

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, November 15, 2022

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:03 PM

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

C. PLEDGE OF ALLEGIANCE

Chair Zonka led the assembly in the Pledge of Allegiance.

Sheriff Ivey Report

Brevard County Sheriff, Wayne Ivey, thanked the Board for allowing him to address the Board; he stated he understands that tonight is Commissioner Smith's final night serving in this capacity; he and his staff are very appreciative of the service Commissioner Smith has given to this community; he has been a great friend to law enforcement, public safety, and to this community; this Community would not be what it is without everything he has done for the charities in this community, helping steer through the pandemic that everyone faced, and to the toughest budget challenges this County has had; and he has been a mainstay for the community and they love and appreciate him. He continued by saying he would say that he wishes him the very best in retirement but he spoke with Commissioner Smith's bride and she told him she was looking for a part-time job for him; on behalf of the entire department he expressed his appreciation for Commissioner Smith.

Chair Zonka stated she received something from Senator Wright's office and he was not able to make it, so she is going to read it now; and she read, "Whereas Commissioner Curt Smith grew up in the small town of Evansville, New Jersey, where he developed a deep love of nature and being out on the water; and whereas Commissioner Smith and his wife Linda relocated to Melbourne, Florida in 1986 and became active members of the community; and whereas Commissioner Smith was a business owner who operated a local Maaco Auto Painting franchise for nearly 27 years until his retirement in 2013; and whereas Commissioner Smith dedicated much of his free time to bettering his community by joining the Board of Directors of Friends of Sally's House and Prevent, as well as Brevard Little league Teams, Habitat for Humanity, Making Strides Against Breast Cancer, Candle-lighters, Animal Services, and supporting efforts to restore the Indian River Lagoon; and whereas following his retirement Commissioner Smith took his civic engagement further by running for the district 4 seat on Brevard County Commission, and was successfully elected in November of 2014; and whereas Curt Smith has faithfully served Brevard County District 4, containing the cities of Rockledge, Melbourne, Viera, Palm Shores, Satellite Beach, and Indian Harbour Beach for the past eight years and during his time on the Brevard County Commission, Commissioner Smith has fought hard for his constituents on many subjects such as pedestrian roadway safety, protection of our beautiful waterways, and the growth of high paying jobs linked to the space industry; and whereas Commissioner Smith, is a dedicated public servant who has poured his heart and soul into keeping Brevard County a safe and gorgeous community to work, live, and raise a family. Therefore, I Tom Wright, State Senator District 14, hereby proclaim November 15, 2022, as Commissioner Curt Smith Day."

E.1. A Resolution Acknowledging National Native American Heritage Month

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 22-148, acknowledging National Native American Heritage Month.

A representative for the Native Americans expressed her appreciation for the Resolution.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

D. MINUTES FOR APPROVAL

The Board approved the September 20, 2022, Final Budget Hearing meeting minutes.

Result: Approved

Mover: Curt Smith

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

F. PULLED ITEMS FROM CONSENT AGENDA

Commissioner Tobia asked to pull Item F.16.

F.1. Florida Department of Environmental Protection Grant 22SRP01 - Crystal Lakes Impoundment Breakwater and Living Shoreline

The Board of County Commissioners, in regular session on November 15, 2022, authorized the County Manager to execute Florida Department of Environmental Protection (FDEP) Grant Agreement 22SRP01, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; authorized the County Manager to execute task orders up to the grant funded amount, as needed to accomplish the work, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; authorized the County Manager to execute amendments to the contract, as needed, subject to the approval of the County Attorney's Office, Purchasing, and Risk Management; and approved associated Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.2. Approval of Resolution to Re-Purchase Property (from Titusville Group Holdings, LLC) In County Owned Commerce Park in Titusville

The Board of County Commissioners, in regular session on November 15, 2022, adopted Resolution No. 22-149, and approved and authorized the Chair to execute Contract for Sale and Purchase with Titusville Group Holdings, LLC, a/k/a Engineered Bonding, permitting the re-purchase of approximately four and a half (4.5) acres of industrial land in the County-owned Spaceport Commerce Park in Titusville for \$162,000, using the monies held by the NBEDZ; and authorized the Chair to execute all documents in connection thereof.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.3. Approval of Resolution to Re-Purchase Property (from Trout-Hunt Properties, LLC) In County-Owned Commerce Park in Titusville

The Board of County Commissioners, in regular session on November 15, 2022, adopted Resolution No. 22-150, and approved and authorized the Chair to execute Contract for Sale and Purchase with Trout-Hunt Properties, LLC, a/k/a Paragon Plastics, permitting the re-purchase of approximately four (4) acres of industrial land in the County-owned Spaceport Commerce Park in Titusville for \$120,000, using monies held by the NBEDZ; and authorized the Chair to execute all documents in connection thereof.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.4. Board Approval, Re: Transportation Impact Fee Credit Reimbursement Agreement Regarding Viera Boulevard (4-Lane Widening to US-1)

The Board of County Commissioners, in regular session on November 15, 2022, approved and authorized the Chair to execute Transportation Impact Fee Reimbursement Agreement regarding the widening of Viera Boulevard between the County and The Viera Company; and authorized the Budget Office to execute any budget changes necessary to implement the proportionate share payment.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.5. Approval, Re: Disbursement of Educational Facilities Impact Fees

The Board of County Commissioners, in regular session on November 15, 2022, authorized the disbursement of Educational Facilities Impact Fees in the amount of \$5,496,612.97 to the School Board of Brevard County in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute necessary Budget Change Requests to implement this disbursement.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.6. Acceptance, Re: Binding Development Plan with Linda Lyles and William Dotson

The Board accepted and executed Binding Development Plan with Linda Lyles and William Dotson, for property located from the intersection of the centerline of Fleming Grant Road, and the westerly boundary line of Sebastian River Estates, as recorded in Plat 11, Page 23, of the Public Records of Brevard County, Florida.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.7. Final Plat and Contract Approval, Re: Del Webb at Viera - Phase 3, Developer: Pulte Home Company, LLC

The Board of County Commissioners, in regular session on November 15, 2022, granted final plat approval in accordance with Section 62-2841(i) and Section 62-2844; and authorized the Chair to sign the final plat and Contract for Del Webb at Viera – Phase 3, Developer: Pulte Home Company, LLC subject to minor engineering changes as applicable and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.8. Approval, Re: Quit Claim Deed and Interlocal Agreement from the City of Rockledge Related to Plat of Harvest Landing Planned Unit Development (PUD)

The Board accepted the Quit Claim Deed; and approved and authorized the Chair to execute the Interlocal Agreement with the City of Rockledge, related to plat of Harvest Landing PUD.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.9. Approval, Re: Donation of Additional Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair

The Board of County Commissioners, in regular session on November 15, 2022, approved and accepted the Donation of Additional Sidewalk Easement from AD Endeavors, Inc. for Donofrio Auto Repair.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.10. Approval, Re: Dedication by Warranty Deed for Tract P of Aripeka at Viera, Phase One, Bill of Sale, and Sanitary Sewer Easement from The Viera Company all Related to Lift Station U-60

The Board accepted the Warranty Deed for Tract P of Aripeka at Viera, Phase One, Bill of Sale and Sanitary Sewer Easement for The Viera Company all related to Lift Station U-60.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.11. Approval, Re: Resolution and Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-02

The Board adopted Resolution No. 22-151, authorizing the conveyance of real property interest by the County; and executed and approved the Easement (Business) from Brevard County to Florida Power and Light Company for Lift Station F-02.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.12. Adopt Resolution and Release Performance Bond: Pineda Boulevard - Segment H1 - Developer: The Viera Company

The Board adopted Resolution No. 22-152, releasing the contract and surety performance bond for Pineda Boulevard, Segment H1 – Developer: The Viera Company, dated December 21, 2021.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.13. Adopt Resolution and Release Performance Bond: Lake Andrew Drive - Segment F - Developer: The Viera Company

The Board adopted Resolution No. 22-153, releasing the contract and surety performance bond for Lake Andrew Drive, Segment F – Developer: The Viera Company, dated August 3, 2021.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.14. Approval, Re: Budget Change Requests

The Board reviewed and approved the Budget Change Requests as submitted.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.15. Approval, Re: Award Procurement for the Lease of Multi-Functional Copiers (RFP-7-22-07)

The Board accepted the recommendation of the Selection Committee for the Request for Proposal (RFP-7-22-07) to award the procurement to Dex Imaging; accepted the recommendation of the Selection Committee to lease and for the maintenance of the County's current multi-functional copiers for three (3) years with Dex Imaging; and authorized the County Manager to execute the Lease Agreement with Dex Imaging upon approval from the County

Attorney's Office, Risk Management, and Purchasing Services.

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.17. Approval of the 2023 Board of County Commissioners' Meeting Schedule

The Board approved the 2023 Board of County Commissioners' meeting schedule.

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.18. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.19. A Resolution Acknowledging Family Court Awareness Month

The Board adopted Resolution No. 22-154, recognizing Family Court Awareness Month.

Result: Adopted

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.20. Sheriff's Office Request for \$1,312,135.32

The Board approved the reallocation and subsequent budget change request of \$1,312,135.32 for Fiscal Year 2022, purchase orders not received prior to September 30, 2022, as scheduled.

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.16. Appointment(s) / Reappointment(s)

Commissioner Pritchett stated they advertised a lot.

Commissioner Tobia stated that was all he was looking for; probably what he should do is ask to amend that form to put down yes an exemption is needed and yes it was advertised; he just wanted to make sure; he was sure she had done that; and he is good with it.

The Board appointed/reappointed **Loni Phipps** to Art in Public Places Advisory Committee, with said term to expire December 31, 2024; **Cindy Forstall** to the Historical Commission, with said term to expire December 31, 2024; **Art Edwards**, **Brenda Fox**, **LaTonya Hubbard**, and **Vinnie Richardson** to Community Development Block Grant Citizens Advisory Board, with said terms to expire December 31, 2024; **Ashley Molozaiy** to Community Action Board, with said appointment to expire December 31, 2024; **Holly Carver** to Economic Development Commission of the Space Coast, with said term to expire December 31, 2023; **Adrienne Schmadeke** to Employee Benefits and Insurance Advisory Committee, with said term to expire December 31, 2023; **Anda A. Ray** to the Marine Advisory Council, with said term to expire December 31, 2024; **Rodney Honeycutt** to North Brevard Economic Development Zone Special District Board, with said term to expire December 31, 2026; **Robert Jordan** to North Brevard Economic Development Zone Special District Board, with said term to expire December 1, 2026; **Arnold (Arnie) Benson** and **Randy Rodriguez** to North Brevard Commission on Parks and Recreation, with said term to expire December 31, 2024; **Henry Minneboo** to Planning and Zoning Board, with said term to expire December 31, 2024; **Adam Kohler** and **Rodney Honeycutt** to Transportation Planning Organization Citizens Advisory Committee, with said term to expire December 31, 2023; and **Donn Mount** to Titusville-Cocoa Airport Authority (TICO), with said term to expire November 17, 2025.

Result: Approved

Mover: John Tobia

Seconded: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

G. PUBLIC COMMENTS

Sandra Sullivan stated she wants to give a big shout out to the County for its efforts during Hurricane Nicole; she was exceedingly impressed with the construction of the County's docks, they survived and were built very big and very sturdy; the County's infrastructure is very good; she just wanted to revisit a couple things regarding South Patrick Shores; in 1984, Brevard County had a tropical storm at Thanksgiving and in response to coastal damage, a coastal element was adopted with a very good setback, compared to Satellite Beach which is largely sea walls, rock revetment built much closer to the ocean; and she showed a photo stating this is how South Patrick Shores survived. She mentioned where there were sea grapes, the coastline did very well, other than Sand Piper, which was built in the 60s and before that new coastline; she showed a photo of Oceana and stated this was built in 2019; it was built 15 feet closer to the ocean than the previous building; she did not see a Coastal Construction Line (CCL) permit online at the Florida Department of Environmental Protection (FDEP) site; she showed a picture of Satellite Beach with buildings built closer; the relevancy is there are also a lot of seawalls, and she has provided a page from the Coastal Construction Manual, on seawalls causing more erosion on the abutting properties; and the reason this is relevant is because the sand renourishment needs of South Patrick Shores are very different than Satellite Beach; South Patrick Shores with that coastal setback was designed so the beaches naturally regenerate; and unfortunately 7.6 miles of very dense reef that is Federally protected has been buried. She added it is deepest between Hightower and Patrick Air Force Base; she would suggest the Board consider doing a dune restoration as is historical, not a beach restoration, at least in the area between Patrick and Hightower, which is the area of the densest reef identified by the Corp of Engineers; and lastly, from the documents she has been reading, that artificial reef was not predicted to work by the Corp of Engineers and there is nothing in the monitoring documents about it.

H.1. Proposed Ordinance Amending Chapter 106, Article I of the Brevard County Code, Pertaining to Wrecker and Towing Services

Chair Zonka called for public hearing on a proposed ordinance amending Chapter 106, Article I of the Brevard County Code, pertaining to Wrecker and Towing Services.

Commissioner Smith stated he will be following up on the proposed ordinance amending Chapter 106, of the Brevard County Code, pertaining to Wrecker and Towing services; as the Board knows, the County legal staff has spent many hours over the last five or six months, and the goal was to improve on what it had; there was a 2008 Ordinance that was supposed to raise prices for the towing companies by three percent or Consumer Price Index (CPI), whichever is less, and it never happened for whatever reason; fast-forward to a few months ago and it was brought to the Board's attention in the Commission Chambers, that the agreement was very antiquated and in fact it did not even include an item called a rotator; a rotator is a big machine that can flip a truck that has been turned over and it will right it without busting it apart and putting a lot of cables on it and risking lives; and the insurance companies will not cover that cost because the County does not have it in its Ordinance. He noted the Board set about to tighten up those items and protect the citizens; and at the same time bring this up to date. He reiterated a lot of time was spent with the towing companies, probably not as much as they wanted; he stated he thinks he has something that is worthwhile; he hopes the rest of the Board has had a chance to look at this; he can say this did not make all of the towing companies happy, which may not be a bad thing when negotiating, because one does not want to give everything away; he thinks this is in a good place, not that it cannot be improved on; in fact, he advised them in his office yesterday that it would be good idea, after this is in place for six to eight months, if they reached out to the new Commissioners and existing Commissioners to maybe tweak it a bit more, if the Board can come to an agreement to do that. He noted he would strongly encourage both sides to be receptive of each other; he thinks it is very important, no one ever hopes to have to have their car towed, but it has to be, people want it done in a professional manner and for it not to cost an arm and a leg; there is a lot involved here; insurance companies are involved in many of these tows; sometimes they are nonconsensual tows, but most of the time they are consensual; all of these things were taken into consideration; it is not perfect, but he believes it is a good start; and he is interested in what the Commissioners have to say.

Sandra Sullivan stated one of the main reasons this came up before when this was being addressed is that the fees had not been updated since 2008; here is something that is going to get passed on to residents of Brevard County and her particular concern is beaches, with the problem of having a lot of overflow parking, and parking in areas that they are not allowed to park in, areas where the plantings go; and it will come to a point where that starts getting enforced. She went on to say, while people are seeing an increase on the people's end, her concern is if the Board wants to use the logic it is being updated because the fees have not been updated since 2008, then why has the County not updated the impact fees, which have not been updated in nearly two decades, when there is construction costs that are up over 30 percent with inflation; in the same logic, that cost is going to be put onto the people; and the developers should be paying their fair share. She mentioned there are two issues here; and she thinks the Board should be proactive with how to address the parking issues on the beach side.

Don Frantzen stated he owns Brevard Towing; he has a towing zone within the central area on the Merritt Island side and additionally, just recently, on the west side; he thanked Commissioner Smith for diligently working with the towing companies on this item; he noted it is a great improvement at this point, but in the future he would like to critique it a little more in the future and try to get a common sense resolution; he worked on this a little bit and he tried to

mirror other counties to get the same that they had to be a common sense resolution; he again thanked Commissioner Smith; and he commented hopefully in the future the Board will be receptive to working with the towing companies again.

CJ Chase, C&L Towing, stated yesterday he spent hours on this; he was probably one of the ones that was not as happy; once it was all said and done, he thinks the towers that showed up were the ones with the bigger companies within the different zones; there are a lot of companies that do not do nonconsensual towing, that do not do police calls, and they feel like none of the rules apply to them; hopefully the Board can apply some of these rules to them, as that is what they are looking for; in the same aspect, he thinks what it came out with yesterday was a good start; and he felt the same, that no one got everything they wanted. He continued by saying they were able to get some things removed, changed, and they were able to convince the towing companies that some things needed to stay; in the grand scheme of things, as long as both sides still want something, there is something to build on; it is his understanding that there might be other resolutions or things that might be presented; he would ask that the Board vote for this one; this is the one that the towing companies worked on in conjunction with the Commissioner; he was the only Commissioner that he was able to really speak with; he was waiting for a round table and that did not happen; and he reiterated he thinks everything that came down yesterday was a good compromise that the towing companies can live with while they continue to work. He noted he thinks the towing community is possibly going to see about placing their own County thing together where they can work things out and come to the Board and let it know that this needs to work for everybody; they do not want to gouge their customers but they have a very expensive business; he tells a lot of people, inevitably when a person gets their bill, they say they need that job, and his first answer back to that is he would sell them his business; there is a lot of headaches involved; a lot of money goes through their hands, and very little sticks; there is insurance, fuel, and all the big players are tied into the towing companies; they have to fight with insurance companies to get paid regardless of what is billed; and it is really hard with that, but he thinks they can start with this.

Commissioner Smith asked what Mr. Chase paid for his last truck, just to educate people.

Mr. Chase advised he bought the truck in April at the tow show and it was \$250,000; it is a 16-ton and does the medium duty work; he thinks they get a couple hundred dollars an hour for that one; he just ordered one because it is required by Florida Highway Patrol (FHP) to have it for the Rapid Incident Scene Clearance (RISC) Program; it was \$653,000 plus seven percent sales tax, which is another \$50,000 in sales tax; then he is going to pay the State of Florida a couple thousand dollars a year to tag it; the insurance on that truck will be \$3,000 to \$4,000 per month; therefore, he is looking at \$8,000 to \$10,000 a month to have a truck at the ready for these accidents, just like the County's big pump firetruck that it paid \$500,000 for. He commented he tries to use it on other things obviously because he is not going to make \$8,000 per month running wrecks; he might get three big wrecks per year if they are lucky; that truck has to be there for it, as well as \$1 million worth of other equipment that is required of him, but he does not use it all.

Commissioner Smith asked if he could make a guess as to what it might have cost him five years ago.

Mr. Chase stated that truck five years ago probably would have been \$400,000 to \$450,000.

Commissioner Smith mentioned now it is \$665,000.

Mr. Chase stated it was about five years ago that Edgewater Towing bought theirs and it was

right around \$450,000; the truck that Edgewater Towing has is \$800,000-plus to go buy it new; the truck that they want the towing companies to buy is the M100, which is 100-ton, and can lift anything out there, and is over \$1 million; he believes one of the companies in Orlando has one; in Orlando, people can say to lower prices because they have a lot more volume; he does not get a lot of volume, he gets three or four police calls a week and that is it; in Orlando, they may run through rotation four or five times per day; he looks at cost per volume and his expenses are the same as Lake County, same as everyone in the State, same insurance, and the same truck payments; Lake County is much like Brevard County in size and population and Brevard should not be making less than Lake County; and that is where he has a hard time with this, when everything encompasses the same. He added he thinks Lake County had a really good rate structure, it worked out for everybody, and he hopes Brevard County can get there; one of the things that he wants to work towards is a flat rate for Private Property Impound (PPI), that way there is no surprise; he knows private property tows is a big thing for the Commission; he thinks they can all work toward a flat rate so the customer knows what it is going to cost; he noted in some counties they post it, some do not; there are some different things that can be done to be able to move forward; and he thinks what needs to happen today is to get this going.

Commissioner Pritchett stated she is going to support this; she is going to ask for a couple little tweaks in the Ordinance that was put together; she had Adrienne do an analysis on what all these numbers mean and to provide her with a scenario with the class A and a bus and asked what the difference in cost would be; she has what it is currently in Brevard County in the first column and then what Lake County is getting, and then the proposed Brevard County; it is still lower than Lake County; she tried to do Volusia but could not get an apples to apples to comparison; that was above her pay grade and if it is above Adrienne's it must be very difficult; and she did this and she got pretty comfortable with it. She noted she did the same with the bus; it is still under Lake County, but there is no way the Board can jump it up that high without it being able to catch up right now; she can handle what Commissioner Smith brought; her office did their due diligence and ran a lot of numbers; on the ordinance, the ones that she handed out, if the Commissioners would look at page seven, this is from the County Attorney's Office as he provided some additional information about CAO requiring \$80,000 and he would have to do a little more tweaking on that if there is something that needs to be fixed with that; on page eight, the airbags were for a minimum and she wants to get rid of the minimum so they use exactly what they need, making that an ala carte item; and if they use one airbag, they are charged for one airbag.

Commissioner Smith inquired what page that is on.

Commissioner Pritchett asked if that could be stricken through and just be the actual of what they use; she stated there was a discrepancy on two parts; eight needs to be upon hook-up because it makes it consistent with the beginning part of the ordinance.

Commissioner Smith noted he already did that.

Commissioner Pritchett stated she just did a clean copy; on page nine, she is going to be more comfortable if the Board does not just do an automatic thing that it comes to the Board of County Commissioners, so she went back to the verbiage; she thinks the Board probably needs to look at this every year or two; she is never comfortable doing automatic raises without taking a look at the Item; and if the Board changes 11 and does those couple little adjustments there, then she is in support of this.

Commissioner Smith asked to go back to page eight; he did not do that; the tow companies specifically asked for to and from the point of pick-up because it takes them time, effort, and

gas; they are not being paid to and from; and he advised Brevard County is a big County and if their tow yard is 20 miles from the wreck, that 20 miles and the time that it takes to cover, they are not being compensated.

Commissioner Pritchett mentioned if he wants to place a maximum amount on that, but say the tow is coming, and she had this happen to her a couple months ago, the tow was coming all the way from the other end of the County; and she thinks if Commissioner Smith wants to keep it with that amount, that the Board place a cap on it.

Commissioner Smith asked Commissioner Pritchett to provide a number.

Commissioner Pritchett asked to place a 20-mile cap on it.

Commissioner Smith asked to make it 35 miles because the County is 70 miles long, and that is half way.

Commissioner Pritchett explained if she is up here and she is having someone come tow from a parking lot, it should be somewhere close by; if they are doing a rotation and it is far away, that is the Board's fault at that time; the Board is adjusting the mileage rate, and she thinks that is something that protects the consumer who does not have a say-so on the tow; and that would make her a little more comfortable.

Commissioner Smith asked again if she is thinking 20 miles.

Commissioner Pritchett mentioned 20 miles or otherwise she is really more comfortable at doing the place of hook-up, but she will negotiate that with him and put a buffer in there.

Commissioner Smith asked for 25 miles and he is good.

Commissioner Pritchett agreed; she stated on page nine, she thinks it should go back to the original verbiage that the County Commission needs to look at this every time without just an automatic increase; and she noted there could be that the CPI does not change, and it could be that it goes down.

Commissioner Smith stated the only problem he has with that is they have gone from 2008 with that same problem.

Commissioner Pritchett mentioned someone should have brought it up though because it had the same thing in there where it could raise, but someone has to bring it up and have a conversation.

Commissioner Smith pointed out that means the towing companies have to get the ear of at least one Commissioner; and he asked what if none of the Commissioners will listen.

Commissioner Pritchett stated then the Board is not going to vote it through anyway but she thinks the Commissioners should have that responsibility to the taxpayers.

Commissioner Smith mentioned he would hope so.

Commissioner Pritchett stated because it is an automatic tax increase.

Chair Zonka interjected that maybe the compromise is that it comes back to the Board annually; it can be written right in the ordinance; and that way it forces the issue to the Board,

so one person is not responsible for bringing it up.

Commissioners Smith and Pritchett agreed.

Commissioner Pritchett stated if the Board will do those things she is in agreement with this; and the Board can look at it again to see about getting it more competitive with Lake County.

Commissioner Smith asked what the Board thinks about designating a specific period each year, such as the third week in January that way everyone is on the same page; it is after the holidays and the Board is settling into a brand new year; the towing companies are done with their heavy holiday tows; and everybody knows this is something that the Commission has to look forward to and work toward.

Commissioner Pritchett mentioned the Board could do that or it can be during one of the budget workshops and just be one of the topics.

Commissioner Tobia stated this is a very complicated issue, obviously, because there are numerous stakeholders; it is not just towers it is big towers versus small towers, it is consensual and nonconsensual, it is taxpayers or rate payers, the Sheriff, and to come up with any consensus here is very difficult; he thinks Commissioner Smith did something very wise when waiting until the end and advising that this is something very important to him, so either take it or leave it was a great move; and he may borrow it in a couple years. He mentioned he is going to start with the positive; when this first started, he was a no on this; there are enough positives that he thinks there is a way to move forward on this one; Commissioner Smith did the work and it is very apparent from where it started to where it is today; he does have quite a few questions, and because of Sunshine, he was unable to ask; and he noted he had ten times the amount of questions that the County Attorney took quite a bit of time with him and worked through as many questions as he had the knowledge to answer. He commented these are the questions he could not figure out and the County Attorney still had some questions on. He wants to start with the positives like improving accessibility for individuals with disabilities by replacing acronyms with spelled-out words, that is the tenth whereas clause on page two, and it was very important; and he certainly would have forgotten to do that.

Commissioner Smith advised him to credit the attorneys because that was not him.

Commissioner Tobia commented either way, that was a great move. He continued by saying Section 106, setting a maximum for towing for public entity vehicles being operated under official business, that is Section 106.5, Section two, page seven, and it is a great idea; implementing the wrecker operator system 106.8, page 12, he thinks is very important to put that in place; dealing with the Sheriff is a lot of work and he appreciates Commissioner Smith for doing that; he mentioned there is a lot of good in there; and he certainly wanted to start with that. He noted he has a lot of questions if the Board will bear with him; the majority of this ordinance is actually duplicating State statute as Commissioner Smith is probably well aware; and he asked what the Board does when State statute changes.

Commissioner Smith asked the County Attorney if he would suggest some type of automatic change.

Morris Richardson, County Attorney, advised that to some extent, some of that has been eliminated, but some of it is duplicative to Florida Statutes, it references Florida Statutes, therefore when statute changes it would require an update to the Code; and an alternative is sometimes one can just point to the statute as may be amended.

Commissioner Tobia stated all one has to do is cite the statute and if that statute changes one does not have to change the ordinance; the follow up to that is, what does it cost the County if it is enumerated out and then have to go back and change it; and he noted that is public notice, that is advertising, and that is staff time.

Commissioner Smith commented that could be eliminated with wording.

Commissioner Tobia explained yes, but, because of sunshine he could not have made that suggestion; and that is the legal aspect of this.

Commissioner Smith noted that is doable; and he asked the County Attorney if that is right.

Commissioner Tobia stated he has a compromise that will encapsulate most of this stuff; the next is Section 106.6, page 10, the Customer Bill of Rights; the Bill of Rights is a great document and gave people a whole bunch of rights, speech, guns, and all that great stuff; and he asked what new rights are granted in the customer Bill of Rights that is in this ordinance.

Commissioner Smith inquired new rights versus what.

Commissioner Tobia explained new rights that the consumer has, since this was a consumer friendly bill, he is asking what new rights are given to the consumer in this; and he stated he could not find any. He commented if Commissioner Smith wants to take the Fifth Amendment that is actually one of those rights he has.

Commissioner Smith stated he would refer to the County Attorney on this.

Attorney Richardson stated it just really makes the public aware of the regulations that apply, particularly the maximum rates and posting those.

Commissioner Tobia interjected he has got it, there are no new rights.

Attorney Richardson continued to say it is just informing people of existing rights.

Commissioner Tobia stated he wants to get to the information that is very important; he asked Commissioner Smith if he would agree that posting of already-existing rights, as said by the County Attorney, on businesses is what Commissioner Smith has levied against business mandates; and would he say that forcing businesses to post something is considered a business mandate.

Commissioner Smith stated it depends on how it is worded.

Commissioner Tobia pointed out Commissioner Smith has it as a must.

Commissioner Smith stated he thinks when it was discussed, it was a good idea because, and it does not happen often, the thinking was if there was someone that was parked in a parking lot that was not supposed to be parked in, and the car got towed, there is probably nothing worse than an automobile owner to come out and see the car gone; and if they see that the car is gone, they do not know what their rights are, what they can do, and where they are.

Commissioner Tobia explained this is at the wrecker offices, not to where it was towed; and he inquired what size the sign needs to be.

Commissioner Smith advised he did not know that there needed to be a specific size.

Commissioner Tobia mentioned it does not have to, but this is a mandate and he certainly wants to make sure the business owners are aware; what if a three-by-five sign is placed somewhere where it cannot be seen; his next question is Commissioner Smith made accommodations for people with disabilities, and he asked will there be accommodations for people with disabilities on these signs.

Commissioner Smith noted that can be done, he thinks it would be worthwhile.

Commissioner Tobia asked what about foreign languages; the reason he says that is the Language Minority Provision Voting Rights Act of 1976, requires the ballots be provided in minorities languages, if five percent or more of the voting-age citizens speak that language, and what will it do about the people who speak a language other than English.

Commissioner Smith asked what language he was referring to, there are an awful lot of languages out there.

Commissioner Tobia noted he knows that and that is why he is concerned.

Commissioner Smith noted he is being facetious.

Commissioner Pritchett mentioned they do Spanish for voting.

Commissioner Tobia stated the County does many other languages than Spanish for voting.

Commissioner Pritchett inquired for voting, because she only saw Spanish ballots.

Commissioner Tobia replied absolutely.

Commissioner Smith stated he will defer to the Legal team, he does not know.

Commissioner Tobia stated he is concerned; and he asked, with the automatic rate adjustments that are in the ordinance, would the owners of the tow companies need to update their signs on a yearly basis.

Commissioner Pritchett advised they are not automatic now.

Commissioner Tobia stated the Board has not voted on it, and assuming it is voted for.

Commissioner Smith interjected that would be up to his fellow Commissioners.

Commissioner Tobia went on to say his question is, if the owners do not update it in a timely fashion, the section that Commissioner Smith has as a provision for a penalty is 106.7d, which is a fine of \$500 or 60 days in jail; and he asked if Commissioner Smith thinks that is fair.

Commissioner Smith replied no, and that is one that got past the goalie because he would x that out completely; none of the deputies are going to write a ticket to one of these towing company owners that is going to put them in jail; he thinks if they just deal with the rotation, if one of them is determined to be guilty of any of these issues, that he or she would be taken off of the rotation for three months; that is self-enforcing and something that one is going to go out of their way to make sure it does not happen; the Board does not have to get involved, as the towing companies mind their own ship; and for him, that would be the way to go.

Commissioner Tobia noted he is not arguing about the \$500 or 60 days in jail, he is against the

mandate altogether; he thinks it is unfair for numerous reasons.

Commissioner Smith asked if that could be stricken.

Commissioner Tobia advised he has a compromise that he thinks will solve most of this stuff; he stated he wants to jump to Section 106.5, page eight, on the accident scene; it has bona fide extra equipment labor time; and he asked Commissioner Smith who provides for that extra equipment or labor.

Commissioner Smith stated he believes they were considering the wreckers, the towing companies would do that.

Commissioner Tobia stated he should not ask a question he knows the answer to; actually, in the ordinance it says the officer at the scene is going to do that; the wrecker cannot certify their time, that would not work; in this ordinance it is the officer; and he asked if Commissioner Smith believes that an officer that is assisting with injuries, directing traffic, or conducting an investigation, should also have the additional responsibility for overseeing the time a wrecker needs to take care of the accident scene.

Commissioner Smith replied he does not know, and asked Commissioner Tobia what he thinks.

Commissioner Tobia mentioned he would get rid of that, but he did not place it there to begin with.

Chair Zonka commented he can ask the Sheriff if that is something they can do.

Commissioner Tobia stated he wants to go to Section 106.5, and he asked who legitimizes bona fide waiting time; he noted it is also listed in there as bona fide; he will help Commissioner Smith, there is nothing stated in the proposed ordinance; and it is not the officer this time, it is specifically not stated.

Commissioner Smith stated he thinks the Sheriff should hire Commissioner Tobia as his legal aid.

Commissioner Tobia advised he has no legal training whatsoever; if this Board is going to do something bona fide, which means genuine or real, it should actually have somebody that is verifying that time and this ordinance does not do it; going to the billing section, Section 106.5, page eight; the section states that for service call outs, the tow truck driver is "entitled to charge the applicable service fee, plus labor, plus parts"; and his question is what is the cost of labor per hour, as it is not listed in the ordinance.

Commissioner Smith stated he thought it was.

Commissioner Tobia went on to say it does not say it in Section 106.5.a.5 on page eight; and he asked what is stopping a tow truck driver from charging \$50 for a screw.

Commissioner Smith stated it would not be legitimate because it is not part of...

Commissioner Tobia interjected by adding there is no cost; he stated if the intent of this ordinance is to protect consumers, his suggestion would be to add the word reasonable prior to labor and parts; the Board will see that in the compromise; Commissioner Pritchett brought up this is also on the mileage rates; he can assess mileage from pick up location to the storage location, and he thinks they came up arbitrarily with 25 miles; his thought was, and the County

Attorney came up with this, was actual miles traveled from the point of pick up or the round trip distance between the wrecker operator's nearest place of business and the point of pick up, whichever is less because the start of the tow could be anywhere; in other words, the tow could initiate in Volusia County and there is nothing in the ordinance that provides a maximum. He added this would solve that and not allow it to be abused; he is not saying that anyone is abusing it, but if they are not, they should not have a problem setting the maximum; he has stayed away from the fees mostly, but he is going to get there; and he asked Chair Zonka if he could ask the Sheriff a couple questions.

Chair Zonka responded affirmatively.

Commissioner Tobia asked the Sheriff if he minds coming to the podium; and he asked if the Sheriff receives any revenue from any of the towing services.

Sheriff Wayne Ivey, Brevard County Sheriff's Office, responded in the negative.

Commissioner Tobia continued by saying clearly, the Sheriff has no interest in fees, other than keeping consumers at a fair and balanced rate.

Sheriff Ivey stated other than trying to be a good steward of the taxpayers dollars, he has no dog in that fight.

Commissioner Tobia reiterated the Sheriff does not receive any of these fees; and if the Sheriff sees 32 percent, his eyes do not widen a little bit more.

Sheriff Ivey advised he has been focused on things that his office is focused on, nothing to do with the fees.

Commissioner Tobia stated he guesses what he read he was under the misconception that the Sheriff might have been in favor of that.

Sheriff Ivey asked if he read that in the Florida Today.

Commissioner Tobia advised he might have. He stated he wants to thank Commissioner Pritchett for doing some work on looking at another County; and he asked Commissioner Pritchett why she chose Lake County, as it is not a neighboring county. He added in fact, one would have to go through numerous other counties to get to Lake County.

Commissioner Pritchett stated she thinks Commissioner Tobia gave a couple early on; she tried to do one with Volusia as well but it was too hard to try to interpret the data; she cannot pick up the phone and call him, so she just took the one that seemed like it was a little bit more comparable with the same types of charges; and that is where she ran the data from. She inquired if Commissioner Tobia has some more data.

Commissioner Tobia replied he actually has pertinent data of County's that are much closer to Brevard; he noted that would be Seminole County, Volusia County, Orange County, and Polk County; he thinks the data is a little bit better with the neighboring counties; currently, even though Brevard's dates back to 2008 and Seminole is as recent as 2021, Brevard County is the highest in many categories; he mentioned this has been run through the County Attorney's Office; and if Brevard County goes ahead with this proposal, it would be the highest in 66 of 69 categories, or 96 percent. He continued by saying things just started to go downhill from there; in nine of the fee categories that are listed currently in the County Ordinance, if the Board were to truly compare this, when he looked at those other counties he mentioned, all four of them

expressly prohibited by ordinance nine things that Brevard County was currently charging for; he began to wonder why Brevard County is charging for things that other counties do not allow; he has copies of the ordinance if the Board needs them; those charges are fuel, surcharge per mile, non-towing service call fees of a.), b.) c.), and d.), removal of drive shaft in class BCD, air hook up in class B, C, D, removal of the pull axle in B, C, D, removal of the bumper in B, C, D, removal of airfoil in B, C, D, and trailer/semi rollback or drop back trailer or truck in class B, C, or D, and airbags; and it is not that they do not charge for it, it is in the ordinance that says they cannot charge for it; and in his mind it lets him know this is pretty nefarious. He inquired why Brevard County should have these fees and, even more, increase these fees if neighboring counties are not only not charging, but are saying in the ordinance that they cannot charge for them.

Commissioner Smith advised he cannot verify if that is true or not true, but he can say, just from what Commissioner Tobia has presented here, the Board is not looking at outrageous numbers; he is correct in that fact in many cases they are higher; one is \$29, \$30, \$29.98 in Brevard County, the proposed, and the existing in Seminole was \$25, a difference of \$4.98; there is \$20 in Volusia, and there's \$25, so they are in the same ballpark; removal of drive shaft air hook up, remove pull and axle, these are items that these people have brought up; and he would defer to the County Attorneys because they spent more time on this than he did.

Commissioner Tobia replied he just passed down a prohibitive language in neighboring counties; he actually pulled it from Orange County, Polk, and Seminole County and he highlighted the pertinent parts of where it specifically says they cannot charge for these; no fees or charges shall be made for special equipment services including but not limited to, double hook up, vehicle entry with lock, drop transmission linkage, action drive shaft, removal, and it goes on and on; Polk is the same; and he has highlighted the overlap.

Commissioner Smith stated he is tired of this and how about cutting to the chase; Commissioner Tobia says he has answers for all this, he wants to hear them because what he has said so far is he is really quibbling about minor stuff; if his fellow Commissioners agree with him, then they can eliminate or increase; and he noted he does not see the purpose of the dog and pony show.

Commissioner Tobia stated it is never fun to have questions that are good and not have answers for them.

Commissioner Smith stated that is Commissioner Tobia's words, not his own; he did not say those questions were good; he said he is really getting tired of it; and Commissioner Tobia said he has answers, so he wants to hear them.

Commissioner Tobia commented he has a compromise that deals with most of the terrible stuff, because it is written extremely poorly; first of all, the compromise deals with working off the current document that the Board has, which is Resolution 2008-150; portion one is ADA accessibility, great job there; he thinks that needs to be included; the Ordinance in 2008 was written very well; it gave the towing authority the ability to come to the Board at any time; not one tower ever came up and said Commissioner Tobia the towers need a rate increase; if they would have, he would have been more than willing to provide them with a CPI increase; the fact that they did not take the time to come to the Board and ask for one, call the office, get a lobbyist, whatever the case may be, does not entitle them to a rate increase of that three percent for the 10 or 12 years that they did not do it; and what this would do is provide a three percent adjustment for tow rates off the 2008-150 resolution, less the fees that he is about to mention. He continued on by saying to eliminate all the fees which are expressly prohibited from the four neighboring counties; he provided the language that prevents that from

happening; number four, on the compromise, would be to add the public entity vehicles that Commissioner Smith was wise enough to place in there; this keeps maximum for public entity vehicles operating under official business; he thinks that is a great idea and it certainly needs to be added in there; and number five, the wrecker operating system, 106.8, page twelve, he took this line by line and copied it in there and the only one suggested change is, while Brevard County has a wonderful male Sheriff that may not always be the case, therefore, he would change from 'his' designee to 'his or her' designee.

Commissioner Smith stated he cannot take credit for that this was Attorney Laura Moody and the County Attorney's handy work.

Commissioner Tobia went on to say mileage rates are the actual miles and the one discussed, wreckers cannot leave from Georgia and come down; this is a roundtrip distance, whichever is lower from where they left or where their place of business is; number seven, he has already discussed the service call out, and just adding the word reasonable; this is just a point and he is sure there are many in there, and he is going to ask a question even though he already knows the answer; and he asked what would be the removal fee for a 22-foot boat in Commissioner Smith's ordinance.

Commissioner Smith stated he has no clue.

Commissioner Tobia stated he will tell him, it is \$0. He noted it is not funny it is \$0.

Commissioner Smith stated it is not funny but Commissioner Tobia is funny; and he enjoys his theatrics.

Commissioner Tobia stated it is not theatrics, it is written extremely poorly.

Commissioner Smith pointed out the Board is there charged with trying to come up with something better than what it had.

Commissioner Tobia pointed out he is giving a solution.

Commissioner Smith advised in Commissioner Tobia's opinion it is a solution.

Commissioner Tobia asked if he could punt this over to the County Attorney. He asked Attorney Richardson how much a 22-foot boat cost to be removed.

Attorney Richardson responded there is no maximum applied to that; that is not on Commissioner Smith, that is on him that was carried over from the 2008 rate resolution; that should be covered and should say up to and including 22 feet or something of that nature to capture.

Commissioner Tobia thanked him for falling on the sword; he reiterated there is no fee because the language was extremely poor; and he did not write it in 2008.

Attorney Richardson noted he should have caught it this time.

Commissioner Tobia stated that is correct, but either way the Board has the ability to fix it; his compromise again, as he passed out, would be ADA accessibility, a CPI adjustment for one year, doing away with the prohibitive fees, adding the public entity vehicles that were wisely placed in there, word-for-word accepting the wrecker operating system with the change of the pronoun from his to his or her, theirs, or whatever, setting a cap of mileage rates, placing the

word 'reasonable' in service call outs, and dealing with the error that was accidentally overlooked when it comes to a certain size of boat; those encapsulate much of what they had for the wreckers and it gets it more in line with what the neighboring counties are doing; and he has figured out what that three percent is, so it can be compared to the neighboring counties, and it is probably a lot more indicative than what Lake County has. He pointed out this is Seminole, and Seminole County did this in 2021, Orange County in 2014, Polk County in 2013, and Volusia County in 2009, therefore they are relatively recent ordinances; the compromise would put Brevard County right there in the middle as opposed to, if they went off the proposed numbers, the 32 percent fee increase, where Brevard County would suddenly be higher in 96 percent; and he understands how the wreckers would be disappointed that Brevard would not be the highest in 96 percent, but while they are stakeholders, so are the rate payers the stakeholders; and he does not want to gouge them. He added by being the highest of the neighboring counties, gouging is probably a nice word for what it would be doing to the rate payers.

Commissioner Smith stated he would say gouging is excessive; he thinks it is uncalled for; he does not think those numbers...

Commissioner Tobia interjected asking if he does not think being higher than the neighboring counties, 96 percent of the time, is gouging.

Commissioner Smith stated if one is talking big numbers yes, but he is not talking big numbers, he is talking \$117 to \$150, \$114, \$125.

Commissioner Tobia stated in Commissioner Smith's, it has \$2,100 for airbag removal and in the four counties, Seminole, Volusia, Polk, and Orange, they have \$0; and he thinks \$2,100 is a lot of money.

Commissioner Pritchett stated she does not think that is the actual airbags, it was the break air, she thinks it could be different and asked for clarification.

Commissioner Smith asked to be corrected if he is wrong but this is not the money, it is allowing the towers to charge the insurance companies, it is not an individual that would be paying these fees; that is how they started because Kendall stood at the dais and noted these guys are not getting paid for a rotator because the insurance companies are willing to pay, except that the County does not have a schedule for pay, so they refuse to pay them; and he advised the insurance companies are making the payments on these things.

Commissioner Tobia stated that is a huge fallacy that he is sure Commissioner Smith knows being a business owner; the more the insurance is billed, the more they pass it on to the rate payers; the more he has to pay for his insurance because the insurance company is getting billed, whether it is directly or indirectly; and this will be found out with the hurricane, when people look at their hurricane insurance, wind, and maybe even flood insurance because when insurance has to pay out more, then the consumer has to pay out more.

Commissioner Smith stated if Commissioner Tobia was talking big dollar differences, he would probably have some traction, but he is not; he dealt with insurance companies for 28 years in his body shop and the insurance companies do everything they can, they are the tail that wags the dog; the insurance companies always come out on top; the poor people in the middle, these tow owners, the body shops, they are the ones caught in the middle between the ratepayer that Commissioner Tobia is talking about; and he has no issue with protecting the rate payer, but the insurance companies are the ones making the money and they are making money even with these prices; and these prices are not outrageous. He continued by saying if

Commissioner Tobia's first compromise is 2a, he would reject that completely; prohibitive fees....

Commissioner Tobia inquired if he rejects 2a the CPI adjustment.

Commissioner Smith advised that is right; Commissioner Tobia is just giving a one-time three percent on the 2008 prices; and he asked if that is correct.

Commissioner Tobia stated that is absolutely correct; and asked if his idea is to give them a 32 percent shock injection all at once, even though for the last 10 years they could have asked for one.

Commissioner Smith stated they could have, but they did not.

Chair Zonka stated it is not helping them by yelling out.

Commissioner Smith inquired if any these compromises that Commissioner Tobia has suggested are appealing to either of his fellow Commissioners.

Commissioner Pritchett is thinking about limiting the sign size for disabilities is a good idea.

Commissioner Tobia added not only that language, and then it has to get rid of the entire punishment section of it because if they do not do it, or it is not posted, or the wind blows it over, or they do not update it in time, then they are subject to a \$500 fine and 60 days in jail.

Commissioner Pritchett stated maybe Sheriff Ivey would not mind coming up with what he thinks would be appropriate to post in the businesses for transparency.

Commissioner Tobia stated he does not know that the Board needs to levy any more responsibility on the Sheriff to go around and check-out signs.

Commissioner Smith stated he agrees with the signs, he thinks that is a good idea.

Commissioner Pritchett stated he could provide the Board with an idea of what it should be; but she does not know what these signs should look like.

Commissioner Tobia stated this is not in the statute, this is a business mandate that if the Board votes for this it would be placing it on business owners.

Commissioner Pritchett responded affirmatively.

Commissioner Tobia continued by saying then the Board would be asking the Sheriff to go around and make sure that the sign is there and placing the Sheriff in a tough spot by writing a ticket that could potentially lead to a \$500 fine and 60 days in jail. He noted he did not write it, he is just pointing it out.

Commissioner Smith advised the County is not going to have tickets and \$500 fines for a sign.

Commissioner Pritchett stated she thinks there needs to be some kind of signage; the Board is about transparency for the people and that is what is important.

Sheriff Ivey stated he thinks that falls more correctly under Code Enforcement in that regard than it would the Sheriff.

Commissioner Pritchett stated she would imagine they are going to post it, it is in the ordinance; she is not worried about nobody posting it; she does not know Commissioner Zonka's thoughts on it, but if it is more than one language; and she thinks the ballots go with Spanish and English, if the Board wants to do that.

Commissioner Smith stated the sign is a good idea because if the Board remembers, it came up with a specific sign and it was used as a template; it was offered to the public; the Board could do the same with this; and make it an 11 by 14 sign or a 16 by 20, that is a pretty good size sign.

Commissioner Pritchett mentioned it could do a poster.

Commissioner Smith continued by saying the sign could be in Spanish and English and the Board does not have to spend an hour deciding, he thinks that covers the basis.

Commissioner Pritchett stated Commissioner Smith has also asked if there was anything else, and she thinks she knows what he was trying to say, but she thinks what the Board could do, is put any additional charges outside of this ordinance are prohibited; she thinks that was what they were trying to do and what they were saying; and that already has to be there so adding that additional wording.

Commissioner Smith stated he is amenable to that.

Commissioner Tobia stated he is counting votes, and wisely so, the Chair has remained quiet on this one; if she says she is favor of this, he will not call it gouging, 32 percent increase, then he will leave off of it because Commissioner Smith would have his three votes; and he does not want to beat a dead horse dead.

Commissioner Smith stated that is why he is doing this; he wants input; he wants the Board to see what the process has been, understand what the process has been, and how it got to where it is; he disagrees 100 percent that this is gouging; he thinks it is reasonable; and as the Board has already heard, the towing companies are not happy with the numbers.

Chair Zonka commented she does not think they are going to be happy with anything this Board does, especially if the Board starts taking off these nickel and dime charges that they are charging and no one else is; she thinks that the discussion during a prior meeting was that none of the Board Members liked those at line item changes because there is a lot of room in there.

Commissioner Smith stated he thought the Board got rid of most of them, but not all of them.

Commissioner Tobia advised that the Board did not.

Chair Zonka commented in all fairness, in 2008, if someone was told there was an automatic increase and there was not an increase, why not come back to the Board or send an email, they had 15 years to do that; what she is saying is the expectation, they can be mad at the Board for not wanting to increase rates 30 percent, and she refuses to go that high; she thinks that is just too high; however, she thinks they definitely need an increase. She went on to say she does not even have an issue with that because the cost of everything has gone up, but she is not okay with 32.

Commissioner Smith asked what Chair Zonka is thinking.

Commissioner Pritchett stated this is what she did in the middle of the proposed just in case.

Chair Zonka stated she thinks she was running those numbers as well; she thinks Commissioner Pritchett probably still has some of those charges in there that Commissioner Tobia may want to take out.

Commissioner Pritchett advised this is what is in the current one and this is the proposed one; and she just took the delta of the two and then made a middle adjustment for the Board to look at it.

Chair Zonka stated as much as she would love to pass this ordinance with Commissioner Smith, if the Board is really going to change it that much, she thinks it needs to come back; the Board can listen to these guys yell at them and talk out during the meeting next time; maybe by then everyone will cool off, but it is up to the Board; she is happy to vote on it either way, but she cannot guarantee it; she knows this is not going to get her support, the way it sits; however, she does like some of the compromises.

Commissioner Smith stated he is not adverse to them either, that is why he wants to hear what the Board Members have to say; and he asked if that middle ground works for Chair Zonka.

Commissioner Pritchett stated she would like to hear from Chair Zonka.

Chair Zonka noted she is hearing from her.

Commissioner Pritchett explained she would like to hear what Chair Zonka would like to do.

Chair Zonka noted she would like this to come back because there are 50 new ideas here; she does not want something to be inadvertently left out; and the Board is revisiting it anyway.

Commissioner Tobia commented the math changes with two new Commissioners; and he has no idea where the others are.

Chair Zonka noted the Board would have a cleaner ordinance; she knows there are three Commissioners and if the three of them do not like the extra charges in there, at least they will know those charges will not be in there, because no matter who is there, that is not going to change, unless one of them changes their mind.

Commissioner Tobia stated if the Board wants to vote on this, he would go with Commissioner Pritchett's delta between the 32 and the zero, and he will take her word that she did the math; however, there is no way he could vote for that unless the Board did away with all the charges the neighboring counties expressly prohibited; not the ones that charge nothing, but the ones that said it cannot be charged for; and then there is some sort of balance.

Chair Zonka mentioned she thinks even Commissioner Smith agreed with that.

Commissioner Pritchett commented there are a couple she does not know what they are; she does know that the airbags are not the same as the air brake thing; she thinks that is a little bit different on what they do not charge; she is pretty sure they charge for airbags because they have to use them to lift the vehicle; she thinks there might need to be some definition on those; she has spent a lot of time on this; and she is surprised that she understands as much as she does right now. She continued by saying she thinks the Board needs to look through those as well, because she does not know what a double jack is that was on there.

Commissioner Tobia explained if the Board wanted to take two things off the table, and he cannot speak for anyone else, and unfortunately Commissioner Smith will not be there, but he will punt this to the County Attorney to look at those definitions and review only the neighboring counties, and he would do the 15 percent if the Board got rid of all of those fees; to be clear it would not be him saying it, it would be the County Attorney saying that these other counties do not allow it, therefore, Brevard should not be charging for it; he would be comfortable with that and not even mention the 15 percent; as Chair Zonka pointed out, he does not think the towing community will be happy with only a 15 percent increase in their fees; and he certainly does not think they are going to be happy if the Board pulls off fees that are currently being charged.

Chair Zonka noted she wants to be fair, but she does not want to be the only County charging for things that it should not be charging for.

Commissioner Smith stated he agrees with her; he does not want to see excessive increases, but at the same time, many of these that he is concerned about are from \$125 to \$135 and \$129 to \$135, there is really not a lot of difference; 32 percent is just like when the Board passed the trash fees, and everybody was up in arms because it was a 39 percent increase, but the increase was \$12 to \$15 or something like that; it has to be put in perspective; and he is just one person who decided this was what he wanted to do, and he tried to do it.

Chair Zonka stated they are getting half of the year worth of CPI back, and eliminating those others, because that is probably where they are making up their total costs, in all those little line item charges that they are charging and other counties are not.

Commissioner Tobia advised to be clear, the red one that he pointed out, fuel surcharge per mile, right now they charge \$0.50, Seminole County charges zero, Volusia County charges zero, Orange County charges zero, and Polk County charges zero; non-tow service call fee, right now Brevard County charges \$51, this one says \$67.53 and while that is a 32 percent increase, right now, Seminole County, Polk County, Orange County, and Volusia County all charge zero; then it gets into class B, C, and D, and there is a lot that Brevard County directly charges and none of them have charges; and those are the ones that he wonders why Brevard County charges and not one of those other neighboring counties does.

Commissioner Smith states that is an interesting question; he does not understand why either; it boggles his mind that they do not, particularly the fuel charge increase, because as the Board knows, these big rigs all run on diesel, and unless people's heads have been under a rock this past year, people know that diesel fuel has gone from \$3.00 to like \$5.19, and he has seen it as high as \$5.60 per gallon; these guys are trying to make a living, provide a service; and if the Board makes it to the point for them that they are providing a service that they cannot make money on, they are not going to do it, then what will the County do.

Commissioner Tobia stated he is with him on that, but the fallacy in that argument is everyone is paying these high diesel costs.

Commissioner Smith advised that is where he is going with this, but they are going to change theirs too; he cannot imagine that they are not, because if these guys are not making money, they certainly are not making money; and he thinks they are going to be going to their Commissioners as well.

Commissioner Tobia stated on page one of the ordinance, Commissioner Smith lists that there are numerous firms willing to do this; they are claiming that they are not getting enough revenue, but by the ordinance, it states there are numerous firms; he looked up how many firms had gone out of business and he could not find that number; he saw where some had

consolidated, but sometimes consolidation is a business positive, not a business negative; and there is no indication that it is one or the other. He mentioned the fact that there are no numerous towing companies is probably a pretty good indication, and the fact that someone is buying a \$600,000 vehicle is probably a pretty good indication that they are making enough money; and he understands it is very expensive, but no one says they do not have enough money.

Commissioner Smith commented he is going to play devil's advocate; and he asked if in a year and one-half's time these guys decide they cannot make money, there is no one else to fill the gap, what will the County do.

Commissioner Tobia stated that is a very good question, the County may find out it cut it too far; what they would then do is the Sheriff would have trouble getting people on the rotation, and he would come to the Board and tell the Board Members that they need to do something about the rates; right now, the Board is in the same range as these neighboring counties; he is not seeing any problems in those neighboring counties; he did a Google search, and he has not received any phone calls from towing companies complaining that they are going out of business; he recognizes there have been some consolidations, but that does not mean people are going out of business; and he says for the Board to cross that bridge when it gets there. He mentioned the Board is in the realm of the neighboring counties, even with a three percent increase, Brevard County is still higher on numerous fees, it is not the lowest one.

Chair Zonka noted that is if the County keeps all of those fees; and she asked if that is correct. She went on to say if the Board cuts all of those, it would probably actually be lowering what they take in for a tow; she is not saying she is against the Board putting them in the ordinance as an exclusionary item; she thinks they all need to find a compromise; compromise with the consideration that they have not had a rate increase, whether or not they should have asked for it or whether the Board should have made everybody pay more money, or shift the blame wherever they want, she thinks there is a compromise in this; and she just thinks it needs to be put together nicely. She stated she also wants in there that it is not an automatic increase and that it needs to come back to the Board.

Commissioner Tobia noted it clearly says that "All towing companies working under the Resolution may be entitled to increase three percent or published CPI, whichever is lower, with the approval of the Board of County Commissioners;" he can tell people right now, he will always, had they come up each and every year and asked for the CPI, he would provide them that service of that three percent; if this Board does nothing now, and they come back and ask for it, he would absolutely be willing to do that; if they come back 12 months later, they would not even have to come see him, he would be more than willing to do that; and what he will not do, and the fact that none of them came up during public discussion and said they would like a three percent increase, he would have said he is more than willing to offer that three percent and he would have even asked for a vote for that CPI, because that is not a tax increase, but it is a huge fee increase, over 30 percent, especially when the County is similar to what other counties are.

Commissioner Smith stated try to remember what is being done here; he is trying to make them whole; whether they should have, and did not, or the Board should have, and did not, he thinks it is fair for this Board to give them that increase; this is not going to break the insurance company and they are not going to charge people double on their insurance bill; he just thinks these are reasonable; however, some of these that were pointed out, are a little bit off the charts, not reasonable; he has done what he can and if the Board wants to try to make a compromise, he would love to do it and get it done; however he does understand where the Board Members are coming from, and it is in their ball park.

Chair Zonka advised she is not comfortable unless everyone is definitive and is in agreement, she would rather see this come back; she knows that is not what Commissioner Smith wants to hear.

Commissioner Tobia stated he will not be bringing this back; he does not know if anyone else will be bringing it back; he would be more than willing if anyone came back, and go for the three percent increase as well as those other things; this is Commissioner Smith's last time if she wants to provide a 10 or 15 minute recess to allow Commissioner Smith to speak with some of the stakeholders and figure something out; and the Board cannot be a part of it, but he is more than willing to pay deference because he knows he spent a lot of time on this.

Chair Zonka stated she would like to pass something; she knows how many hours and how important this is to Commissioner Smith; she just would not be comfortable voting for it the way it sits; and she thinks they brought excellent ideas that covered everything she was concerned about.

Commissioner Smith inquired what Chair Zonka would like to see.

Chair Zonka noted she would like Commissioner Smith to talk to the tow owners.

Commissioner Smith asked what she is looking for him to get out of them to move forward.

Chair Zonka stated she herself would be comfortable with a comparable rate; she does not know how one would calculate that with the consideration of this County and how long it is; she knows that matters, at least when it comes to trash collection and other services, because this is not Orlando; Brevard County is not busy like a normal busy city; they have quite a large area, so she is willing to take exception and understanding with that; 32 percent is way too high; and this Board cannot make up for everything they should have asked for, or the Commission should have thought about on its own, and put forward.

Commissioner Tobia asked Chair Zonka if she would have voted for the three percent every year.

Chair Zonka commented she would have, absolutely.

Commissioner Tobia asked Commissioner Pritchett if they had asked for CPI, and mentioned the Board asked voters for CPI.

Commissioner Pritchett stated the lower of CPI or three percent.

Commissioner Tobia advised the Board asked voters to pay up that, so he thinks that is only fair.

Commissioner Pritchett stated the Board is getting ready to drop it to something soon.

Commissioner Smith mentioned to remember a lot of these years, the CPI was only like .8 percent; there were a number of years like that; to add those together, he does not think it is obscene to give them that number since they should have had it in the first place; but that is the Board's call.

Chair Zonka stated should have, would have, could have; the Board has held rates flat for some other times when there were recessions and the County held fees flat in other departments; she does not know if it was just at the County but she knows even at the City of

Palm Bay, they flattened out fees, waived fees, and all kinds of crazy stuff.

Commissioner Tobia stated people just heard the entire Board say it would not have even questioned a three percent increase.

Commissioner Smith pointed out three percent or CPI.

Commissioner Tobia reiterated had they come and asked, it would have been.

Chair Zonka noted the reality is they would not exist as a business if they were hurting and losing money; she knows they are not making as much profit, but the fact of the matter is they are still in business, not because they like to work; they are in business because they are making money.

Commissioner Pritchett asked if the Board would maybe look at the compromise; she thinks if the Board did half of it, then it is right in between the proposed and where it is now; she went ahead and prepared because she had to a feeling there was going to be a discussion; the only thing is with the separate charges; it is on page two of the chart she provided; it is all the numbers that are on there, the current and what is proposed; and she knows the Board is uncomfortable with the additional charges, what if the Board were to go ahead and bring all the other ones up to the middle and leave the current as they are right now; and then the Board can come back and have a discussion with it later on, whether it needs to remove or adjust other numbers or raise it to the proposed or middle-of-the-road option. She asked if that is a compromise.

Commissioner Tobia stated he is not going to vote for the compromise unless it does away with the fees that are unique to Brevard County.

Commissioner Pritchett asked Commissioner Tobia to help her with this, because looking at this, she sees a lot of them are on there, she gets that, but some of them she does not mind and some of them she does; she is looking at the chart and trying to get a handle on the difference in the rates; like Commissioner Tobia said, Brevard does not have any charges in one area and the other counties have charges; and she does not know if that is to try to maneuver some of the money over for fees.

Commissioner Tobia advised that is a valid point.

Commissioner Pritchett continued on by saying she is just trying to think of something to do to get them something now, but the Board really needs to sit down and do some tweaking on these charges; her thought is leave the current alone right now; work on getting rid of it or whatever; maybe do a middle of the options on the other charges for class, all except for the a la carte ones; and she noted that is what she has been calling the separate charges.

Commissioner Tobia noted it sounds like, and he does not know where Commissioner Smith is on that one, she has three votes on that one; unless those are pulled out he cannot vote for it; he knows it is not fair, because he is not voting for it, but he would ask for the Board to throw in the public entity vehicles that is currently there, and put in the pronoun for the designee; he would also ask for the mileage stuff there; and that the language provided by the County Attorney be placed in there.

Commissioner Pritchett asked Commissioner Tobia to tell her where he is on that; and she thinks that was good terminology.

Commissioner Tobia advised that was the County Attorney. He continued by asking if Commissioner Pritchett is actually working off of the 2008 document; he mentioned that is the most important thing to be working off because it is easier to add than to subtract, especially with a document that has strike-throughs that the rest of the Board just received today; what he is asking for are things that Commissioner Smith already agreed to, or put in his, that he thought were great ideas; it includes the disability stuff; he would ask that the public entity vehicles be added in; the Sheriff was comfortable with this, and he was in favor of the wrecker operating system, 106.8, therefore, he would ask for that to be added; and Commissioner Pritchett's idea of the actual miles, he would ask for that to be added in. He added the cleanup, that probably should have been handled by a previous attorney, dealing with the 22-foot boat not being able to be charged, be included in that. He noted he thinks those are probably non-controversial ones, at least from this Board's perspective; he does not know where the wrecker people would be on that one; he thinks it was wise of the Chair to hopefully provide Commissioner Smith with a few minutes to go out and speak with those people.

Chair Zonka stated she will offer two proposals that she would be comfortable with, increasing the rate somewhere in between CPI at three percent and some place where Commissioner Smith is at, and eliminating those other categories altogether; maybe there is more room where the Board can increase the rate per tow to be higher, because they are obviously collecting the money on the line item charges; if their current rate is \$114, they are making it up with these line items; she would say to eliminate the line item charges, like the other counties do, and have them excluded, and come up with a rate that is comparable; and that is where she would be comfortable.

Commissioner Smith inquired if she would be comfortable in this neighborhood.

Chair Zonka noted only if the other numbers are eliminated, or a number slightly lower than that, but these ones have to go because she is not sure where Commissioner Pritchett would be.

Commissioner Pritchett advised she has A, B, C, and D on two different pages; she took the ordinance and just typed the numbers in for the Board Members.

Chair Zonka pointed out these are Brevard County's line item charges that other counties do not charge, that they have excluded by ordinance.

Commissioner Smith inquired if Chair Zonka is saying to eliminate these.

Chair Zonka mentioned at least those ones.

Commissioner Pritchett asked Commissioner Tobia, does the ordinance he is looking at have the change about the increases coming back to the Commission on the new one.

Commissioner Tobia stated he would hope the Board worked off the 2008 document, not the proposed one; if so, then yes; and he would only vote for, even though it sounds like his vote does not matter, one that required the towing industry to come up, especially given that the Board said it was in favor of giving them an annual CPI.

Chair Zonka asked what this one is, and if it was Commissioner Tobia's as well.

Commissioner Tobia responded affirmatively.

Chair Zonka noted it is annotated with the one that is prohibitive by ordinance, removal of drive

shaft, air hook up, removal pull axle, remove bumper, remove air foils, landoll trailer, semi roll back or drop back, and air bags per hour.

Commissioner Tobia mentioned those are the ones on the left that says are 2008, if the District 4 proposal is there; what he shows is that Seminole, Volusia, Orange, and Polk Counties do not charge for it; his idea was to do away with it altogether, even though Commissioner Pritchett brought up a very good idea, that there are things that Brevard County charges for that they do not; he does not know what the balancing is; and in fairness to the wreckers, they brought up a very good point as far as the number of times that they go through the rotation; this is very complicated; and Commissioner Smith has done a super job with so many variables, but he does not know that throwing a 32 percent increase is the answer to it. He mentioned it would have been so much easier if they would have come for a three percent increase each and every year.

Commissioner Smith stated he is not playing that game, they did not and the Board did not.

Commissioner Tobia noted to be clear, there is no responsibility on this Board for it to raise their fees; and he will sleep well at night knowing it is not this Board's responsibility.

Commissioner Pritchett asked if the Board has a delta on what it would be comfortable with, of maybe doing an increase; she stated these are the a la carte items he wants to get rid of; she did not realize it was 31 percent; she asked if there is a percentage the Board could do, that everybody's comfortable with tonight, then have this discussion later after it comes back with those other changes; and she pointed out these are the ones Commissioner Tobia says nobody else does.

Chair Zonka mentioned without knowing how often those are charged to see if that is where they are making up their rate losses.

Commissioner Pritchett agreed.

Commissioner Tobia replied he has no idea.

Commissioner Pritchett stated if the Board got rid of them tonight and gave an increase on the other it could actually cause them to go in the hole; and she just does not know where the numbers are landing right now.

Chair Zonka commented that is why she wanted Commissioner Smith to talk to them, see what they are comfortable with, she does not know.

Commissioner Smith stated to give him something to show them.

Chair Zonka told him to take five minutes, 10 max.

***The Board recessed at 6:39 p.m. and reconvened at 6:55 p.m.**

Commissioner Smith stated what the towers would like to do is to table this and have an opportunity to speak with each of the Commissioners and the two new Commissioners to discuss the different options and the compromises, on a one-on-one basis to come up with something the Board would be comfortable with so that when it comes back, the Board will pretty much have already made a decision on where to go and how to get there to get this done; and Commissioner Smith made a motion to table it.

Commissioner Tobia stated he would hope Commissioner Smith would hold off on that; he would like, as a motion of good will and all the hard work that Commissioner Smith put in on this, he thinks that if instead of tabling, if he could afford a three percent increase on the CPI; he thinks it would be good to do that immediately; he said he would vote for it any time they came up here and they wanted it; and he thinks the Board should at least do that at this meeting.

Chair Zonka asked if that would be the only thing that he would propose to do at this moment.

Commissioner Tobia responded affirmatively and advised his office will be open and it would be up to Commissioner Smith.

Commissioner Smith noted that is only a three percent increase over time.

Commissioner Tobia stated yes, and explained nothing else is off the table; he is just saying at this meeting he is willing to give a three percent; the wreckers came, asked, and he thinks that the Board should provide that; if he would rather wait on that, but he has said on the record he would be willing to give the three percent any time they were to ask; and they asked so he is offering that right now, but it is up to Commissioner Smith.

Commissioner Pritchett stated the County Attorney has a comment that is interesting.

Attorney Richardson informed he is not speaking to the three percent proposal, but just to tabling it, and without a date certain, and he does not know when it can come back because they want time to work on this, he just wants clarification that the County will have permission to re-advertise when the time comes; and this is a public adoption hearing and since the Board is not tabling to a date certain, it is wanting to re-advertise.

Commissioner Smith inquired if Commissioner Tobia is proposing a three percent right now and then they can petition the Board for more than three percent in six weeks, 16 weeks, or whenever, from now.

Commissioner Tobia responded in the affirmative. He mentioned if Commissioner Smith does not want to do that it is fine; he will still provide the three percent later; Commissioner Smith went through a lot of effort; and to table it, is completely Commissioner Smith's call.

Commissioner Smith asked the wrecker people for a nod of the head to do that or if they would just rather go back to what they had talked about.

Chair Zonka stated she does not think any other changes would be made other than the three percent.

Commissioner Tobia pulled his motion.

Commissioner Pritchett mentioned she thinks the Board needs to work on some information, from what she is hearing from Commissioner Tobia and Chair Zonka; to move all of those separate charges, the wrecker guys need to come up with rates that are going to place them in an area to where they are able to run their businesses; that is what they need to start focusing on; she will run some data as well; but that is what she is hearing from the Commissioners, that those separate charges are about to go away; and this County is going to be more like the other counties. And she inquired if that is what Commissioner Tobia is saying.

Commissioner Tobia mentioned they can have all the data, but he has one other question; it

was on the wrecker operator one; he had no changes to that one other than that stupid pronoun, which can be changed later; the Sheriff was in favor of it, and Commissioner Smith was in favor of it; and he asked if the Board wants to put that into effect now or wait on that. He added it sounded like everyone was on board with it.

Commissioner Smith advised he thinks the message is to wait; that is a win but put it aside until further review; however, the Board knows that is a go for the next meeting.

Chair Zonka asked if Attorney Richardson needs Commissioner Smith to restate the request in a different way in order to make it stick and get another second, as far as tabling goes.

Attorney Richardson stated he said table to the next meeting and he does not know that the Board will have the opportunity for all of that.

Commissioner Smith stated he will just pull it.

Chair Zonka commented she would suggest anybody coming to her office, to make sure there is some representation from some of the smaller towing companies too, because the larger guys can absorb a little more perhaps, and they have a different perspective; and she would like to see some smaller businesses and not just the big guys.

Commissioner Pritchett mentioned she heard where everybody is at and what they are thinking and asked that the wreckers work within those realms of what they think is doable and see what they can come up with that will get voted through; that is the important thing; they will need to talk to the other Commissioners and find out where everybody is landing so the Board can get them an increase; they have heard right now, the full amount here will not fly with the Commission; therefore they need to get their negotiation hats on and figure out what will work, and getting rid of those extra charges as well.

The Board discussed a proposed ordinance pertaining to wrecker and towing services, but took no action.

H.2. Proposed Ordinance Amending Chapter 102, Article III, Section 102-119 of the Brevard County Code, Pertaining to the Tourist Development Plan

Chair Zonka called for public hearing on a proposed ordinance amending Chapter 102, Article III, Section 102-119 of the Brevard County Code, pertaining to the Tourist Development Plan.

Morris Richardson, County Attorney, stated this is a public hearing on a proposed ordinance amending Chapter 102, Article III, Section 102-119 of the Brevard County Code pertaining to the Tourist Development Plan; this is an amendment that will add to the County's Tourist Development Plan, what is already authorized by State Statute, a 2018 amendment to the State law, authorize the use of Tourist Development Tax (TDT) funds for certain capital projects and public facilities that are needed to increase tourist-related activities in the County; and this would just add that tool to the tool box; and it would be part of the first two pennies in the tourist tax.

Chair Zonka mentioned she appreciates all his work on this; they worked hard to come up with a plan that would keep the County within the law and allow it to, at least, expand the possibility of the use of TDT for other opportunities; it does not categorize anything, it does not commit anything; but it allows the Tourist Development Commission (TDC) to make recommendations that will come back to the Board hopefully, and it can make a little modification to the plan to address some other issues that impact the County's tourism industry.

Sandra Sullivan stated she was wondering how this changes the percentage because it breaks down percentage; she asked how it changes the percentage for beach facilities; she personally, has an issue with this because on beachside, they have an empty parking lot next to a park; there is a shortage of parking; Brevard County is very much growing with a beachside parking issue; she is interested in how that percentage for the acquisition of beach parks with so much population growth; and previously, the owner was willing to sell it to the County for \$1.4 million, the County and the developer were off by about \$250,000. She continued to explain, while holding up a photo, that the County owns all of the yellow section; she stated this would double the parking area; and she noted she is curious, for opportunities like that, how this proposed ordinance would modify the amount of money or the percentage that would be available for expanding parking facilities on the beach for tourism.

Chair Zonka advised it is her understanding this does not change anything the way it is existing currently.

Attorney Richardson responded in the affirmative; he mentioned this would be nested in the 35 percent of the first two pennies that are allocated to sports facilities, aquariums, zoological, parks, and things like capital projects.

Chair Zonka stated and it does not change the existing plan that would all come from the TDC; it does not mean that people cannot bring ideas on how to make modifications, or eliminate or add to plans, but it just gives a little more flexibility in the future; and she apologized for missing the speaker before the voting started.

There being no further comments or objections, the Board adopted Ordinance No. 22-34, amending Chapter 102, Article III, Section 119, "Budget Plan", of the Brevard County Code of Ordinances; amending Brevard County's Plan for Tourist Development to authorize the use of Tourist Development Tax revenues to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance certain public facilities; amending the section to correct scrivener's errors and enhance accessibility; providing for severability; providing for an area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

J.1. Resolution Declaring that it is in the Public Interest to Have Hurricane Debris Removed From Public and Private Road Right-of-Ways in Brevard County, Authorizing the Solid Waste Management Director to Request that FEMA Approve the Removal of Debris From These Areas

Tom Mulligan, Solid Waste Management Director, stated this Item is asking the same for Hurricane Nicole as previously asked for with Hurricane Ian; he is requesting the Board execute a resolution declaring it in the public interest to remove storm generated debris from public and private right-of-ways in Brevard County; and to authorize the Solid Waste Management Director to request Federal Emergency Management Association (FEMA) to approve the debris removal making it eligible for federal reimbursement for the efforts.

The Board adopted Resolution No. 22-155, declaring it is in the public interest to remove debris from certain public and private right-of-ways in Brevard County; authorized the Solid Waste Management Director to request FEMA approve said removal, therefore, making it eligible for

Federal reimbursement for cleanup costs; and approved the requirement to indemnify and hold harmless the Federal Government from claims arising from debris removal, and certify that the County shall satisfy all legal process and receive all legal permissions to carry-out these actions.

Result: Adopted

Mover: John Tobia

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

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

Commissioner Pritchett stated it is time to mention how much the Board is going to miss Commissioner Smith; this Board has always had him there to be the grown-up; she has learned a lot from him over that time period; he is absolutely delightful; and he is part of the family and he will be greatly missed.

Commissioner Smith joked in about six weeks they will forget his name.

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

Commissioner Tobia stated he has a couple Board reports; the first one is District 3 has an internal policy capping 12 resolutions per year, per District; if a Commissioner decides to put a resolution on the Agenda anywhere but under consent, outside of their 12, he can no longer vote in the affirmative; therefore, the Commission has hit that and he will be voting no, not because of the merits of the resolution, just because of the internal policy that is non-binding. He continued to say the second is the Satellite Beach parking situation; he thanked the County Attorney for sending the letter that was asked of him; he did a very good job on behalf of the Board; as an aside, Mayor Steve Osmer mentioned at the City Council Meeting last week that he got lots of emails from Satellite Beach residents to raise the proposed parking fee to the neighborhood of \$85; on November 7, he sent an email to Mayor Osmer asking him for the lots of emails that he referenced; a week has gone by and he has not received word back, not even a response that he received the email; today he did a public records request out of District 3, and it clearly states in italics this is from District 3, and is not consent of the Board; and he is just keeping the Board apprised of that. He mentioned he would be glad to share those emails should he receive them; finally, the City of Satellite Beach is having their Council meeting tomorrow evening to discuss the parking fees and potentially vote on them for a second time; he plans on attending; he will remain silent; and he will certainly report back. He noted Courtney Barker, Manager of City of Satellite Beach, was very good at providing the letter in the Agenda packet so all of the members of the City Council will certainly have that. He went on to say finally, he has a quick ask for the Board; he would like to ask for the approval to direct staff to move forward with completing task 4 on the current Request for Qualifications (RFQ) regarding Urban Planning Consulting; this is a study to merely look at the County's policies regarding land use designations; the reason he is asking is because it was included as an option on a current study regarding utilities which is far more effective than doing it by itself; the cost is about \$50,000; and this is only looking at areas in District 3. He stated before any action was ever taken on this, it would need to come back to the Board, not only once, but twice; again, the reason he is doing this is it is a lot more cost effective to put this on a study that is looking at some of the similar data, potentially could save tens of thousands of dollars; and he would like to make a motion to direct staff to proceed with task 4 on RFQ 7-22-17 with Urban Planning Consultant. He added he would have put that at the beginning but he thought it was a good idea of management to add it at the last minute; he did not think it was fair to ask management to do that without getting the approval of the Board; and he would be more than

willing to answer any questions if the Board has any.

Commissioner Pritchett advised she does not remember this; she would probably approve it but she just does not have anything in front of her to look at.

Commissioner Tobia stated the County has hired a consultant to do some work with Utilities, with water in the District that he represents; the expertise of that consultant could expand the scope to look at some land use stuff, using some of the same data; there is an additional cost to doing that study, about \$50,000; if they were to do that study independently, it could cost double or even triple that, but there are already people looking at some of the data so they can add a little more and it would cost about \$50,000; it is the data that the Board can use to make better decisions as it moves forward; he cannot make those decisions unilaterally, it would then have to come back to the Board; and he asked the Planning and Development Director, Tad Calkins, if that is the accurate information he was given.

Mr. Calkins responded affirmatively.

Commissioner Tobia advised this is going to change nothing other than providing the Board with more data; when that data comes in, and he does not know what it will be, it would come back to the Board before anything was done; and to be very clear, this is exclusively in District 3.

Commissioner Pritchett asked where the funding is coming from.

Mr. Calkins advised the funding is coming from the Planning and Development Department jointly with Utilities.

Commissioner Pritchett asked if they have the budget for that.

Mr. Calkins responded in the affirmative; he noted, for some understanding, this would be if they were to do anything it would be a Comprehensive Plan amendment and that would have to go to the Board twice; there would be an opportunity to review and see if it wanted to transmit it to the Department of Economic Opportunity (DEO); the second opportunity would be once it came back for actual adoption; and that would provide two more chances to look at the results of this.

Chair Zonka asked if Mr. Calkins sees a benefit to having this study done.

Mr. Calkins advised he thinks there is a benefit for the property owners in the South Beach area.

The Board directed staff to authorize and proceed with Task 4 as delineated in the Scope of Services under RFQ-7-22-17 Urban Planning Consultant.

Result: Approved

Mover: John Tobia

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

L.6. Kristine Zonka, Commissioner District 5, Chair, Re: Board Report

Chair Zonka mentioned this is Commissioner Smith's last meeting; Don Walker, Space Coast Government Television (SCGTV) Director prepared this poem for Commissioner Smith and

with his permission, she is going to read it; and she read, "Curt Smith, the avid jet-skier. Here is something that's worthy of note, when he ran, he won, got 63 percent of the vote. A fiscal conservative, that's a political superlative, but with each passing year, it's become that much clearer, this man's not just a leader, he's Curt Smith, the avid jet-skier. Born with a photographer's eye, civic-minded thinker, pie-in-the-sky. God and country always come first, humanitarian with a heart that could burst. Never too shy to shed a tear, it's become that much clearer, this man's not just a leader, he's Curt Smith, the avid jet-skier. Two terms in office, yep that's the limit, but for eight solid years, he put his soul in it. Diligent, sensitive, practical, and always steadfast, he helped move us forward, never back to the past. No matter the issue, never prompted by fear, it's become that much clearer, this man's not just a leader, he's Curt Smith, the avid jet-skier. So let's talk about Curt Smith, call him the man, a staunch Lagoon advocate, he's a man with a plan. A true wave runner and stoic policy-maker, for a chance on the water, he is always the taker. To us it has always bemused, that smile on his face, his eyes so enthused. On the river or stream, on the jetski he beams. Have water will travel was always his theme. Covered in sunscreen and gear head to toe, off into the sunlit channels, an explorer on the go. He's never a taker, but always a giver, the native of Pennsville and the Delaware River. A Hurricane grad who ran a successful franchise, who served his community well and to no one's surprise. No matter where the winds may steer, it's become much clearer, this man's not just a leader, he's Curt Smith, the avid jet-skier." Chair Zonka commented that is beautiful and the rest of the Board will expect similar treatment when it is their time; Commissioner Tobia's might have to be off-line; it has been an honor; she advised Commissioner Smith to not be offended, but her daughter who likes to come to the meetings when she can, would call Commissioner Smith the dad of the Commission; she would say he just looks like a dad and has a huge heart; she mentioned not the Board's dad, but just a dad, like the calm, cool, strong man; and she presented him with a plaque for his service. She stated she is going to miss Commissioner Smith like crazy and she hopes he comes back to visit and does not become a stranger.

L.5. Curt Smith, Commissioner District 4, Vice Chair, Re: Board Report

Commissioner Smith stated it was six years of fun and rewarding episodes; it was great working with these Board Members; there was a lot of give and take which he thinks is very important; a body like this robust discussion is always better than compliance, people who do not think about what their vote is and they just go ahead and vote, he thinks that would be a shame; and obviously this Board did not do this. He continued on by saying going back to even before this Board, one of the things that a previous Board did together was to negotiate with the cities and brought them into Community Redevelopment Agencies (CRAs) and their projects and he thought that was pretty important; the prior Commission approved economic incentives that brought a rocket manufacturing facility to the Space Coast for the very first time, that was Blue Origin; they are up to about \$400 million in salaries per year, so they have been a huge boost to the County; Brevard became a representative on the Central Florida Expressway Authority in 2017, which he thinks was a big plus for the Board; they worked with Federal Emergency Management Association (FEMA), Senator Rick Scott, and Senator Marco Rubio's offices to upgrade the Emergency Operations Center (EOC), which he thinks is a huge feather in this Commission's hat; they have increased tourism by a lot; and they have attracted a market for youth sports in Brevard County. He added they have renamed the Pineda Causeway Bridge from nothing to now, Major General John Cleveland Bridge, an outstanding, dedicated, and very honored General in the Army; during COVID they gave small businesses support to the tune of about \$2.5 million; they have protected the County's Natural Resources and made great strides in restoring the Indian River Lagoon (IRL); they have upgraded countless sewer and septic systems to help the IRL and make this County a nicer place to live; and they have brought businesses to create a very business-friendly environment for both existing companies and new start-ups. He went on to say and probably first and foremost on a lot of people's

minds, is they have kept taxes low by working together and managing the spending so that property tax bills have remained virtually the same or even decreased; and he gave kudos to his fellow Commissioners.

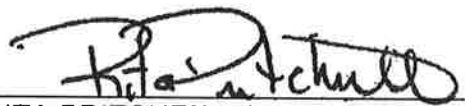
Chair Zonka advised the Commission got through COVID.

Commissioner Smith agreed; he stated they also got through a rogue Commissioner and that is an ongoing saga; and he thanked the Board Members and staff saying they were all terrific.

Upon consensus of the Board, the meeting adjourned at 7:22 p.m.

ATTEST:


RACHEL M. SADOFF, CLERK


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

As approved by Board January 24, 2023.

Kimberly Powell

From: Kimberly Powell
Sent: Wednesday, January 18, 2023 7:22 AM
To: Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson
Subject: 11-15-2022 Regular draft
Attachments: 11-15-2022 Regular Kim draft.rtf

Good Morning,

Attached are the November 15, Regular Meeting minutes to be considered by the Board on January 24, 2023.

Please let me know prior to the Board date of any corrections.

Have a wonderful day,

Kim

Kimberly Powell

Clerk to the Board

(321) 637-2001

Kimberly.powell@brevardclerk.us