizens, the thing that he thinks is most important, is

the advertisement of a notice of a tax increase, which the Board has not done in quite some time; statute requires that be advertised, there is some interpretation that he does not want to leave as a variable, but he wants to make it very specific; right now, State Statute 200.065(3) says the County must use a quarter-page advertisement; he thinks not only should it advertise at a quarter-page, but to double or quadruple that and make it accessible to voters; and a full-page ad is about \$5,300 on Sundays. He went on to say this is a delta of about \$3,500 per, assuming there is an increase in taxes; he does not want anyone to insinuate that the County is trying to hide anything, especially things that could be conceived as damaging to the public; and he made a motion.

Chair Pritchett asked Commissioner Tobia if the Board sent out letters the one year it was done.

Commissioner Tobia asked if it was about a tax increase.

Chair Pritchett asked if that was done one year.

Commissioner Tobia responded there is something called a Truth in Millage (TRIM) notice, but the problem with that is it is very complicated, and as much as the County tried to make it digestible, it is still a very complicated document when the Charter and homestead is taken into account; and it is not as clear and transparent as a full-page ad stating there is a tax increase.

Chair Pritchett stated she just wanted a reminder that in the past, when it did do it, that it was about transparency in getting the information out.

Commissioner Goodson asked Commissioner Tobia about the proposed change when he said \$24,000 for the computer software; and the savings would occur from the cities that it funds through the budget now for advertising.

Commissioner Tobia replied the County is not funding the cities; the cities have the opportunity to use this, as his understanding, but it does fund the Constitutional offices, and they have the opportunity to use it; the \$471,000 is what the cities, Constitutional offices, and the County use in total on advertising that could be diminished using the \$24,000 software.

Commissioner Goodson asked if the County would charge the cities to work off of the software.

Frank Abbate, County Manager, replied there are a couple of additional costs that would also occur, but they are rather minimal; there is a half-time staff that is dedicated to this, there is a cost through the software company of \$20 per advertisement cost; those costs are very significantly less than what the cities or the Charter officers would be providing; and it is a very nominal cost compared to what they would have been paying the newspaper.

Commissioner Goodson asked if it would be a year before seeing these cost savings.

Mr. Abbate replied County staff will be starting in March and by the end of April, it will be opened up to the cities and the Charter offices; if they want to, they can get onboard; he has spoken to some of them who plan to come-on early; and some plan to come within a year after making sure everything is working correctly and their concerns are addressed.

Commissioner Feltner mentioned with the increased participation of all of the municipal governments, the Constitutional officers, and the School Board, it will drive down the fixed cost of the software and also the half-staff time; and as there is more buy-in from the other users, the cost will be shared accordingly.

Chair Pritchett noted it is interesting that about seven years ago this was a different discussion, but now, she does not think a lot of people even get the paper; and this is actually probably increasing the ability for the citizens to see it.

There being no further comments or objections, the Board adopted Ordinance No. 23-04, amending Chapter 2, Administration, of the Brevard County Code of Ordinances, creating Article IX, relating to publication of legal advertisements and public notices on a publicly accessible website; providing for a short title; providing for definitions; providing for publication of legal advertisements and public notices on a publicly accessible website in lieu of a newspaper when newspaper publication is required by Brevard County Ordinance, Resolution, Board Policy, or Administrative Order; and providing for conflicting provisions, severability, codification, and an effective date.

Result: Approved

Mover: Rob Feltner

Second: Kristine Zonka

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

The Board directed the County Attorney to draft a board policy that requires staff to publish a Notice of Tax Increase under Section 200.065, Florida Statutes, in a full-page advertisement in the newspaper, rather than the minimum quarter-page advertisement required by Statute; and authorized if the Board intends to consider exceeding the cap on ad valorem revenue growth set forth in Section 2.9.3.1 of the Charter, the Policy to require a full-page advertisement in the newspaper, similar in form to the statutory Notice of Increase, at least two days but not more than five days before the final budget hearing.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

J.1. Approval, Re: Material Removal Agreement with Florida Inland Navigation District for Spoil Material

Marc Bernath, Public Works Director, stated this Item is seeking approval and authorization for the Chair to execute a material removal agreement with the Florida Inland Navigation District (FIND) for the removal of spoiled material from Dredge Material Management Area (DMMA) BV-2C, which is in Mims, and to also authorize the County Manager to make any future contract-related document changes with the review and approval by the County Attorney, Risk Management, and Purchasing Services.

Chair Pritchett stated she thinks this is a good project.

The Board approved and executed the Material Removal Agreement with the Florida Inland Navigation District (FIND) for removal of spoil material from DMMA BV-2C for use by the County; and authorized the County Manager to execute future contract-related documents contingent upon review and approval by the County Attorney, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

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

Commissioner Tobia stated he wanted to bring to the Board's attention a unique opportunity the Federal Government has created, a charging and fueling infrastructure discretionary grant program; this provides about \$2.5 billion for electric vehicle charging stations and alternative fuel infrastructure; the program will provide funds over the next five years to include cities, counties, and local governments; he wanted to thank County Grant Administrator, Anthony Hagan; and Central Services has already begun working on applying for this grant. He added he knows that at least a couple folks up here that drive vehicles that run on things other than fossil fuel; and he wanted to thank staff for working on drawing that money down. He mentioned the School Board is going through the redistricting process and he wanted to put this out there to see where the Board stands; he has spoken with Chairman Matt Susin in regards to aligning the school district with the County Commission districts; the Board has already voted to have the County districts away and it did not go the way he had hoped; he has had individuals ask the simple question about there being five County Commissioners and five School Boards, and why they are in County Commission District 5 and School Board District 3; it costs somewhere near \$17,000 in legal ads, staff time, and software; and portions of this could be saved by the School Board. He added he knows that is a different taxing authority, but the resources they receive come out of the same pockets that the Board asks folks to turn over; if the School Board used the boundaries that the Board would set up, there would be a cost savings and there would be more transparency; he stated Chairman Susin had reached out to the Supervisor of Elections, who diligently mentioned the cost associated with realigning them and more importantly, sending out the registration cards with the updated numbers, roughly \$60,000; and whether it came from the School Board or whether it comes from the Board, ultimately it comes from the back pocket of the taxpayers. He went on to say his goal was to help the School Board come up with half of those costs; he wanted to find out where the Board was on this; when it came to American Rescue Plan Act (ARPA) funds, they were divided up and he had seen about \$20,000 savings at the last meeting when he authorized up to \$60,000 to be sent for the Merritt Island study and a vendor was found for \$40,000; he would cut \$10,000 off of the multi-million dollar project for the Hoover field and allocate \$30,000 of the \$60,000; and he reiterated this would come from the ARPA funds allocated to District 3 to fund this program, should the School Board go along with aligning their districts with the Board's.

Commissioner Feltner stated he would have a question for the Supervisor of Elections first before thinking about reallocating those funds; he would ask if Tim Bobanik, Supervisor of Elections, is planning to do a mailing before the Presidential Preference Primary, because if that is going to happen, they could just as easily put a new voter card in there, as he is only changing one digit in one box for the new district; and he thinks Mr. Bobanik should be asked first.

Commissioner Goodson stated there is always the argument about moving someone's district and they do not live in that district now and they have a four-year term, now cut to two, so either they would have to move or...; and he asked Commissioner Tobia if the School Board members would stay in their relative positions.

Commissioner Tobia replied this is only contingent on should the School Board go in that direction; he has no say in whether they go in that direction; however, the \$60,000 he got was when Chairman Susin asked Mr. Bobanik, so that may be an additional savings on the worst case scenario; but if the School Board decides to go in a different direction, then this would be a moot point.

Commissioner Zonka stated she thinks some of the concern when they wanted to do this in the past, was the number of schools and students per district; but she thinks it is a great idea and hopefully they move forward and it does not displace existing School Board members.

Commissioner Feltner remarked he thinks the goal is just simply if one lives in a 100 level precinct, they are in School Board District 1 and County Commission District 1, if one lives in a 500 level precinct, which tells him immediately they are in School Board District 5 and County Commission District 5; he knows that makes it a lot easier for the Supervisor of Elections too, so he thinks they would have some incentive; this is ultimately for the School Board to decide, but he suspects that there is going to be a mailing from the Supervisor of Elections, maybe even at the end of this year, prior to the Presidential Preference Primary; he just wonders if the card could be put in there, or if it has been considered, as they have a lot of mailing equipment there on John Rodes Boulevard; and maybe he could pay postage one time.

Chair Pritchett asked Commissioner Tobia if he wanted to go check that out and come back.

Commissioner Tobia replied he would rather punt that one to Commissioner Feltner; he just does not want the School Board to go in a different direction because a member of the School Board says this is going to cost \$30,000; this is not about being in a 200 precinct; the way he looks at this, this is for the voter that is able to say they are in School Board District 2 and automatically know their County Commissioner is in District 2; and it gets extremely complicated when there are five County Commissioners and five School Board members, but someone is in a different School Board District than their County Commission District. He went on to say the fact that the School Board may want to go in that same direction, but the Board cannot do independently, or mandate them to do that; and if they are voluntarily doing this, he does not want there to be a financial roadblock, for voter transparency.

Commissioner Feltner stated he agrees 100 percent; and he will talk to Mr. Bobanik and see if maybe the number could be a lot smaller.

Commissioner Zonka mentioned that is good information to provide to Mr. Susin, if he is going to present it to his board, if the cost is half of that; and she asked if it was going with half or \$30,000.

Commissioner Tobia replied this is extremely important to him, the voter transparency; and if they were able to get it down to \$30,000, if the Board is okay with it, it would come completely out of his tranche to cover this.

Commissioner Zonka remarked just so Mr. Susin has the information going to his board; and she thinks the more information he has, the better.

K.6. Kristine Zonka, Commissioner District 5, Vice-Chair, Re: Board Report

Commissioner Zonka stated she wanted to thank the Commission and County staff for a great six-plus years; the Board resolved a tremendous amount of issues, some big ones, and the equally important hundreds of smaller ones; some issue more intensely debated and argued, and some would drag-out debate, but always researched, thoughtful, and fought with equally as much passion; she cannot express enough gratitude to the County Manager, the staff, and the County, too many to list, because she had a list in her head and she did not want to hurt anyone's feelings if she missed anybody; and many became easy friends over time and quickly. She added she is fortunate to be able to continue working with them, just in a different capacity, as that is a plus; her chief of staff, Danielle Stern, is a rock star and the County in District 5 is better because of the hard-working commitment; Janett Roig is the sunshine and gatekeeper, keeping them all laughing on a daily basis, and keeping it running like a well-oiled

machine; she manages the calm and angry, or puts someone in their place when they need to be; and Charlene Brown, within the first month in her office, picked-up on things quicker than any other in that office; and she proved that she can manage any constituent issue, good or bad. She stated she is sharing this because, like County staff, they are the ones behind the scenes that often do not get recognized enough; she encouraged the Commission to keep the District 5 staff in place; she has not asked them, but she is sure they are willing to stay in place for continuity and make sure things are not missed; she hopes the Governor appoints someone good quickly, but with Chair Pritchett at the helm, she thinks it will be okay; and it has been great, and when she comes asking for money, to just say yes.

Chair Pritchett stated Commissioner Zonka will be missed a lot.

Commissioner Tobia stated he is glad Commissioner Zonka brought that up, as everyone in his office speaks highly of District 5 staff; he asked if when there is a zoning meeting coming up, and he knows there is at least one issue in District 5, would it be okay if Ms. Stern provides the Board with an interpretation of the District 5 perspective; and he asked what she thought.

Commissioner Zonka replied she thinks it is a great idea; she appreciated it when Fritz VanVolkenburgh did it for District 2 and she feels he was right 80 percent of the time and well-aligned with the Board; she stated she and Ms. Stern are very similar when it comes to stuff like this because they understand the requests, meet with constituents, and do their homework; and she thinks that would be great if the Board is amicable to that.

Chair Pritchett stated she would like that a lot; and if she could show up for the briefings, she would appreciate that. She read into the record: The Board of County Commission will not commence and attorney-client session discussing litigation and settlement negotiations in the cases of Paul Bross versus Brevard County, and Patrick Schirard, Trustee versus Brevard County; the names of the people attending the attorney-client session are Rita Pritchett, Tom Goodson, John Tobia, Rob Feltner, Christine Zonka, Frank Abbate, Morris Richardson, Dale Scott and Mark Moreira; the session will be held in the County Manager's conference room; and the estimated time is an hour or less.

The Board approved to temporarily adjourn and reconvene in the County Manager's conference room.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

Upon consensus of the Board, the meeting adjourned at 10:09 a.m.

ATTEST:



RACHEL M. SADOFF, CLERK



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

As approved by Board on April 18, 2023.