

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, July 11, 2023

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 4:35 PM

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.

VIDEO PRESENTATION

A video presentation was provided to the Board.

SWEARING IN OF COMMISSIONER STEELE

Honorable Judge Charles J. Roberts conducted the swearing in ceremony for Commissioner Jason Steele, District 5.

*The meeting recessed at 4:45 p.m. and reconvened at 5:10 p.m.

F.1. Approval, Re: Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, FY 2023-2024 Detailed Work Plan Budget - Arthropod Control

Richard Heffelfinger asked if the Board is accepting the budget or approving the budget under this Item; he stated he knows it is agriculture; he asked if they get any money out of the taxpayers on his or her real estate taxes, because if they are, he would wonder why the Board is not looking at that; and he noted if the Board is going to approve that, he would appreciate it answering his question.

The Board, acting in its capacity of the Mosquito Control District Board, approved and authorized the Chair to execute the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, FY 2023-2024 Detailed Work Plan Budget – Arthropod Control, to qualify the Brevard Mosquito Control District as a State-Approved Mosquito Control Program.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.2. Assignment of Agreement Between Board of County Commissioners of Brevard County and E-Sciences, Inc. to RES Florida, Re: Engineering and Consulting Services

The Board approved and authorized the Chair to execute an Assignment of Agreement for Engineering and Consulting Services with RES Florida Consulting, LLC for E-Sciences, Inc. regarding Capital Projects Support Engineering – Service B.

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

F.3. Approval, Re: Library Impact Fee Advisory Committee Project Funding Recommendations

Richard Heffelfinger asked how much is in the Library Impact Fee since some of the money is disbursed.

The Board approved the Brevard County Library Services project funding recommendations in the amount of \$200,000 per fiscal year for the next three fiscal years as prepared by the Library Impact Fee Advisory Committee; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing these appropriations.

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

F.4. Waiver Request, Re: Waiver of Stormwater Management Criteria for Tidal Wave Car Wash (23WV00007) (23SP00001)

The Board granted a waiver of Section 62-3751, Exhibit A-Stormwater Management Criteria, Subsection 1.0(g) and 4.1 to allow for continued historical discharge in lieu of retaining the 25-year, 96-hour storm event due to no legal positive outfall.

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

F.5. Approval, Re: Donation of Sidewalk Easement from Patel Merritt Island Outparcel LLC for the Dunkin Donuts North Courtenay Parkway Project

The Board accepted donation of a Sidewalk Easement from Patel Merritt Island Outparcel, LLC for the Dunkin Donuts North Courtenay Parkway Project.

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

F.6. Approval, Re: Contract for Sale and Purchase from Mohamed Abdulla Ali Bamakhrama Alhadhrami for the Parker Street and US Highway 1 Stormwater Conveyance and Storage System

The Board approved and authorized the Chair to execute Contract for Sale and Purchase with Mohamed Abdulla Ali Bamakhrama Alhadhrami for the Parker Street and US Highway 1 Stormwater Conveyance and Storage System; and authorized the Chair to execute all required closing documents.

Result: Approved
Mover: Tom Goodson
Second: Jason Steele
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.7. Approval, Re: Dedication of Public Access Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project

The Board approved and accepted the dedication of Public Access Easement from DD Willett 17.31, LLC, for the Viera Boulevard Commercial Center II Multi-Family Project.

Result: Approved
Mover: Tom Goodson
Second: Jason Steele
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.8. Resolution and Release Performance Bond, Re: Reeling Park South, Phase 4 - Developer: The Viera Company

The Board adopted Resolution No. 23-057, releasing Contract and Surety Performance Bond dated April 19, 2022, for Reeling Park South, Phase 4 – Developer: The Viera Company.

Result: Adopted
Mover: Tom Goodson
Second: Jason Steele
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.9. Approval, Re: Donation of Right of Way by Warranty Deed from Brooks Landing Project I, LLC for Brooks Landing Phase 1

The Board approved and accepted donation of right-of-way by Warranty Deed from Brooks Landing Project I, LLC for Brooks Landing Phase 1.

Result: Approved
Mover: Tom Goodson
Second: Jason Steele
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.10. Confirmation, Re: Status of the Solid Waste Management Department's Financing Plan for its Capital Improvement Plan (CIP)

The Board confirmed the County Financial Advisor's recommendation that the County undertake a negotiated sale of the Solid Waste Revenue Bonds, Series 2023 (the "Series 2023 Bonds"); and directed the County Manager to bring back to the Board the bond resolution and accompanying documents for such Series 2023 Bonds for the Board's approval at its August 8, 2023, meeting.

Result: Approved
Mover: Tom Goodson
Second: Jason Steele
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.11. Approval, Re: Agreements with the Newly Formed Florida Department of Commerce

Sandra Sullivan stated when she looked at this Item, the problem she has is when the Agenda is put up, if the supporting documentation is not there; she has not looked to see if this one is there today; obviously, the Department of Commerce is what the Department of Economic Opportunity (DEO) used to be called, and is not incorporating Enterprise Florida into that organization; and she congratulated Commissioner Steele, because she understands he used to be on Enterprise Florida and Space Florida. She advised she was interested in seeing these agreements; she would like to request the Board be a little bit more responsive on having documents uploaded; it seems like a regular occurrence where she has to write and ask where the documents are for the Agenda Item; and she would appreciate a little bit more attention be given to having the documents online.

The Board authorized the Housing and Human Services Director to endorse (including electronically if requested by the State) agreements with the Florida Department of Commerce upon approval of the County Attorney and Risk Management offices; authorized the Housing and Human Services Director to sign future agreements, amendments, and modifications upon approval of the County Attorney and Risk Management offices; and authorized the County Manager to execute all necessary Budget Change Requests.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.13. Confirmation, Re: New Member to Board of Directors of Golf Brevard, Inc.

The Board approved the request and confirmed John Hogan as the new member to the Board of Directors of Golf Brevard, Inc.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.14. Approval, Re: Administration and Collection Cost for Business Tax Receipts - July 1, 2023 - June 30, 2024

Richard Heffelfinger stated this sounds like it is a request under the 23-24 budget for the Tax Assessor's Office; and he is wondering why it is not already covered in the proposal that they put together for 23-24.

The Board approved the proposed cost, as submitted by the Tax Collector, for administration and collection of County Business Tax Receipts.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.15. FY 2024 Proposed Budgets for Community Development Districts

Richard Heffelfinger stated the Community Development Districts, he does not know if these guys are funded out of the General Fund or not; if they are not funded out of the General Fund, he does not give a crap what they are asking for; but he does question why they have to submit through the Board. He pointed out he guesses he could ask that same question of the meetings last week or last month when talking about why the other elected officials are having to submit their budgets through the Board; he understands they are funded through the Board; but if it is a pass-through he does not understand why the Board cares; and he noted maybe the Board would look at that if they started asking for additional money under the County.

The Board acknowledged receipt of the FY 2024 Proposed Budgets for Baytree Community Development District, Chaparral of Palm Bay Community Development District, Heritage Isle at Viera Community Development District, Mayfair Community Development District, Montecito Community Development District, Tranquility Community Development District, Viera East Community Development District, Viera Stewardship Community Development District, and Willow Creek Community Development District.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.16. Approval, Re: Budget Change Request (BCR)

The Board reviewed and approved the BCR as submitted.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.17. Approval, Re: Advertise Request for Proposals for Seasonal and Temporary Staffing Services for the Parks and Recreation Department

The Board authorized permission to advertise RFP for seasonal and temporary staffing services for the Parks and Recreation Department; and authorized the County Manager to execute all associated contract(s).

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.18. Approval, Re: Advertise Request for Proposals (RFP) for Underground Locates for the Utility Services Department

The Board authorized permission to advertise RFP for underground locates for the Utility Services Department; and authorized the County Manager to execute all associated contracts.

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

F.19. Proposed Revisions, Re: Board Policy BCC-27, "Construction Contracts"

Richard Heffelfinger advised it seems awfully wild that the Board is going to double the amount that it is going to require somebody to bond for on a project; the bonds say they are going to complete it, and if they do not, it will get completed under somebody's money, not the County's hopefully; he asked again why the Board is jumping that from \$100,000 to \$200,000; and he stated the Board will have to go after them legally if they are not bonded.

The Board adopted the proposed revisions to Board Policy BCC-27, "Construction Contracts" to address the following provisions in the Policy:

- Realigns the definitions to alphabetical order
- References are at the end of Section II, Definitions and References
- Updates the security requirement on construction projects from \$100,000 to \$200,000
- Added a definition for an alternative form of security to align the Policy with Section 255.05(7), Florida Statutes, which permits an alternative form of security
- Removed the Board's exemption language for projects not exceeding \$100,000 and replaced it with language that provides the Board and County Manager the right to require a form of security to be executed if it has been determined that any exemption becomes inadequate or insufficient or the Contractor fails to comply with its obligations to suppliers, materialmen, or subcontractors
- Combined Construction Contract Change Order and Construction Change Directive and added the thresholds established in Board Policy BCC-25, "Procurement"
- Aligned in Section IV.D., performance measurements on construction projects found in Section IV.D. of the Policy to reference the language in Section 2-228(e), Brevard County Code of Ordinances

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

F.20. Conveyance of Property Acquired by Tax Escheatment Deed, Re: Parcel ID 24-36-32-00-766 to the City of Cocoa

The Board approved and adopted Resolution No. 23-058, pursuant to Section 125.38, Florida Statutes, to convey Parcel ID 24-36-32-00-766 acquired by tax escheatment deed to the municipal jurisdiction (City of Cocoa) where the property is located as required by Section 197.592(3), Florida Statutes; and authorized the Chair to execute the County Deed conveying Parcel ID 24-36-32-00-766 acquired by tax escheatment deed to the municipal jurisdiction (City of Cocoa) where the property is located as required by Section 197.592(3), upon review and approval by the County Attorney's Office.

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

F.21. Permission to Issue Request for Proposals (RFP), Re: Property & Casualty Insurance Broker Services

The Board authorized the Office of Human Resources/Risk Management to develop and release for advertisement RFP from established companies for Property & Casualty Insurance Broker Services necessary for the continued operation of the Board's property and casualty insurance program; approved the Selection and Negotiating Committee consisting of the Human Resources Deputy Director, Risk Manager, and Budget Director; authorized the County Manager to substitute Selection and Negotiating Committee Members if necessary; and authorized the Human Resources Director to execute all resulting contracts upon approval by the County Attorney's Office and Risk Management.

Result: Approved

Mover: Tom Goodson

Seconded: Jason Steele

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

F.22. Legislative Intent and Permission to Advertise, Re: Amendment to the Brevard County Code of Ordinances Modifying Chapter 46 - Environment, Article IV. - Noise, and Section 62-2271 - Noise, of the Brevard County Code of Ordinances, Relating to the Regulation of Noise

Richard Heffelfinger stated this says there is no budget impact; but he asked if it is required that the County Sheriff is going to have to have a Decibel (DB) Meter to measure sound in order to write a citation; and if so, is the Sheriff going to turn around and ask for those DB Meters, which will be a cost. He went on to say he knows that comes up when a person gets pulled over with a loud exhaust, because he has a classic car that is slightly loud; his son was pulled over and he told the officer the car was 99 percent original, and his dad bought it this way; the cop had a DB meter; and he is not taking a ticket unless someone can tell him he is actually louder than the Ordinance states.

Cheryl Hoffman stated a picture, as they have all heard, is worth a thousand words; tonight she would like to share a little audio recording with the Board that is also worth the same.

Chair Pritchett commented Ms. Hoffman would have had to run that through the County before it can be played on the television; and she apologized to Ms. Hoffman.

Ms. Hoffman noted it is not on the television, it is on her phone; it is a recording of karaoke machines at 11:00 at night, 25-feet from her backyard that she can hear in her home loud and clear; she is here representing the residential communities that are surrounding Harbor Island Beach Club, which is an RU-2-8 resort community in the heart of residential Melbourne Beach; the noise that is coming from this resort area is not just one Airbnb, it is a string of 50-plus homes that house up to 18 occupants in each; and she is going to add to that the fact that there are three condominiums in here for rent, not fully-constructed here, so they have not been bombarded with their noise. She went on by saying the individual pools and karaoke machines in the back of each of these homes, a community pool that boasts live music, bingo over a microphone system, water aerobics, a 40-dock slip area that is going to be renting jet skis and boats, and of course, bringing all of the noise and commotion that comes with that; not to mention, the renters of these properties can often be found on the beach screaming and playing flashlight tag at night; she asked the Board to tell them how they can live peacefully in this scenario; they have called Code Enforcement, the Sheriff's Department, and both organizations want to help but are very limited in the actions that can be taken; and she stated when they call the company that is managing these properties, their response is there are no

rules, to call the police, and they hang up the phone. She stated maybe the Board could suggest that they confront the revolving door of rentals, but they are there for as little as one night a piece; she asked if they should contact them about the noise while they are drunk and playing Marco Polo from house-to-house in these swimming pools 20-feet from their property lines; and she stated the fact that these issues are not being addressed is mind-blowing to her considering the fact that even in Florida there is a law that regulates the amount of noise.

Chair Pritchett asked if Ms. Hoffman is in favor of the Board making this a stronger ordinance.

Ms. Hoffman responded affirmatively.

Cindy Rea stated she is a resident in the Landings, which is on Seaview Street, and is part of District 3 as well; her husband and she are actually fourth generation Floridians; they moved from Seminole County over to Melbourne Beach probably in 2015; that was because of the sleepy, fishing village, the old Florida mentality, and the quality of life; and just recently, they have their new neighbor Ms. Hoffman who is on the north side of the Harbor Island Beach Club, and their community is directly on the south side. She pointed out they are right there by the pool area and are able to be entertained throughout the weekends with the full hired acoustics, music, as well as bingo, using the full microphone, and of course, the morning aerobics; the brochures they actually provide does describe a community, the schools, and it is really marketing towards a residential community; but it has in fact, as Ms. Hoffman said, turned into a nightly rental; they have a hotel within the community now; and that is really what has hurt the noise and Ordinance, because they are coming in on a nightly basis. She went on to say they have Ft. Lauderdale spring break within their residential community, so this why they are here to talk about the Ordinance to see what they can do in order to have a cohesive relationship with their new neighbors; and they want to work together where they can of course have their development be successful, and they have a community that enjoys their quality of life.

The Board approved the Statement of Legislative Intent as proposed; directed staff to prepare an ordinance amending Chapter 46 – Environment, Article IV – Noise, and Section 62-2271 – Noise, of the Brevard County Code of Ordinances; directed staff to process the proposed ordinance through the appropriate boards for comment and recommendation; and to schedule and advertise the ordinance for public hearing.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.23. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards

The Board appointed/reappointed **Terri Friedlander**, as alternate, to the Transportation Planning Organization Citizens Advisory Committee, with term expiring December 31, 2023; and **Dr. Joanna Bass**, as alternate, to the Board of Adjustment, with term expiring December 31, 2024.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.24. Acceptance and Approval, Re: Internal Audit Reports

Richard Heffelfinger commented this is interesting because he is big interested guy in Coronavirus Aid, Relief, and Economic Security Act (CARES) and American Rescue Plan Act (ARPA) money; he asked if ARPA internal audits were done the same as CARES or is this just one big tranche of money; he asked when talking about CARES and ARPA monies, he was wondering if there was any concern on this Board whether there is possible claw back due to a Purchasing Card (P-Card) investigation, which he thinks is still going on that alleged there may be illegal use, or improper use, of CARES money; if that turns out to be true, he believes the State can come back, or even the federal government can come back and ask the Board for the money back; and he thinks he brought this up before, keeping in mind how big that investigation may be and how many dollars may be there, because if the Board turns around and the State or federal government says the money has to be given back, and it has already been disbursed and cannot be clawed back, then the County would be turning back to the taxpayers, which makes him very upset. He asked the Board if it can update him on this investigation, because he has not heard anything; he stated the Board Members were concerned about legal defense for people that were in the County who were being asked questions; the claw back is an actual issue; and he was just wondering if the Board could bring them up-to-date on that.

Chair Pritchett stated if Mr. Heffelfinger could send her some of those questions, she wants to give him the right answers; her staff will do some research; and she will get him the best information she can just so she does not speak off-the-cuff on some of these.

Mr. Heffelfinger advised the biggest questions he has are on Item F.1., if the budget is being approved or just passing it through, because if it is being approved he would like the opportunity to ask some questions.

Chair Pritchett pointed out on a lot of these things, if he would just let the Board know ahead of time, the Board will have all of the information he needs.

Morris Richardson, County Attorney, stated it is a tentatively proposed budget plan for planning purchases; by July 15th staff has to submit that to the State; it can be amended, modified, or changed at any time before the budget adoption in September; and it is a working budget that has to be submitted to the State for operational purposes.

Chair Pritchett noted the Board does not do all of the budget finals until later; and she asked Mr. Heffelfinger to send her all of that data and she will get him some good answers.

Mr. Heffelfinger explained he did not want something to pass that no one had looked at.

Chair Pritchett stated the Board would never do that.

Attorney Richardson stated a tentative, planning document is being approved that still has to be approved at the budget hearings that come later this year.

The Board accepted and approved the Internal Auditors' Reports.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.25. Acknowledgement, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.26. 2023-2024 Annual Budget Resolution, Re: Brevard Workforce Development Board, Inc. dba CareerSource Brevard

The Board approved and adopted Resolution No. 23-059, 2023-2024 Annual Budget for Brevard Workforce Development Board, Inc. d/b/a CareerSource Brevard.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

G.1. Ordinance, Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County

Chair Pritchett called for a public hearing to consider extension of a temporary moratorium on new applications of biosolids to lands within Brevard County for 365 days.

Amanda Elmore, Natural Resources Management Deputy Director, stated this Item is the extension of the temporary moratorium on the new applications of biosolids; this extension is proposed for the period of one year; and staff is happy to answer any questions the Board may have.

There being no further comments or objections, the Board conducted the public hearing and adopted Ordinance No. 23-13, authorizing an extension of temporary County-wide Moratorium for 365 days from the effective date; prohibiting the land application of Class B biosolids except existing permitted activities; providing for exhaustion of administrative remedies; and providing for severability, repeal of conflicting provisions, resolution of conflicting provisions; area encompassed and an effective date.

Result: Adopted

Mover: Rob Feltner

Second: John Tobia

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

G.2. Ordinance, Re: Amendment to Chapter 62, Article X, Division 5 (Floodplain Protection), Section 62-3724(4)(e)

Chair Pritchett called for a public hearing to consider amendment to Chapter 62, Article X, Division 5 (Floodplain Protection), Section 62-3724(4)(e).

Darcie McGee, Natural Resources Management Assistant Director, stated this Item is a final hearing for an amendment to Chapter 62, Section 62-3724(4)(e) of the Floodplain Protection Ordinance; the modification removes an unintentional prohibition of minor structures requiring fill in North Merritt Island, north of Hall Road; it would allow minor structures with fill if no

adverse impact is demonstrated, either through compensatory storage or the County's flood model in North Merritt Island; and both BCAC and the LPA recommended approval unanimously.

There being no further comments or objections, the Board approved and adopted Ordinance No. 23-14, amending Chapter 62, Article X, Division 5, Code of Ordinances of Brevard County, Florida, relating to floodplain protection. Specifically amending Section 62-3724(4)(E) Development Regulations to allow accessory structures in North Merritt Island in the area from Hall Road north to State Road 405, excluding federally owned lands, if it can be demonstrated that there are no resulting adverse impacts; providing for the interpretation of conflicting provisions; providing for severability; providing for area encompassed; providing for inclusion in Code and an effective date.

Result: Adopted

Mover: John Tobia

Second: Tom Goodson

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

Sandra Sullivan stated obviously North Merritt Island has a lot of flooding; in fact, what has filled this room is citizen-driven issues in Merritt Island; that was a discussion last night as well; it would have been nice on this one to have an underlying version of what the changes were from the old policy to the new; and staff has typically done that in the past on items that are changing. She continued by saying it was not clear to her when looking at this Item what had changed; and from a transparency perspective, that would have been nice to see.

G.3. Resolution, Re: Petition to Vacate Public Utility Easement- 627 Sugarwood Way - "Woodbridge at Suntree Unit 2, Suntree P.U.D. Stage 85, Tract 90" Plat Book 28, Page 77 - Melbourne - Kevin D. & Christine L. Hutchenson

Chair Pritchett called for a public hearing to consider a petition to vacate a public utility easement at 627 Sugarwood Way, "Woodbridge at Suntree Unit 2, Suntree P.U.D., Stage 85, Tract 90" in Plat Book 28, Page 77, Melbourne, as requested by Kevin D. and Christine L. Hutchenson.

Marc Bernath, Public Works Director, stated Item G.3. is a petition to vacate a public utility easement, 627 Sugarwood Way; it is Mr. and Mrs. Hutchenson; it is in District 4; it is for a portion of a 10-foot wide public utility easement in order to allow the existing home and the enclosed pool enclosure to remain; and there are no issues.

There being no comments or objections, the Board adopted Resolution No. 23-060, vacating a public utility easement at 627 Sugarwood Way, Woodbridge at Suntree Unit 2, Suntree P.U.D., Stage 85, Tract 90, Melbourne, as petitioned by Kevin D. and Christine L. Hutchenson.

Result: Adopted

Mover: Rob Feltner

Second: Tom Goodson

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

H.1. Board Discussion, Re: Scheduling of Zoning Meetings

Commissioner Goodson asked if there are any questions from the Board on this.

Chair Pritchett responded no; she stated she would like to throw a comment out if she could; when Commissioner Goodson brought this up before, she thought he was talking about the board that helps the Commission with the decisions; when she just got on the Board it moved one of the morning meetings to night for people who worked so that they were able to show up; and she kind of adjusted all of her working schedules around that, so if this is changed now, people are going to have to miss work to come, and it would be tougher on her as well. She continued by saying she is not going to support this; but she does not know if the other Commissioners are.

Commissioner Feltner pointed out it may put the Board in a position where if a Commission meeting is started at 3:00 p.m., there is a time certain at 5:00 p.m. for Planning and Zoning, the Board does not finish up business, and then it would have to come back to finish after the Planning and Zoning meeting; he thinks that is unworkable; he is not opposed to being here the whole day if that is what the Board wants to do; but he thinks having both meetings in the same day is just not workable.

Commissioner Goodson advised he does not see it that way; staff has to be here four times, two for Zoning and two for the Regular meetings; if they were combined to one day, it would cut down on the staff's aggravation of being here; there used to be one County Commission meeting per month, and now it is up to two; and it is all about what would help the best. He went on to say he does not think it will make that big of a deal; but if the other Board Members do not approve of it, he understands.

Commissioner Goodson made the motion to approve Item H.1. Motion died due to lack of a second.

The Board discussed consolidating the Zoning meetings with evening Regular meetings, which would be scheduled to begin at 3:00 p.m. beginning October 2023, but took no action.

H.2. Discussion, Re: Transfer of \$32,072.36 in District 3 American Rescue Plan Act (ARPA) Funds to Brevard Public Schools

Commissioner Tobia explained that Commissioner Feltner made a good suggestion that this be discussed as its own Agenda Item at a regular meeting; on March 21, 2023, he brought up the idea of transferring funds to cover half of the cost of printing and mailing new voter registration cards; on May 30, 2023, the School Board voted to align their districts to match the Brevard County Districts, and to go forward with the acceptance of those funds; according to Maria Mayer, on May 31, 2023, there were actually 101,817 mailings at .63 cents a stamp; and that comes to \$64,144.71.

Motion by Commissioner Tobia to transfer \$32,072.36 in ARPA funds from the District 3 tranche to the Brevard County Supervisor of Elections for the purpose of covering parcel costs resulting from the School Board redistricting process.

Commissioner Tobia advised he is willing to answer any questions the Board may have; and he has a dovetail off of this that goes one way or the other.

Commissioner Feltner asked if Commissioner Tobia would amend the motion for a period of 90 days if the School District does not send the other half of it over to the Supervisor of Elections.

Commissioner Tobia replied he is under the belief that they will; but he is okay with that; he just made a promise; and if that is a buy-in, it does not change the argument one way or the other.

Chair Pritchett asked Commissioner Feltner why.

Commissioner Feltner explained he thinks they had a meeting today, and there were some questions by staff whether it was clear that they ultimately decided that today.

Morris Richardson, County Attorney, stated he believes there was a motion by the School Board today; they made multiple motions on the subject; but ultimately, he thinks they approved a motion not to accept the funds from the County; he believes their Chair interjected that the funds could be submitted directly to the Supervisor of Elections; and it was unclear if that was incorporated as part of the motion or not. He noted what was clear was that the motion the School Board made is that they would not accept the County to pay for the mailing.

Chair Pritchett advised it is going directly to the Supervisor of Elections; and she asked if it was only for one year.

Commissioner Tobia replied affirmatively.

Commissioner Feltner stated to say it differently, if the School District does not send the money over there, they cannot send the cards, the same thing is accomplished; and he seconded the motion with that amendment.

Sandra Sullivan stated this follows on the tail of giving three-plus million dollars to the Brevard County Public Schools for a park; she sent to legal how the American Rescue Plan Act (ARPA) dollars are meant to be spent according to the federal government; basically it is COVID money plus for sewage and water; just like the issue for the parks where there were legal opinions online that she sent, ARPA money was not allowed to be spent on a park; and she is doubtful that it is allowed to be spent on this. She went on to say if the County moves on with this, she is going to file a complaint to the federal government; they will see about it being clawed back; and this is ridiculous.

Chair Pritchett asked if what the Board is proposing is legal with the dollars.

Attorney Richardson replied the funds are revenue replacement dollars; they can be utilized for any purpose General Fund dollars can be used for; and they are not subject to the limitations Ms. Sullivan referenced.

Chair Pritchett asked if Attorney Richardson completely checked that out so the Board is in compliance.

Attorney Richardson replied that is correct, he just relies on the Budget Office to make sure that is revenue replacement funding.

Richard Heffefinger stated he will back-up what Sandra Sullivan said; underneath one of the previous Consent Agendas, there was an ARPA review; it stated in that document by the auditors that the funds may be used for four categories, public health emergency in respect to COVID disease, or its negative economic impacts, premium pay for eligible workers, revenue replacement for provision of government services to the extent of the reduction in revenue of the County, and investment in water, sewer, or broadband; if going with revenue replacement, it has to be proved they lost money somehow, cannot afford to do the postage, and they need the COVID money; and unless the Board has that justification, then his signature is going to be on the complaint to the federal government, which they will come and ask the County questions on what it has been doing with that COVID money. He continued by saying in the beginning the Board hired a contractor; he asked if it remembers that; he mentioned it validated that everyone

who received COVID money was validated under the program; he asked where that discipline is now; he stated the Board just says it has some money to throw that out; he thinks it is garbage as well; and he does not want to be stuck with the bill if the Board gets a claw back where it cannot get the money back.

Chair Pritchett asked if this is revenue replacement for the County as it has already complied with the ARPA dollars.

Frank Abbate, County Manager, responded there are specific formulas that are provided for that staff has already calculated; then the auditors, as part of their audit, checked to make sure that the numbers are all correct, so staff is very confident that the revenue replacement dollars that are being allocated are appropriate and in accordance with the federal regulations for determining what revenue replacement dollars are; as a matter of fact, for smaller jurisdictions there is \$10 million; and for the County, those numbers are significantly higher because of the revenue loss numbers that occurred that were utilized by staff and the internal auditors to check against the formula that the federal government had.

The Board approved transferring \$32,072.36 in ARPA funds from the District 3 tranche to the Brevard County Supervisor of Elections for the purpose of covering partial costs resulting from the School Board redistricting process; and authorized for the amount to be returned after 90 days if the School Board does not pay its half.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

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

Commissioner Tobia stated to dovetail off of this, the County Attorney's Office has indicated that this method of district alignment can be made permanent by a County Charter amendment; before staff spends any time on researching methodology and ballot language options, he would like to see where the Board stands on moving in the direction; any way this is done, he would certainly like as much involvement as possible; but he did not want to put the County Attorney through all of that work if the Board was not in support of permanently or allowing voters to make the decision to permanently align that. He went on to say there is a white paper that was handed out, and as soon as he got it, it was put on the Agenda that indicates that this is a possibility; and he just wanted to find out where the Board was before he asked the County Attorney to spend all of the time looking at different ways to do that.

Commissioner Feltner asked if Commissioner Tobia thinks the School District would be in favor of this, or would they consider a resolution in support of this.

Commissioner Tobia replied his conversations have been with the School Board Chair, Matt Susin; as there may be a vote outside, he highly doubts Mr. Susin spoke with anyone else; he has not reached out; but he assumes a portion of them would be in favor of this.

Commissioner Feltner asked what about asking the School District if they support it to pass a resolution, and then the Board can take up the issue to give it to staff to draft an ordinance; and would Commissioner Tobia be in favor of that.

Commissioner Tobia responded he would not mind drafting a letter to send over to the School Board asking them to discuss it at an open meeting to find out if a majority of them, before the Board goes through with that, if he can get a motion giving him permission to send that to

them; and he stated he certainly would do that before asking the County Attorney to spend all of that time.

Chair Pritchett commented she thinks that is a great idea, the least path of resistance, to find out if they are in favor; once they change it, it would be crazy for them to change it back, because it would hurt them politically; and she is in support of this.

Commissioner Tobia asked if he can have a motion so he will not have to put a disclaimer on the bottom that would give him . . .

The Board authorized Commissioner Tobia to draft a letter to the School Board regarding a potential charter amendment in reference to permanently realigning the Brevard County Commission and Brevard County School Board districts.

Result: Approved

Mover: Jason Steele

Second: Rob Feltner

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

H.3. Resolution, Re: Directing the County Manager to Schedule Meetings to Consider Future Elected County Officer Budget Request Increases that Exceed Three Percent

Richard Heffelfinger stated this goes back to the meetings last month; he does not understand the relationships between the Charter Offices and the Board of County Commissioners; he asked if they are funded by the homeowners tax dollars; he stated they submit a budget to the State; and the issue came up why is the Brevard County Commission questioning their numbers when their budgets are approved by the State. He commented there was a list of questions that went out to some of those offices; this resolution does not include those 10 questions that Commissioner Tobia wanted answered; he asked what the purpose is of this; can the Board tell the Tax Collector that the County is not giving it many anymore, it will have to collect those taxes for free; and he pointed out he does not think the County can. He asked if the Tax Collector gets money out of his real estate taxes; the Board should have the discretion to ask questions; he thinks what came out of those meetings last month was that potentially the State requirement says they were supposed to be giving the Board more detail than they did; he thinks some of those offices agreed to gladly give the Board more information if needed; he thought it was worked out; they would submit like they did in the past; and they would submit with more detail now because the Board pointed out the State has forms for additional information. He noted he does not know why the Board has to have this resolution, because it is supposed to be done by State law; and he asked if that is correct.

Chair Pritchett stated this resolution is for the County Manager to make sure that he invites the Charter Offices to come to present their budgets if it is over three percent; the problem with the workshop is it is mainly for the Board, and they are always before people have their budgets ready; by the time the Board gets the budgets, there could be questions that come late in the season; and Commissioner Tobia was trying to get the data early. She went on to say Commissioner Tobia has done this to the Board since year one; but he really makes a person pay attention on how the money is spent; she actually appreciates that; it is a little difficult at times trying to get all of the questions, figuring them out, and realizing it is just public record and to get them out there; and she learned that from Commissioner Feltner. She commented what this is for is to remind the Board to invite the Charter Offices to come so there is no miscommunication like it had the last time, so it will be on an Agenda Report; she had a call today from Lisa Cullen, Tax Collector, asking if everybody will be able to come and present; of

course, they can always come and present; if Mr. Abbate wants to invite the Charter Offices, that would be fine; if they are under budget, they would not have to come; and again, it is not to do anything to penalize the Charter Offices as they are doing a great job. She explained the good thing that came out of this is the Board was able to get a lot of wonderful information and to hear how good they are doing on their budgets; there are a couple of questions the Board is still waiting for answers on; she sent a letter to the Supervisor of Elections, she knows she will get answers to that soon; this is actually a reminder for the Board; and the County Manager will always make those calls, so the Charter Offices are able to come in and present if it is over an amount that the Board has to do with other budgets. She stated she appreciates Commissioner Tobia always asking questions; something she thinks would be good for all of the Commissioners, and she does not think the Board has gotten this in the past, is to get the Clerk's Office to always send the Board their financial reports; she thinks if the Board gets those ahead of time where they can be looked at, she thinks that solves a lot of the questions; and she asked Mr. Abbate if it is possible for the Board to get a copy of the Clerk's Office financial statements.

Mr. Abbate replied the County does receive audited financial reports every year from the external auditors that has those reports for each of the Charter Officers, so staff can provide that to the Board.

Chair Pritchett advised she thinks that would help the Board with questions, because there is a lot more detail in that, and the budget is a legal document; as a government entity puts that together, it is probably just as legal as the financial statements; but the financials have actual year-to-dates which are always nice to have; they do not get those from the Constitutional Officers; she thinks those financial statements would really help with financial questions moving forward; and she knows from what she does, she enjoys looking at those numbers.

The Board adopted Resolution No. 23-061, directing that whenever an elected County Officer submits an annual budget request that exceeds a three percent increase from the then-current fiscal year, the County Manager shall schedule a public meeting before the Board of County Commissioners within 30 days of such submittal for such County Officers to explain the basis and need for such an increase.

Result: Adopted

Mover: John Tobia

Second: Rob Feltner

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

I.1. Performance Bond Reduction, Re: Stadium Parkway Segment E - Developer: The Viera Company

Mark Bernath, Public Works Director, stated this is a performance bond reduction for Stadium Parkway, Segment E, releasing a portion of a performance bond for The Viera Company; the developer posted a surety performance bond for a guarantee for completion of the infrastructure improvements; after starting they realized that they had completed a large portion of the project and requested a revision, so it broke the project into three phases; two of the phases are complete; and they are requesting a revision of their performance bond from \$8.2 million down to \$1.2 million. He noted there are no issues, and staff is in support of this.

The Board, in accordance with Section 62-2844(b), authorized the release of a portion (7,044,308.78) of the Performance Bond provided with Contract dated October 12, 2021, for Stadium Parkway Segment E Subdivision/Road Plat – Developer: The Viera Company.

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

I.2. Approval, Re: Tourist Development Council (TDC) FY 2023-2024 Major Event Grant Program Funding, Guidelines, Application and Committee Scoresheet

Peter Cranis, Tourism Development Office Director, stated this Item is coming from the TDC, a major event grant program funding, guidelines, application, and committee scoresheet; the major change was maxing the grant to \$75,000; and this is for events of 25,000 attendees or more.

The Board approved the TDC FY 2023-2024 TDC Major Event Grant Program Guidelines, Application, and Committee Scoresheet; approved funding of the FY 2023-2024 Major Event Grant Program applications, which shall come before the Board for final funding approval as the grant application cycle commences; approved that the Board make legislative finding that Tourist Development Tax (TDT) funds are authorized for each grant pursuant to Section 125.0104(5)(a)3, Florida Statutes, and Section 102-119(3)a, (5)a, and 6(a) of the Brevard County Code of Ordinances, because each grant supports an activity or event which has as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists from outside Brevard County; and authorized the Tourism Development Office Director to negotiate and sign all necessary grant agreements and related documents upon County Attorney's Office, Risk Management, and Purchasing Services approval.

Result: Approved
Mover: Tom Goodson
Seconders: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Nay: Tobia

I.3. Resolution, Re: Consider an Ad Valorem Tax Abatement - L3Harris Technologies, Inc. (Project SAMT)

Karen Conde, Assistant to the County Manager, stated Item I.3. is a request from the Economic Development Commission of Florida's Space Coast to adopt an Economic Development Ad Valorem Tax Exemption resolution requesting that the Brevard County Property Appraiser conduct the required analysis and provide the Board with a report as required by Section 196.1995, Section 9, Florida Statutes; it is requesting that the Economic Development Commission of Florida's Space Coast conduct an economic impact analysis of L3Harris Technologies, Project SAMT, and to provide the Board with its recommendation to the extent and the length of the tax abatement; and Edgar Campa-Palafox, Vice President of Business Development with the Economic Development Commission of Florida's Space Coast, and Jason Lambert, President of Operations with L3Harris Technologies, are present this evening to answer any questions the Board may have with regards to L3Harris Technologies application for economic development incentive.

Sandra Sullivan stated in reading, in the past a tax abatement that was a referendum that the people of Brevard County passed, it was to attract new businesses to the County; as this is an existing company that is already here, the Department of Defense (DOD) is very much in expansion, and the Space Program is pretty much in expansion, so she does not think they need a tax abatement; they are already here in the County, it is not like the County is attracting

them; Brevard County is hot for DOD and the Space Program, so she does not see a need to offer an incentive; and she suggested that given the tough economic times coming with inflation, the fact that there are a lot of unfunded needs due to the fact that impact fees have not been updated in 20 to 30 years, and things are looking tight on this budget, that maybe this is not the time when the County needs to be very fiscally conservative to take a reduction on the income to the County, especially if it is looking at busting the cap.

Commissioner Steele stated he completely disagrees with Ms. Sullivan in regards to the potential of this company just being here, because there are several other states looking to pull this L3Harris contract out of here; Ms. Sullivan is absolutely incorrect in regards to that; he looks at these economic development contracts and programs like this in a variety of different ways; the first way he looks at it is, is it going to benefit the total economy and is it going to come out with a positive impact with Brevard County; and that is what this study is going to be about. He went on to say he is not saying he is going to support it at this particular point in time; but if, in fact, the impact is going to be positive for the economy, positive for the people who have jobs here, and positive for Brevard County at the end, after the Board looks at a positive report, then it will have to make a decision then.

The Board adopted Resolution No. 23-062, requesting the EDC and Property Appraiser conduct an analysis of qualifying L3Harris Technologies, Inc. (Project SAMT) as an eligible business under the County's Tax Abatement program; and authorized a public hearing to consider adopting an exemption ordinance.

Result: Adopted

Mover: Jason Steele

Second: Tom Goodson

Ayes: Pritchett, Goodson, and Steele

Nay: Tobia, and Feltner

I.4. Resolution, Re: Consider an Ad Valorem Tax Abatement - L3Harris Technologies, Inc (Project LEO)

Karen Conde, Assistant to the County Manager, stated Item I.4. is a request from the Economic Development Commission of Florida's Space Coast for the Board to adopt an Economic Development Ad Valorem tax exemption resolution requesting the Brevard County Property Appraiser conduct the required analysis and provide the Board with a report as required by Section 196.115, Subsection 9, Florida Statutes, and requesting the Economic Development Commission of Florida's Space Coast conduct an economic income analysis of L3Harris Technologies, Inc., Project LEO, and provide the Board with its recommendation to the extent and the length of the tax abatement.

The Board adopted Resolution No. 23-063, requesting the EDC and the Property Appraiser conduct an analysis of qualifying L3Harris Technologies, Inc. (Project LEO) as an eligible business under the County's Tax Abatement program; and authorized a public hearing to consider adopting an exemption ordinance.

Result: Adopted

Mover: Jason Steele

Second: Tom Goodson

Ayes: Pritchett, Goodson, and Steele

Nay: Tobia, and Feltner

J.7. BOARD REPORTS, RE: CHAIR RITA PRITCHETT, DISTRICT 1

Chair Pritchett explained Commissioner Steele has joined the Board, so she is going to give him a couple of Commissioner Liaison appointments that former Commissioner Zonka had; Commissioner Steele is going to be on the Economic Development Commission and the Value Adjustment Board (VAB); and she needs a motion to place him on the VAB.

The Board appointed Commissioner Steele as Commissioner Liaison to the Value Adjustment Board.

Result: Approved

Mover: Rob Feltner

Second: John Tobia

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

J.4. BOARD REPORTS, RE: COMMISSIONER JOHN TOBIA, DISTRICT 3

*Chair Pritchett passed the gavel to Vice-Vice Chair Tobia.

Commissioner Tobia stated today is U.S. Cow Appreciation Day; this was coined by Chick-fil-A; it occurs annually on the 2nd Tuesday of July; Americans consume an average of 57 pounds of beef per person, per year; and good for the Vegans out there. He went on by saying useless Florida Fact is the first chemist to successfully develop a sunscreen was Miami pharmacist Benjamin Green; he used it even though it was unpleasant; the military was extremely happy of the benefits it provided during World War II; and it is what is known as Coppertone. He commented this day in Florida history is Hurricane Dennis made landfall over Santa Rosa Island as a Category 3 storm causing \$3.98 billion in damages; and because of this, the name Dennis was retired in the spring of 2006. He continued by saying a County employee the Board is very fortunate to have is Mike McGarry; he is with the Environmental section and he supervises the Beach, Boats, and Waterways Program in Natural Resources Management Department; over Mr. McGarry's career with Brevard County, he has helped to secure over \$177 million in State and federal beach funds; this was leveraged with \$19.8 million of County funds; and this equates to 10 million cubic yards of sand placed along 35 miles of shore. He stated this does not include the roughly \$95 million in federal/State funding expenditures to repair Brevard County beaches in the next two years; Mr. McGarry is very well thought of; in 2005 he won the Outstanding Achievement Award from the Florida Shore and Beach Preservation Association (FSBPA) in 2018, a Public Service Award in 2018, Sheriff Wayne Ivey awarded him the Making a Difference recognition, five Brevard County Excellence in Action Awards, and he was an honored graduate in the Executive Leadership Institute in 2016; he has a Bachelor of Science Degree (BS) in Marine Biology from UNC Wilmington, and a Master's Degree in Oceanography and Coastal Zone Management from Florida Tech; and he has been with the American Beach and Shore Preservation Association Board of Directors for 15-plus years, and was recently elected to the Florida Beach and Shore Preservation Association Board of Directors in January 2023. He added Mr. McGarry is an amazing County employee, and amazing human being; he competitively races sailboats; he once saved a friend's life on Lake Ontario when the boat capsized in the storm; he was the first to top the boat after it capsized, and dove in to cut a friend loose whose neck had been tangled in the lines; and prior to his employment with the County, he worked in aquaculture and flew fertilized fish eggs all over the world. He pointed out he used this in his checked baggage; sometimes the eggs hatched during flight, which he does not know if that is problematic, but it is on the record; he asked Mr. McGarry if he would like to say any words; and he stated the Board really appreciates his service to the County.

Mike McGarry expressed his appreciation to Commissioner Tobia for this recognition; he stated even though at first he wanted to curse his bosses for dragging him into this, he decided it was only through good leadership by Virginia Barker, Natural Resources Management Director, and Amanda Elmore, Deputy Natural Resources Management Director, who have allowed him to get through this; and the good colloques and co-workers at the County make it fun and successful.

J.4. MINUTES FOR APPROVAL

The Board approved the April 6, 2023, Zoning Meeting, May 1, 2023, Special Meeting, May 4, 2023, Zoning Meeting, May 9, 2023, Regular Meeting, and June 12, 2023, Special Meeting Minutes.

Result: Approved

Mover: Rob Feltner

Second: Jason Steele

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

K. PUBLIC COMMENTS

Charles Tovey stated he is glad he could sit through the whole meeting and everything; but public comments speaking has cost him his life, liberty, and pursuit of happiness; he moved up to Pineda to have his family and a white picket fence; that is all gone, because as soon as he moved up there, the Town of Palm Shores moved up there, all the way around surrounding him; and he attended a Town meeting for the first time at Palm Shores, and his voice was not recognized. He continued by saying he then got trespassed out of the Town; the judge said she could not do that; but she did it anyway; everywhere he goes, there seems to be issues; he asked what he has done; and he pointed out he did nothing. He noted there are always conflicts with public comments; he reiterated it has cost him his life, liberty, and pursuit of happiness; he stated it is due to Mayor Carol McCormick, the Town of Palm Shores, and Sheriff Wayne Ivey; a year and a half ago he was here, before he saved the Lagoon, he was robbed; anytime he leaves anything, they know his comings and goings, and nothing gets done about it; a guy broke in his house and stole thousands of dollars' worth of jewelry; the man was caught red-handed; the cops did not do anything; he had to leave; and that was just like when they were shooting at him. He stated the public comments about the tortoises coming down-the-road, the big land tortoises he saved, crawling down Palm Shores Road, Roberts Road, and all of the other wildlife; the springs that were filled in, cemented in, and there are witnesses that will testify, the lakes that were filled in, and the wetlands that were destroyed; they put Niagara Falls behind his house, a huge waterfall right behind his property line that Palm Shores gave away; it was all utilities easements and they divided it all up with the Economic Development Council; and he gets squat.

Richard Heffelfinger stated he pulled a card just as an opportunity to review; he appreciated what Frank Abbate, County Manager, had to say about the revenue replacement; it sounds like it is a viable use of the money; the downfall is, paperwork was probably filed with the federal government, and the County said tourism was off during COVID and somehow a bunch of money was lost, so it qualified for revenue replacement; he asked was there an amount of revenue replacement; and what is done with that money. He went on to say it was designated for COVID, but it sounds like the money can be used for anything now; as he understands it, it is viable until 2026; he asked what the County chooses to use that money for; he stated mailing out crap for the Department of Education when they have all kinds of American Rescue Plan Act (ARPA) money, he knows they have Coronavirus Aid, Relief, and Economic Security Act

(CARES) money; and he asked why the money is not just put in a nice, big pile to offset the Board having to raise his real estate taxes. He stated the Board is going to spend it on postage; and he asked really; there is opportunity and the Board has to look at the long haul here; it sounds like now the money can go on anything because the County can say it was money that was lost because of the COVID turndown; he asked the Board to hold on to it and not to spend it on something that is going to come up and bite it in the butt, but not postage for the schools; and according to his tax bill, the Schools already get money from him. He commented the School Board should do its own mailing; he asked if redistricting is some special thing; he stated they can put it in their budget and ask for it as a special item underneath the School District; he does not understand; and the Board has put a lot of money towards a lot of different things that had nothing to do with COVID. He stated it turns out the County can, because it is ARPA and it is replacement of funds; he asked if the County proved it lost \$200 million, so it started with \$200 million that it can spend on anything, no questions asked, because it was revenue replacement; if revenue replacement is a viable thing, then maybe the former Commissioner does not have a problem; he asked if he bought chairs and crap; he asked if maybe this problem is just in his head; and if the Board has a lot of money and decides to burn it down on postage, is that really critical. He commented he would love for the Board to put that money in a pile and to say maybe it had a major sewer blowout and it needs to get on that; if the County has some of this replacement money in there, to grab it; maybe the Board did not know the money can be spent on anything; but he sure would like to hold on to some of it for an emergency. He asked the Board to put financial data in E-Star registrar documents.

Sandra Sullivan asked if this is not wonderful having Public Comments after Board Reports; she stated according to BCC-97, the Board is not supposed to take votes under Board Reports unless it is an emergency, so the Board just did that; going back to the comment by the Chair, that budget workshops is for the Board; that was not the case until this year when the Board took a sneaky vote under Board Reports to postpone that meeting; and postpone apparently means cancel. She continued by saying she had to do a records request and pay \$50 to get those documents; she is not too happy about that; she is here tonight to talk about the Merritt Island Feasibility Study; she would like to briefly talk about the history; Merritt Islanders did not want this; the history is, in 2012 there was a vote to do a feasibility study done on an Agenda; and it was rescinded because the Merritt Island people did not want it. She commented in the County letter as initiated by Commissioner Tobia, it said here for Port St. John they went to the people and they did it in a referendum to see if they wanted to do a feasibility study; the Board should see what the people want; it is not what the Board did; what was done on January 10th was it was snuck under Public Comments; and according to policy, the Board is not supposed to take votes under Public Comments other than to put it on an Agenda Item. She stated the Board made a motion to move ahead and determine the cost of a feasibility study; then it gets better; the Board has to take a special vote to shorten the procurement time for Request for Proposals (RFP), so only three weeks instead of a month; it was advertised and the County went to this special interest committee for suggestions on who to do the contract with; then it gets to the interesting part; and it has who is funding this, the pack, which is not an impartial process, they have already paid to develop the city charter. She asked who is funding this; she stated it is \$9,000 from the Merritt Island Redevelopment Agency (MIRA) board; she asked if this is a conflict; and there needs to be a legal opinion on that. She pointed out this suggests that the County wants MIRA as a space industry commerce center and workforce housing; she is making a formal request under Public Comments, which cannot be voted on, but it can be put on an Agenda; and she is asking District 2 to rescind the vote.

Chair Pritchett asked if the Board is allowed to vote on items brought up under Board Reports.

Morris Richardson, County Attorney, advised it depends on the Item; tonight the Board voted on approval of the Minutes; and it was on the Agenda, it was just skipped over earlier, so that was okay.

Chair Pritchett stated she knows the Board likes to discuss things; and typically with five Commissioners, if he or she has things they bring up to move something forward, there is no problem with that.


Attorney Richardson explained for the things the Board uses it for, Chair Pritchett is correct; and there are some things the Board would not be able to do under Board Reports that would have to be put on the Agenda and noticed.


Chair Pritchett asked if they would have to be advertised.

Attorney Richardson replied affirmatively.

*Commissioner Tobia passed the gavel back to Chair Pritchett.

Upon consensus of the Board, the meeting adjourned at 6:13 p.m.




RACHEL SADOFF, CLERK


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

AS APPROVED BY THE BOARD ON AUGUST 22, 2023