

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, January 23, 2024**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:02 AM**

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Goodson led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the December 19, 2023, Regular County Commission meeting minutes.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

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

**E.1. Resolution to Recognize the Retirement of Gerard "Jerry" Visco**

Chair Steele read aloud, and the Board adopted Resolution 24-006, recognizing the retirement of Gerard "Jerry" Visco.

Jerry Visco, Human Resources Director, expressed his appreciation to the Commission for the kind words and the recognition; it is really nice and it starts to hit home when realizing there are fewer days in front than there are behind; it takes some getting used to; and he told a quick story. He expressed his thanks to the Human Resources staff, past and present for doing the heavy lifting and keeping the organization up and running; he mentioned the County is fortunate to have a group of Directors who are dedicated public servants who are committed and professional; the County is very lucky to have a professional core like that; he thanked them for their friendship and camaraderie; and he is going to miss most of them, maybe not Eddie, but the County Manager's staff, Assistant County Managers and of course, the County Manager, Frank Abbate. He added Mr. Abbate saw something in a guy coming out of the corporate world that he thought would work here; he showed me the ropes, they worked hard, and they did a lot of good stuff together; and he thanked him for putting up with him for this amount of time and being the leader that this organization needed at the right time.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Tom Goodson

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

**F. CONSENT AGENDA**

Chair Steele stated he has speaker cards for Items F.3., F.6., and F.7.

**F.3. Approval, Re: Donation by Warranty Deed from CTD Grissom LLC for a Parcel along Grissom Parkway**

Richard Heffelfinger stated he is not catching on real well, as he was going to ask some questions or maybe the Board could fill him in, because this is an interesting one; he mentioned that someone has donated property on Grissom Parkway and the County is going to waive the

phase one environmental site assessment because it already has an intended use for the parcel; he assumed this is for Grissom widening; and he asked if that was a fair assessment. He suggested the Board could shake their heads yes or no; he is going to ask questions and he knows it does not work real well; he just assumed this was, as he finds it hard to believe that they just popped up out of the woods and approached the County and said "we would love to give you a piece of property for free", when they probably could have held the County over a barrel for it; he would probably have held the County over barrel; he finds it interesting and this happened back in December; and he just thought it was a little bit weird that they are throwing property at the County and it is talking about a Grissom widening. He stated he did not know if the Board wanted to add anything to that or not; he guesses he could use the last minute if anyone wanted to comment; he figured the Board was good; he is going to stand here anyway because he has his minutes; and he did not because he wanted to ask a favor later.

**F.6. Resolution Amending the "Criteria for Water and Sanitary Sewerage Systems Within Brevard County" and Standardization of Water, Wastewater, and Reclaimed Water Manufacturers and Products**

Sandra Sullivan stated she is glad to see Item F.9. was dropped, as it sort of corresponds and works with F.8.; she wanted to reiterated that as people look to the wastewater and reclaimed water future, the wetlands are the aquifer recharge, and a few years ago Florida Department of Transportation (FDOT) was talking about there is not going to be enough future drinking water for the growth it is going to have in Central Florida; what she sees as the big thing the County could do is protect the wetlands; and she has sat here in this audience when the Planning and Zoning sent out a letter to the people within 500 feet and said it could waive stormwater. She continued to say when one reads that section of Code, it says except if it is wetlands, which it was; she wants to reiterate that it is so important as part of this planning to incorporate the protections of the wetlands for aquifer recharge; she does not see the County doing it; she feels it is like let us just encourage the intensity development on the wetlands; and the County is really screwing the future of the residents of Central Florida and Brevard by the direction of going to reclaimed water, sewage water, for drinking water.

**F.7. Resolution Authorizing the Subordination of Utility Interest for the Florida Department of Transportation to Perform Improvements at the State Road 528 and Courtney Parkway (SR 3)**

Richard Heffelfinger he thought this was kind of interesting; he was hoping that instead of this going to Consent, he was wondering if anybody could add the fact that this is to support a widening of the 528 down near Courtenay Parkway and the County is grabbing a little bit of utility space and giving it over to Florida Department of Transportation (FDOT), because he assumes it is going to encroach on that property a little bit; and he was wondering if anybody could enlighten him if it is known what the status of the program is. He asked if maybe District 2 could tell him if he knows what that is since it is his area; and he thought it was exciting that it is moving forward with the widening of the 528.

**F.1. Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Arthropod Control Budget Amendment**

The Board executed the State of Florida, Department of Agriculture and Consumer Services (FDACS), Division of Agricultural Environmental Services Arthropod Control Budget Amendment.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.2. Permission to Accept a Grant from the Florida Department of Commerce (FDOC) and to Competitively Bid/Procure, Award, and Execute Construction Contracts, Task Orders, Change Orders, Agreements, Modifications, Amendments, and Budget Change Requests for the Design and Construction of Building Improvements at the County Owned Blue Crab Cove Working Waterfront Facility**

The Board executed a Grant Agreement between Brevard County and the FDOC; authorized the project matching funds; authorized the County Manager to execute Task Orders and Change Orders, as required in excess of \$100,000, to accomplish work approved under the State Contract; authorized staff to competitively bid and the County Manager to execute a construction contract with the lowest responsive and qualified bidder; and authorized associated Budget Change Requests.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.3. Approval, Re: Donation by Warranty Deed from CTD Grissom LLC for a Parcel along Grissom Parkway**

The Board accepted the Warranty Deed; and waived Administrative Order AO-37, paragraph C3, requirement for a Phase 1 environmental site assessment.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.4. Adopt Resolution and Release Performance Bond: Addison Center at Viera Developer: The Viera Company**

The Board of County Commissioners, in regular session on January 23, 2024, adopted and executed Resolution No. 24-007, releasing the Contract and Surety Performance Bond dated September 1, 2022, for Addison Center at Viera, Developer: The Viera Company.

**Result:** Adopted  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.5. Approval Re: First Renewal and Amendment to the Interlocal Agreement (ILA) with the School Board of Brevard County for Class B Commercial Driver's License Certification and the Sharing of Property**

The Board executed and approved the First Renewal and Amendment to the ILA with the School Board of Brevard County for Class B Commercial Driver's License Certification and the Sharing of Property; and authorized the County Manager to execute any future contract-related

documents contingent upon County Attorney's Office, Risk Management, and Purchasing Services review and approval.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**F.6. Resolution Amending the "Criteria for Water and Sanitary Sewerage Systems Within Brevard County" and Standardization of Water, Wastewater, and Reclaimed Water Manufacturers and Products**

The Board executed and adopted Resolution No. 24-008, amending the "Criteria for Water and Sanitary Sewerage Systems Within Brevard County" which also includes the Section "Approved Manufacturers and Products," (pages 289 - 308) as standardized parts and equipment for this Department as it relates to new or replacement; and authorized the County Manager to execute all necessary contract(s), contract amendment(s), and extension(s) upon review and approval of the County Attorney's Office, Risk Management, Purchasing Services, and to execute all necessary Budget Change Requests.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**F.7. Resolution Authorizing the Subordination of Utility Interest for the Florida Department of Transportation (FDOT) to Perform Improvements at the State Road 528 and Courtney Parkway (SR 3)**

The Board executed and approved the Subordination of Utility Interest on Parcel 104.04 for the FDOT to perform improvements at the State Road 528 and Courtenay Parkway (SR 3); and executed and adopted Resolution No. 24-009, authorizing the Subordination of County Utility Interest.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**F.8. Standardization of Utility Services Department Operations Equipment**

The Board approved the standardized equipment list for Utility Services as it pertains to equipment, parts, and service; approved the standardized equipment list remain valid for up to five years; authorized that standardized equipment available from only a single vendor is approved as a sole source, and would not be competitively bid; authorized if more than one vendor is available, then the most competitive vendor selection method will be utilized including Invitation to Bid, existing State, Florida Sheriffs, or other Government Cooperative contracts; and authorized the County Manager to execute all necessary contract(s), contract amendment(s), and extension(s) upon review and approval of the County Attorney's Office, Risk Management, Purchasing Services, and to execute all necessary Budget Change Requests.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.10. Approval, Re: Re-Designation Letter Identifying Central Florida Cares Health Systems as the Official Organization to Submit Florida Department of Children and Families Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grants for Brevard County**

The Board approved and authorized the Chair to sign the Letter re-designating Central Florida Cares Health Systems, Inc. as the official organization to submit, on behalf of Brevard County, Florida Department of Children and Families Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grants and re-delegating the local Public Safety Coordinating Council as the Planning Council for future grants.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.11. Approval, Re: Letter of Support for Central Florida Cares Health System, Inc. for the Florida Department of Children and Families (DCF) Behavioral Health Services Managing Entity Invitation to Negotiate (ITN) #223-011**

The Board approved and authorized the Chair to sign the Letter of Support for Central Florida Cares Health System, Inc.'s application to the DCF Behavioral Health Services Management Entity Invitation to Negotiate (ITN #223-011).

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.12. Appointment(s)/Reappointment(s)**

The Board acknowledged the appointment of Suzanne Noel-Copeland and Nancy Praver to the North Brevard Public Library Advisory Board, with term to expire December 31, 2025; acknowledged the appointment of Frank Robb to the Port St. John Dependent Special District Board, with term to expire December 31, 2027; acknowledged the appointment of Alex Litras to the Tourist Development Council, with term to expire December 31, 2026; and acknowledged the appointment to the Transportation Planning Organization Citizens Advisory Committee, with term to expire December 31, 2024.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.13. Bill Folder**

The Board acknowledged receipt of the Bill Folder, as submitted.

**Result:** Approved  
**Mover:** Rita Pritchett  
**Second:** John Tobia  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**G.1. Petition to Vacate, Re: A Portion of a Public Road, Utility, and Drainage Easement Per Official Records Book 2656, Page 1367, and a Portion of a Public Drainage Easement Per Official Records Book 4013, Page 1964, and Official Records Book 4083, Page 2360- Cocoa - Florida Power & Light Company**

Chair Steele called for a public hearing on a petition to vacate a portion of a public road, utility, and drainage easement per Official Records book 2656, page 1367, and a portion of a public drainage easement per Official Records book 4013, page 1964, and Official Records book 4083, page 2360, Cocoa, Florida Power and Light Company.

Marc Bernath, Public Works Director, stated this is a petition to vacate a portion of a public road, utility, and drainage easement in Cocoa for the benefit of Florida Power and Light Company (FP&L); this vacate will not be recorded until a Certificate of Completion is completed for a road that FP&L is building; and there are no objections noted.

There being no comments or objections, the Board conducted a public hearing to consider vacating a portion of a public road, utility, and drainage easement per Official Records book 2656, Page 1367, and a portion of a public drainage easement per Official Records book 4013, page 1964, and Official Records book 4083, page 2360; and executed and adopted Resolution No. 24-010 approving the vacating.

**Result:** Adopted  
**Mover:** John Tobia  
**Second:** Rob Feltner  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**G.2. Ordinance Providing for Housing Finance Authority TEFRA Hearing Notification and Municipal Participation Requirements**

Chair Steele called for a public hearing on an ordinance providing for Housing Finance Authority Tax Equity and Fiscal Responsibility Act (TEFRA) hearing notification and municipal participation requirements.

Morris Richardson, County Attorney, stated Item G.2. is an ordinance that would amend the Code to provide for additional hearing notification and municipal participation requirements on TEFRA hearings; those are the hearings that the Housing Finance Authority conducts when there is a proposed bond issue in support of an Affordable Housing Project; this was initiated by the District 3 Commissioner; and at the December 5, 2023, meeting, the Board approved legislative intent and permission to advertise. He continued to say this ads notice requirements so that the notification for those TEFRA hearings does not just go in a legal ad section or on a website, but it will be equivalent to rezoning requests where there is notification to property owners within 500 feet; there is posting on the property; it also provides for municipal inputs when the property is within the boundaries of an incorporated municipality; and as a courtesy, he provided this to the attorney for the Housing Finance Authority, who reviewed it and had no suggested changes.

Richard Heffelfinger stated he was concerned about, that is a big Florida Power and Light (FPL) and they are trying to take an easement out; he guessed they are going to join the properties and do something; and he asked if anybody could tell them what the plan is there.

He added it is right across from the Parrish, it is a big FPL they bought up and spent quite a bit of money buying up those properties; and he asked if anybody knows what the plan is for that.

John Denninghoff, Assistant County Manager, stated joining the property is essentially the reason they are looking to do the vacating.

Richard Heffelfinger commented because that splits a couple of those parcels, so they want to make them all one big one without any utility assessment, but he does not know what it is for; he knows that the first two little properties right across the street are for a gas station, he thinks; they were not recently purchased but that was a lot of money to spend; and he was wondering if that is an FPL power plant.

Commissioner Goodson remarked it is going to be a sub-station.

Richard Heffelfinger remarked okay, well that answered his question; and he thanked the Board.

Michelle, a FPL representative, stated for clarity, it is going to be a service center for FPL.

Commissioner Pritchett stated she wanted to thank FPL and the County staff, as they have been working on this for a long time; she thanked them for submitting with the road; that was a real important thing for District 1; but this is a great project for emergencies and hurricanes, and she appreciates it.

Commissioner Tobia stated he wanted to thank the County Attorney's office for all the hard work on preparing this so quickly and the efforts made to create a more transparent system; and he made a motion to approve the Item.

There being no objections, the Board conducted a public hearing and adopted Ordinance No. 24-01, amending Chapter 2, Administration, Article VI, Boards, Commissions and Authorities, and Division 3, Housing Finance Authority; to provide for public hearings to be held in the vicinity of certain proposed projects; providing for conflicts; providing for severability; providing for codification; and providing for an effective date.

**Result:** Adopted

**Mover:** John Tobia

**Secunder:** Rob Feltner

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

#### **H.1. Reconsideration, Re: Funding Recommendations for Listed FY 2023-24 Cycle 2 Sports Grants**

Sandra Sullivan stated she was tempted to go by a thrift shop and buy a waffle iron and present the Board with a little reward and call it the waffle Commission; this was on the last Agenda, on an Agenda this benefits; this is the Ron Jon Triathlon; and on the last Agenda, there was a gift from Ron Jon. She added there is the optics, so it was removed from the last Agenda, presumably for optics, and it is back on this time; she wanted to say, in relation to this, the optics of lobbying, she finds it of no coincidence today in the paper, again, the waffle side of it, as it relates to items like this, that the papers, the Chair is no longer a lobbyist but he is going to Tallahassee to lobby on behalf of the County, which just happens to be some of the issues that his clients had been requesting assistance of the State at the State Delegates meeting; and it is shameful. She stated this Commission has got to a point where she has never seen something like this in the five years of coming; it is truly shameful; and she stated to consider her virtual gift of a waffle iron.



Chair Steele passed the gavel to Commissioner Pritchett.

Commissioner Pritchett stated this Item is a reconsideration; she asked Chair Steele if he wanted to open this since he brought it back.

Chair Steele remarked there has been a tremendous amount of drama in regards to the cultural grants from the beginning; there has been some confusing things that have created some uncertainties to some of the Commission in regards to cultural grants and specifically, in this particular instance; what he would like to do is make a motion to waive the rules; and if he can get by that, he would go into a reconsideration.

Commissioner Tobia pointed out before they vote on this, since the December 19, 2023, meeting, there has been no new information presented by the applicant regarding the events that would justify waiving Robert's Rules so the Board can reconsider; he received an email from the applicant apologizing for not including him in the correspondence along with the other four Commissioners; it certainly takes a big person to apologize publicly; and he appreciates the conciliatory words, however, in the absence of any new data, he does not see why the Board would move forward, and this would set a bad precedent to switch course. He added this is not the first time the Board has recently reconsidered the decision made by a majority vote; votes made by the Board of Commission should have some sense of finality and permanence; the Board cannot just vote with the wind; this is an issue that the Board needs to address so that it does not keep continuing in the future; and he stated he will be voting against this, as the Board clearly made a decision very recently and he, personally, has no new information to change said opinion.

Commissioner Pritchett stated the first question on the table is whether the Board is going to bring this back up for a vote again; and that is the first motion before discussion of the Item.

Commissioner Feltner stated he would echo some of those sentiments; he does not think the Board should be doing this; it is not that he has anything against the event, the promoter, or any of those things, but he thinks this Board has found itself in a bad place where it keeps reconsidering the last Item that failed; and there is just no end in sight. He added for the future, he would fix this with a 4:1 vote necessary to reconsider items; he thinks that would go a long way; but in the absence of that, he is not going to support this today.

Chair Steele stated he is taking the blame for this, that there is no new information; candidly, what has happened with this particular Item started out with some hard feelings between Mitch Varnes and Commissioner Tobia; he is not saying on Commissioner Tobia's part, but basically what happened is that there was some new criteria that came up and he does not believe Mr. Varnes wanted to provide that to the Board; and as a result, the first time this issue came up, he basically said if he was not going to provide that information, he would vote against it, and he did. He went on to say the last meeting that was had, when the Board voted on this issue, he does not know how he missed this, but he thought that that criteria was not brought back to the Board and that was the reason why he voted against this particular issue; he did go back after the hearing, and after he talked to some people from Cocoa Beach, not Ron Jon's, but the Mayor and a variety of other people that really enjoy this particular event, and that it puts 1,200 heads in beds; and he decided that he was neglectful in not hearing that he did provide all the criteria. He added that he is eating a little crow today, because he made a wrong decision to not support this issue the last time; that is the reason why he would like to waive the rules in a motion for reconsideration; and he hopes the Commission sees that and would give this another look today.

The Board pursuant to BCC-97 III.K., suspended Robert's Rules of Order to reconsider its action at the December 19, 2023, Regular meeting on Item H.2., Approval, Re: Funding Recommendations for Listed FY 2023-24 Cycle 2 Sports Grants.

**Result:** Approved

**Mover:** Jason Steele

**Second:** Tom Goodson

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

**Nay:** Tobia, and Feltner

Commissioner Pritchett stated the Board is going to reconsider it at this point and decide whether it is going to support the Item; she asked if Mr. Varnes is present; she asked him to come to the podium and then fill out a card; she thinks this is a good project; she thinks the Board needs to work on getting better information when giving out grants this large; and she commented that the Office of Commission should always come with a certain type of respect, whether one likes her or not. She went on to say in this nation that we have right now, she is just going to go ahead and get on a platform a second, with the way people treat each other, it is just not okay; people just slander people personally, and local levels, these are good people; and Commissioner Steele is a good man, Commissioner Feltner is a good man, Commissioner Goodson is a good man, and Commissioner Tobia is a good man. She added if there are disagreements in policy, that is one thing, but when it gets personal, she has great concern for that with the character of people coming up, even trying to get any information out; before starting, she requested that Mr. Varnes give a public apology for some of the things with Commissioner Tobia; she read some things in the newspaper and it really concerned her; there was a gentleman present one time that just said some things and then came back with a heartfelt apology and it made a really big difference; and she asked if that was in him right now, for her to move forward.

Mr. Varnes stated he did apologize to Commissioner Tobia for not including him in the original letters, as that was an oversight on his part; going back to what Commissioner Steele just said, in the December meeting he had submitted everything on time; his grant requests meet or exceed all criteria that were seen by the other ones; he has been doing this a long time; and this does put 1,200 heads in beds, legitimately, verified. He added when people are in his events, he knows where they are staying; what they do not know is how many people come with them, so they just use one person, but they know that in general, two and a half people come to the races and they stay two or three nights; he thinks what the Board of Tourism came up with is just on a single person, and spend about \$120,000 total; and that is multiplied by two or three. He stated he did apologize to Commissioner Tobia for not including him in that original letter...

Commissioner Pritchett interjected she thought it was a little more than that after she read the newspaper.

Mr. Varnes remarked he was called ignorant by Commissioner Tobia at the last meeting; he is stating that; he apologized if he offended him, but he was hot, as it was right after the meeting that he was contacted by Florida TODAY, and he apologized to him for saying that; these are good events, and he meets all the criteria; and he respectfully requested to approve the grants, as these are important events to the City, the County, and people travel a long way to come to these events.

Peter Cranis, Tourism Development Director, noted the only thing he can say is these events do drive business and heads in beds; the Tourism Development Council (TDC) reviewed them and approved them; and they are brought back to be reconsidered.

Commissioner Pritchett asked as far as the ratio with the other events that are put through, what type of return on investment is looked for, for these two events, just so the public knows; and asked what the total amount that is requested for these two events.

Mr. Cranis replied one event, the Cocoa Beach Triathlon, is \$12,000; it is based on number of room nights at \$15 per room night; the other is the USA Beach Running Championship, both of those are held in April; and that one is \$6,000.

Commissioner Tobia noted that while this is no new information, he did spend a little time with a request; he offered Mr. Varnes some information that he probably did not have on hand; there were a couple questions he had with the math; it mentioned that they expect 750 participants on the Triathlon/Duathlon and about 300 on the 5K; he went on their website and found that the lower of the two, the Triathlon/Duathlon is \$103 registration and he imagines it gets more as the race gets closer; and the 5K is \$45. He stated he did the math and he added the \$77,000 plus the \$13,000 for a total of \$90,750, but the estimated revenue in the spreadsheet is about a third of that at \$36,500; and he asked how that works.

Mr. Varnes responded these are best guess numbers as of the time he did this; and this is what happens, just as an example...

Commissioner Tobia interjected asking what is the best guess, is it the number of participants or the registration cost.

Mr. Varnes replied that is the revenue; and he noted Commissioner Tobia is using the highest fee as if it was entered right before the race.

Commissioner Tobia remarked no, that is not true; if he would go to the next page, he will see that he pulled this a while ago and he actually has the fees going up; he used the lowest fee possible so Mr. Varnes could not mention that it would be higher...

Mr. Varnes interjected that \$45 is not the lowest fee charged for the 5K; that is a fact; and the highest fee is \$45.

Commissioner Tobia stated assuming that is true, he would take the \$13,000 out and it would still be \$77,000; the estimate is that he is only going to receive half of that at \$36,000; he asked Mr. Varnes to explain, assuming there is no fee for the 5K; and he reiterated this is revenue, this is not cost.

Mr. Varnes stated St. Anthony's Triathlon, which is the biggest Triathlon in the State, is the same time-frame as theirs, in St. Petersburg, it is a USA Triathlon Championship race; Iron Man is having a race at the same time in Central Florida; he is trying to weigh how many people go to those other races, so it was a best guess at the time; his race has proven to be the biggest sprint Triathlon in Central Florida for years now; and using averages, this is just an example of what he does as an event producer, three years ago, there were 600 plus people in the Triathlon...

Commissioner Tobia interjected saying he is just looking for a math question; and he asked if Mr. Varnes does not think there will be 750.

Mr. Varnes replied he cannot say today there will be 750; right now, there are about 350 registered; there will be more, some will drop out, some get injured; this was his best guess as of the time he did this; when it all shakes out after the event, it will be known; he cannot say there will be 100,000 entries or 50,000 entries; and he does not know at this point.

Commissioner Tobia asked if Mr. Varnes can help him because the math did not make sense on the USA Beach Running Championship either; the estimate was for 900; he looked up the registration cost which is \$73, that goes up to \$83; he used the \$73 and multiplied it by the 900, and ended up with \$65,700, but on the revenue estimation, it is only \$31,400; he understands the estimation and being off five or 10 percent, maybe for wiggle room, as Mr. Varnes says he does this for a living, but he is off by 100 percent; and he asked Mr. Varnes to explain the difference in math, the \$31,400 versus what was in there, \$73 times 900, which is \$65,700.

Mr. Varnes explained it comes back to best guess estimate; he typically does this race on Mother's Day weekend and they have learned that it turns into a girl's weekend, mother and daughter weekend, and they see these big numbers; this year the race is on the beach and it has to be a low tide on a Sunday morning; this year there is not a low tide in May; and he reiterated he is doing a best guess for how many people will show up in this race in April compared to how it was done in May.

Commissioner Tobia remarked he is not guessing; he is taking the numbers provided and getting something that is twice the amount of that mathematic equation; there is no estimating here, and he is not using his numbers, he is using the numbers provided; and the number is 100 percent off here.

Mr. Varnes responded these are projected, as he is moving the race up two weeks to a different month; it is the best he can do; he will be a lot smarter after it happens; he can answer any question after it happens; but right now, it is his best projected estimate from when he put this together in late November.

Commissioner Tobia advised the Board that these numbers are not even close; he noted Commissioner Goodson's customers would be a little mad if his estimates were 100 percent off; this stuff simply does not add up and he did not impute any of the numbers, these are the numbers that were provided and the costs found on the website; the math is right there and it does not lie; and he appreciates the emails but the numbers are not within reason for him to vote thumbs-up on this one.

Commissioner Steele commented that the criteria had been changed and he thinks that has been a little bit different with this particular case, but the bottom-line here is how many people are coming to Brevard County, how many heads in beds; he talked to Mr. Cranis and his estimate was that it would have 1,200 heads in beds; he gets what Commissioner Tobia and Mr. Varnes are doing; but the bottom-line is this is a big race and it has been going on for a long time. He continued to say the Mayor of Cocoa Beach and a variety of other people have said to him to not let this race go, as they do not want to lose it to another city; it really brings in heads in beds; this is why he brought it back; he likes Mr. Varnes and has a great deal of respect for Commissioner Tobia; but this should be about how many heads are being put in beds. He advised he would like to Call the Question.

Commissioner Pritchett suggested a compromise; with Space Coast Daily Fair, they were reimbursed after the fact, so she would propose that this come back after the event, the Board looks at the numbers and then make the decision to fund it at that time; and she asked if Mr. Varnes would have the funds right now to do it, then be reimbursed.

Mr. Varnes remarked that is how it always works; and he is reimbursed by the TDC after the fact always.

Commissioner Pritchett responded no, it is not, but it is a way to compromise right now so this does not go completely away.

Mr. Varnes stated he is sorry, this is no different than what normally happens if it is reimbursed after the fact; he can do that; he is going to meet the criteria, he knows that; as Commissioner Steele and Mr. Cranis said, he has the numbers and can verify when people come in; they are putting heads in beds and spending money; and he accepted what she was projecting.

Commissioner Pritchett advised the Board that would be her compromise, that it comes back after the event, the numbers are looked at, and what type of projections are being looked at.

Commissioner Tobia stated he appreciated the thought of a compromise, but he does not think that is a compromise because that is the status quo; he thinks that he and Mr. Varnes would probably agree on that, that the reimbursement happens after the fact; it does not need Board consideration; and he asked Mr. Cranis if he is understanding that correctly.

Mr. Cranis replied affirmatively.

Commissioner Pritchett noted her concern is if he is going to get that many participants; and she asked Mr. Varnes if people register before the deadline, what the early bird rate is.

Mr. Varnes replied \$60, and \$25 for the 5K; and he stated these are projections.

Commissioner Pritchett asked if the numbers given were consistent with the past years.

Mr. Varnes replied they were lighter than past years; he wanted to be clear, what happened to him in 2021, there was a lightning storm that came through at 5:30 a.m., and this is something that he bears the cost of as an even producer, it knocked over bikes, bike racks, and canceled the race; he had to eat the costs because his cones and barricades were already set up; as good will to participants, because they traveled to Cocoa Beach, he waived their fees for the next year; he is trying to use averages in his head as an event owner; and the numbers are probably lighter than would be seen, but he is just using averages.

Commissioner Pritchett stated what she would vote for is either to give half of the request for the grant or it waits until after the event to see if there are this many participants; and she asked if Commissioner Goodson would want to weigh-in.

Commissioner Goodson commented he had been patiently listening; he is going to vote to give the grant, so he does not need to weigh-in.

Mr. Varnes noted how it works is, after the event happens, he has forms to submit back to TDC; if he only hits 60 percent of the number, he will only receive 60 percent of that \$12,000 or if he hit 120 percent, he would get 100 percent; and it is already taken into consideration with the TDC how the grants are paid out.

Commissioner Pritchett asked Mr. Cranis if in the past, when Mr. Varnes received grants and he did not have anybody come to the events, was he not given as much money.

Mr. Cranis replied he would have to go back and look specifically for his events; but if there is any event that does not reach the threshold set, then the grant amount is reduced by that percentage.

Commissioner Pritchett asked if he remembered that happening back in 2021.

Mr. Cranis replied he does not remember if that happened for his events; he would have to go back and look for his specifically; but any events that would happen to would be reduced.

Commissioner Pritchett commented there was so much conflicting information here and it is not making sense in her head right now; and she asked Mr. Varnes if received a lesser amount from that year he did not have as many participants.

Mr. Varnes replied no, that was not a funded grant that year; he ate it as an event producer; he has only asked for a grant for this event a few times; his events, back to the history of the TDC he has always hit his numbers; and his projections are good.

Commissioner Pritchett remarked she knows, and that is what concerns her that he is using that for why he did not turn in a correct budget; she is adamant right now about getting good budgets in, so she has that concern; she stated she likes the project but if it is put to vote today, she will not vote in favor of it; and it might be an advantage to wait on it again until there is better data on what the real projections are.

Mr. Varnes interrupted by asking if she is talking about budget data.

Commissioner Pritchett replied yes; she does not care if people make money, but the Board has gotten pretty precise on getting good information in before doing this; it is still taxpayer dollars; she has that concern now, not that she does not think it is a good project; but she thinks if the Board lets everybody just turn in not good estimates, and she thinks this is not a good estimate, since he said the pre amount was not that much less. She commented to Commissioner Steele that is where she is going to be; and if he counts the votes, it might not be good to make a motion on this at this time.

Commissioner Steele stated he is speechless; he thinks that the Board is in a position where, whatever the numbers are, those are the numbers; the numbers will be turned in at the end and they will get that amount; he is not sure why Commissioner Pritchett is so dead-set on...

Commissioner Pritchett interjected because they had to put the numbers in to be able to have the Board vote on the grants.

Commissioner Steele responded but the numbers cannot be put in until all of the participants have signed up.

Commissioner Pritchett remarked she could do a good budget based on past historical events; she thinks Mr. Varnes could have done better; and she thinks he is telling the Board he could have done better.

Mr. Varnes stated he could have been tighter.

Commissioner Pritchett advised she thinks it might be better if he resubmits those numbers and the Board can vote on it; she thinks it would be a better outcome for her because the Board is holding everybody to this; they did the same thing to the fair; they are making everybody do this; she thinks if they wait a meeting and he comes back with some numbers, he might have a better outcome; but she does not know, she is just trying to count votes for Commissioner Steele.

Mr. Varnes remarked this is the criteria of the TDC; he is putting heads in beds and spending money; he can prove and verify that; and he feels he is being held to a higher standard than the other six applicants.

Commissioner Pritchett responded no, the Board is holding everybody to this; they have changed the criteria; there was a problem before with air shows; they changed it for the large

events so this is something changing now; they are trying to get this set up to move into the future with these large grants because they are large amounts of money; and not that she does not think it is a good event, but she needs to see that.

Commissioner Goodson stated he does not understand why it would be postponed again, when the best insurance is that if he does not succeed, he does not get the full \$18,000; it is not like it is \$180,000; Mr. Varnes has performed before and if he does not perform this time, he is going to get less; that is the way he understands it; and he asked Mr. Cranis if that is correct.

Mr. Cranis replied affirmatively.

Commissioner Pritchett remarked she thinks he will pull people in, but this criteria was set up for people turning these in with good faith and she cannot ignore what Commissioner Tobia just brought up; and if the Board waited a meeting or two and he came back with the numbers, she would probably be a little better at that time.

Mr. Varnes asked if she was looking for head in bed numbers.

Commissioner Pritchett replied she is looking for the estimated revenue provided in the budget that he gave the Board; this is a lot; and she does not mind if he makes money, but she is an accountant and she does not want people turning in half-shot estimates on budgets.

Mr. Varnes stated he is being scrutinized to a level of the other people that just got the sports grants, and he was denied.

Commissioner Pritchett responded no, they were scrutinized.

Mr. Varnes asked if Commissioner Tobia looked at those.

Commissioner Pritchett responded they scrutinized the boat show.

Mr. Varnes noted that was a major grant and he is a little grant.

Commissioner Pritchett replied she knows and the Board is doing it with everyone right now; \$18,000 is still a pretty nice-sized grant; the Board can take the vote now but she will not vote in favor of it until this gets fixed; but if it is tabled, there is a chance she will vote for it.

Commissioner Pritchett asked if Mr. Varnes could have it back by next meeting or if he needed more time.

Mr. Varnes replied he can get it to her as soon as she wants it; and he will use his best guess as of today, that is all he can do.

Commissioner Pritchett passed the gavel back to Chair Steele.

The Board tabled the Tourist Development Council's recommended funding for the Cocoa Beach Triathlon and Duathlon (4/13/2024 – 04/14/2024) \$12,000.00 and the USA Beach Running Championships (04/28/2024) \$6,000.00 to the February 6, 2024, Regular meeting.

**Result:** Tabled

**Mover:** Jason Steele

**Seconder:** Tom Goodson

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

**Nay:** Tobia

**I.1. Approval, Re: Letter Requesting Technical Advice and Assistance from The Nature Conservancy and The Trust for Public Land**

Vince Lamb stated he, Craig Wallace, and Laurilee Thompson visited the Board back in August of 2023; during that visit, they mentioned that a small group of concerned citizens, with the support of the Lagoon Coalition, are moving forward to encourage a referendum renewing the Save Our Indian River Lagoon (SOIRL) program on the November 2024, ballot; this activity is progressing and the next step is a voter survey led by The Nature Conservancy and Trust for Public Land; and this survey will determine the willingness of a voter sample that represents the County demographics to pass the referendum. He added similar surveys for Brevard County referendums in 2016 and 2022 were taken and went through this process; they came out very close to predicting the actual vote results; this survey requires absolutely no Brevard County funding; the sponsoring organization is requiring this letter that is attached to the Item on the Agenda to be signed and sent by the Commission Chair; and these organizations are providing 70 percent of the funding for the survey and the balance is being contributed by the concerned citizens. He stated the Brevard Indian River Lagoon Coalition will be helping with the fundraising; the vote today to send this letter requesting a voter survey does not imply that the Board is in favor of the SOIRL referendum in 2024; and perhaps the vote indicates that it would like to have this information before it is asked to vote to put the Lagoon referendum on the November ballot.

Richard Heffelfinger guessed these are just nice guys and they are going to do all this for free and they want to know what the public thinks about, is this the half-cent tax renewed in 2024, is that what it is going to do; so, they want to know what the public is thinking and maybe advise the Board about some kind of an ad campaign; he does not know who pushes that, but he is confused that a letter needs to be sent saying that the Board would like to have their assistance, yet it is not going to give them any money; and they are going to spend their own money and give the Board some feedback on whether or not this tax thing would fly and maybe what you need to say to make it fly. He asked if it was like a little market research for whether it can sell the program; he just does not understand why the Board has to give them a letter; and that is all he had to say.

Sandra Sullivan stated this is what was done last time there was the SOIRL tax which had actually been in the newspaper, is intended to be a muck tax but got remarketed as a Lagoon tax; that is how the County ended up with 66 percent muck dredging; how a question is asked determines whether a favorable response or not; and for full transparency, she thinks before this is approved, the Board should see the survey and have input into the survey, since it is giving permission to essentially, what may go along with this, is a certain amount of propaganda. She added the other key question is the rumor mill around Brevard County, and also with a newspaper article last year is that they want to increase this tax to one-cent; so, for full intention, it should be disclosed here; and she asked if it is pursuing a half-cent sales tax to get feedback on a half-cent sales tax or are they pursuing a one-cent sales tax.

Commissioner Tobia commented the letter is not needed for The Nature Conservancy (TNC) to offer advice or assistance; they can do that on their own accord; he is not willing to put his name on this, but if any individual wants to send such a letter, that is fine with him; he would support anyone individual authority to do so; and he passed out a letter that would be just on behalf of an individual Commissioner instead of the entire Board. He added if he was looking



at data, he would hopefully look at data from an objective third party; he looked up TNC and there were multiple ties where they speak for their advocacy; while advocacy is great, it is not necessarily great when one is looking at an objective third party measure of how the public may be thinking on one item; he cannot support this letter going out on behalf of the Board, but if any Commissioner would want to do that, he would certainly support them doing that individually; but there would not need to be a motion for any individual office to send that. He added he will be voting no on the letter itself; but will support it if anyone does individually.

Commissioner Feltner stated he shared a similar sentiment, only in that he is not sure what the letter is supposed to do; there could be many different groups and he assumes there will be lots of groups that will weigh-in on these issues as the Board considers renewing the tax or putting that before the voters; and he is not sure he understands the purpose of the letter also.

Chair Steele explained the purpose of the letter is that the Board will be going into meetings here in the next couple of months on whether or not to put this referendum on the ballot or not; as a result of that, he would like to see TNC's comments in regards to what is going on here, what do they think is the possibility of it being accepted is, what do they think the possibility of it being rejected is; this is information that is important; the Board is not paying a red cent for this, but he will tell people someone else is paying for it, and it is not going to cost the County anything other than getting information; and he would like to have the information before going into a situation of voting on whether or not it is put on the referendum. He added he thinks it gives a good indication of what the general public might say; TNC is a very, very good group to be able to look into the crystal ball and give the Board that information; that is the only reason why he thinks the letter from the County Commission is being requested; and TNC said for the Board to send us a letter, with the Chair signature, and they will go ahead and do the report.

Commissioner Feltner stated he assumes TNC is going to weigh-in anyways when the time comes so he is not sure why the Board needs to pick one group above another; also, when talking about what the public thinks, he thinks it will have a pretty good sentiment of what the public sentiment is by the time it considers whether to put the issue before the voters or not; he thinks there is historical data by looking at the past election, which is a pretty good indicator of future events; that referendum has already gone before the voters; and for those reasons, he is not sure he understands the purpose of the letter.

Commissioner Pritchett stated from voter intent in the past, they have almost overwhelmingly voted for this item; if Commissioner Steele wants to send this from his office, she will send one from her office as well if that will help; she does not know if the other Commissioners want to individually, but she would not mind doing this and putting the District 5 office as well; and if it does not come from the Board, she does not mind doing it individually.

Chair Steele passed the gavel to Commissioner Pritchett.

The Board denied authorization to the Chair to sign the letter for technical advice and assistance from The Nature Conservancy and The Trust for Public Land on behalf of the Brevard County Board of County Commissioners.

**Result:** Denied

**Mover:** Rita Pritchett

**Secunder:** Jason Steele

**Ayes:** Pritchett, and Steele

**Nay:** Goodson, Tobia, and Feltner

Commissioner Pritchett passed the gavel back to Chair Steele.

Commissioner Feltner asked for a break before going through all the speaker cards.

The Board recessed at 10:03 a.m. and reconvened at 10:08 a.m.

**J.5. John Tobia, Commissioner District 3, Re: Board Report**

Commissioner Tobia stated in November, Chair Pritchett sent a Letter on behalf of the Board to three Community Redevelopment Agencies (CRA) asking for further clarification on their budgets; these considerations are the City of Rockledge CRA, the City of Titusville CRA, and Cape Canaveral CRA; responses have been received from all three CRAs and he would like to thank the city's CRA's for responding to those inquiries, as it was more transparent than it was in the past, and hopefully that continues; he wants to say thanks; and they have fully-complied, and shared all of that information. He noted today is National Measure Your Feet Day, which is kind of unusual; today's useless Florida fact – Florida Everglades, containing one and one-half acres of sawgrass marshes, mangrove forests, hardwood hammocks and wetlands, and is the largest subtropical wilderness in the United States; and Everglades National Park, UNESCO World Heritage site is the only place on the planet where crocodiles and alligators co-exist. He stated this day in Florida History – former Governor Charley Eugene Johns passed away this day in 1990; in 1953, upon the death of Governor Dan McCarty, Johns, the President of the Senate, became the Florida Chief Executive; he ran unsuccessfully in 1954 in a bid to complete the remainder of Dan McCarty's term as Governor; the Johns administration encouraged highway construction and eliminated tolls on Overseas Highway between Miami and Key West; Johns resumed his place in the Florida Senate in 1955, serving through 1966; Governor Johns was a strong advocate for prison reform throughout his legislative career; but doing away with tolls is certainly a positive. He announced the employee recognition goes to Jason Kelly, Public Works, Road and Bridge Maintenance Superintendent for Districts 1 and 2 with twenty years of service; comments from the District 2 Commissioner stating he would like to recognize Jason Kelly for being very helpful, responsive, and doing an excellent job for District 2; Jason started his career with Public Works in 2003 as a repair technician and after serving in various roles, he was promoted to Landscape and Herbicide Superintendent in 2015, Area Manager in 2019, and Maintenance Superintendent in 2023; and over his 20-year career Jason's strong leadership skills and ability to organize work groups for optimal production has made him an invaluable member of the Road and Bridge Program. He added Jason's interests include being an avid fisherman, both salt and freshwater; he is also married to Rachel and they have two wonderful kids, Emily and Grant; when Jason is not coaching kids in soccer, the Kelly family loves to travel; Jason is also a big Alabama Crimson Tide football fan as well as the Jacksonville Jaguars; and he thanked Jason for his service. He commented he is sorry about the 20 recruits that de-committed to Alabama over the past couple of weeks; but more importantly, Jason is an excellent asset to the County and he thanked him for his commitment.

**K. PUBLIC COMMENTS**

Marc Bernath, Public Works Director, thanked the Board for letting him take the opportunity to address the Micco Bridge Project in advance of the public speakers on this topic; Micco Bridge is an 85-year old culver-type structure built in 1938 with corrugated metal arches and wood piles; today it has long-surpassed its life expectancy, is failing in several critical facets including prior repairs, and has been for some time as documented in Florida Department of Transportation (FDOT) inspection reports; and immediate replacement is necessary. He added an Agenda Item was brought to the Board on September 12, 2023, which discussed the fact that it was budgeted for approximately \$2.5 million for construction, based on the consultant's estimate, but the lowest responsive and responsible contractor's bid was \$4.5 million; at the time, it was also shared with the Board and recommended that with \$3.4 million they could proceed with this critical project if the temporary traffic bridge, creating a detour, was deleted;

they shortened the public detour time to eight months out of the total contract time; and in late December, an early courtesy notification was issued and subsequently received numerous complaints in person, by email, and phone, centering on or from the Lakes at St. Sebastian Preserve subdivision. He stated he and his staff have moved quickly to field concerns and meet with the home owner leadership team, their attorney, as well as the subdivision's builder, Holiday Builders; he has addressed all requests to the greatest extent possible; because of the proactive engagement, there will be no appreciable impact on the community's number one concern, fire and emergency response; he mentioned Fire Chief Voltaire is going to speak briefly, but in depth at the end of his statement; and similarly, the County engages with Brevard County Sheriff's Office to achieve a similar result for law enforcement. He went on to say additionally, he has worked with Brevard County Solid Waste Services regarding waste collection, Brevard County Schools regarding buses, and the U.S. Postal Service regarding mail delivery to minimize any impacts; they have all pledged to continue regular operations and will follow the prescribed detour; at the Home Owner Association's (HOA) request, he also engaged with Brevard County Transit Services to provide detailed information about transportation services that they and Indian River County offer for the elderly, disabled, and other qualifying residents in the area; and for qualified applicants, it means free transportation to medical appointments, shopping, and other qualified requests.

Chief Patrick Voltaire, Fire Rescue Director, stated several weeks ago, he engaged with the members of San Sebastian subdivision and he wanted to take this opportunity to address their concerns while reaffirming Brevard County Fire Rescue's dedication to ensuring the safety and well-being of the community; when a service call is initiated on the west side of the Sottile Micco Road Bridge, Station 86 crew, located on Barefoot Boulevard, will promptly respond to the designated area on the east side of the bridge; and they will gather their Advanced Life Support equipment, cross the foot bridge to the west, and proceed to the specified call location provide by dispatch. He noted a few key points regarding the process: the transition from one vehicle to another will take less than two minutes, and with the reduced traffic on Micco Road, they anticipate the transition time to be negligible in impacting the overall response times; two vehicles will be staged for this purpose; first, a squad vehicle normally assigned to the Micco station, carries 300 gallons of water and can draft from nearby water sources in case of a wildfire and fully-equipped as an Advanced Life Support Unit; and second, a Reserve Rescue, which is part of the reserve fleet, ensuring no delay in transporting residents or visitors in a vehicle, fully-equipped with the same Advanced Life Support equipment, to the appropriate hospital. He added all response models for the area will remain unchanged; there are long-standing auto-aid agreements with the City of Palm Bay and Engine 87, out of Valkaria Road, who will continue to respond, as usual, without any delay in their response time; and these measures are in place to optimize response times and maintain the highest level of service to the community.

Katie Delaney stated she is not present to speak on the Micco issue; the more research she does looking into the North Brevard Economic Development Zone (NBEDZ), the clearer it is that this is taxation without representation; she is asking the Commission to dissolve NBEDZ entirely; anything NBEDZ is doing can be handled by the Economic Development Commission of Florida's Spacecoast (EDC) without the extra layer of bureaucrats; and she does not say that with ill-intent. She stated she is also present to speak about how the Board is dealing with wetlands in Brevard; last week she had the opportunity to speak with some legislators from other counties in the State about this and to say they were shocked is putting it lightly; there are major flooding issues here in Brevard that historically, it did not have in the past; she thinks a huge contributor to that is the wetland mitigation process; and this must be looked into to save people's investments. She added this is a real opportunity for this Commission to prove that it is there to protect people's interests and not the corporations; there are two properties in the City of Cocoa that are surrounded by County land and homeowners; these homeowners will be greatly affected by the development of these two Cocoa properties; frankly, these properties

should never be considered to be developed in the way the County is proposing; and the Board spoke about property rights, which she agrees, as she is strongly in favor of people's property rights, but she also believes in personal responsibility. She stated when buying a property, it is the buyer's job to do their due diligence to make sure that the property fits their plan for development; it is not their right to flood out their neighbors; and she is asking the Board to use the power bestowed upon them by their court-ordered agreement.

Chair Steele noted in complete transparency, he used to work for Steven Schlitt at Caldwell Banker; and he is one of the nicest gentlemen he has ever met.

Steven Schlitt stated he is present to talk about the Micco Road closure; he lives in Vero Beach but he owns three homes in The Lakes at St. Sebastian and has tenants that this will greatly affect; the bridge that is being talked about is about the width of the support columns in this room; the shortest detour to get from The Lakes at St. Sebastian to visit a friend in Barefoot Bay would be the distance from downtown Melbourne to the Sebastian Inlet Bridge; that is the shortest detour available; and for that reason, he thinks that it is appropriate to ask Public Works to re-look at this to see if it really takes eight months, have they produced a Gant chart to show that there are not any gaps in the process and they are doing it in the shortest time possible. He added other places, as he sent to the Board as a letter, such as the Sanibel Island, had five breaks with major bridge collapses and it was restored within three weeks; admittedly, they had the State and Federal Emergency Management Agency (FEMA) involved, but there is no reason that, if the County would go back to the contractor and ask him to tighten-up the Gant chart, take out any gaps, and get the road closure that is such a long distance, to shorten it up.

Marc Levine stated he first wanted to say thanks, as he has witnessed some things this morning and it kind of opened his eyes and he appreciates all the things the Commissioners do to help people; living in The Lakes at Saint Sebastian, he moved up here from Broward County about two and a half years ago; he loves the peace and quiet and the lower taxes, and is thankful for that; and in this particular case, he would like to ask for the Commission to reconsider the cost of what is being done with this bridge. He continued to say the inconvenience, the threat of wildfires, and Emergency Services has worked that out as best they can, but there will be delays, there is no doubt about it; when this is looked at from a map, it is obvious that all of the services are going to be delayed; a lot of them in The Lakes at Saint Sebastian have friends, neighbors, and family emergency care; he just had a stint and for him to get to his doctor is an additional 30-50 miles to just go around; and with all due respect, he would like to ask the Commission to reconsider. He added he is not looking to stop the project because he knows the bridge needs to be replaced; and he asked to please reconsider and come up with some way to give the residents a vehicle bypass.

Robyn Hattaway expressed her thanks to the Board for all it does and puts up with on this Commission and to staff for the attention they have put into this; she is present on behalf of Holiday Builders; as the Board may know, they have been building in the County for 40 years; they asked her to be present today in support of the residents of The Lakes at Saint Sebastian and stress their concerns of being negatively impacted by the project; and she asked the Board to reconsider the possibility of a bypass to minimize the restriction of service and access both for emergency and daily life. She went on to say she wants the residents to know they are supported and their history is valued and also their future going forward; this is going to be a growing area of Brevard, she thinks it has already been seen; there is a challenge of balancing the low taxes, which has already been recognized, but also the needs of the citizens; in this circumstance, the value of balancing even a 20-minute delay in the instance of a healthcare emergency with a senior population could mean a big change in outcomes for the seniors; and she thanked the Board for listening to the residents.

Sandra Sullivan stated at the last meeting, a statement was made by a Commissioner here that no vote had been taken on the access for the new Brightline developments out at Interstate 95 and SR 528; she mentioned this Commissioner is a church radio host and not just a Commissioner, but an example to the community by her actions; and to reiterate, the County is built on faith of which sinners will always be forgiven and she prays for her redemption. She wanted to bring attention to the legal aspects of the agreement; there are several aspects of issue; one is that the stipulated agreement stipulates the lot size and 15-feet on the rear of the lot dedicated to a natural buffer, the site plan from the City does not do that; the County has the option to choose which access and she says that the County's Agenda Item on May 23, 2023, lacked transparency on what it actually was; and she was looking for an Agenda Item for that particular property and she missed it because it had a different topic of an egress off of Grissom Parkway. She stated the Board chose the cheaper route for the developer and not the right decision that should have been made for the people; the Municipal Service Taxation Unit (MSTU) that was approved at the last meeting...; she wants the Commission to go back on the documents filed on the statements made by the Assistant County on stormwater; the MSTU does not include stormwater; and the County conveyances are being used for stormwater and not collecting MSTU. She added she does not appreciate the time being restricted to two minutes when there is really not a lot of people here.

Chair Steele remarked to Ms. Sullivan he will run this meeting here and thanks for your input.

Ms. Sullivan responded he does not run it well.

Chair Steele thanked Ms. Sullivan, stating he always appreciates her comments.

Ms. Sullivan commented she is always honest.

Linda Huba-Lombardy stated she had three points; Micco Road West is vulnerable to flooding, fire, and smoke and residents from families with babies to folks in their eighties should not have to fear being literally trapped with no way out in case of such an event; but even if they are lucky enough for that not to happen, a failure to provide a new bridge, which is certainly needed to support development planned along Micco West, should not be at the expense of the 163 families that already live in the area; two, not providing a temporary bridge increases the amount of time it takes to get to a hospital by about a half-hour, which is half of the golden hour after a stroke when life-saving measures are most effective; and third, pushing all that traffic to Micco Road West is frightening because that is a narrow, two-lane road where there is often little-to-no shoulder, two big curves, one of which is blind, and from dusk to dawn, deer and wild pigs cross that road. She added it is not a road she ever takes at night for that reason; she asked if before the decision is made, to take out that part of the plan to provide a temporary overpass that one just drives from Micco Road from US-1 to Babcock; it is a great drive, it is beautiful; she thinks it will be seen that there is a lot of development to the south of that road that was not there when the plan was originally made to put a temporary bridge there; now, of course, the cost has gone up but so has the amount of people living there; and the safety and welfare of those people, she thinks, has stayed the same.

Katherine Joseph stated she lives in The Lakes at Saint Sebastian and she thanked the Board for all it does and she understands it has to work with a budget; however, her personal situation is that her parents are staying with her now and her father has fallen three times in the last four months; her daughter Rebecca also has issues; what was a nine-minute trip to the emergency room is now going to be a 30-minute trip and it scares her; there are a lot of elderly people in the same situation; and she knows that Fire Rescue will do their best to get emergency service to them, but it is still going to take that half-hour to get them to a hospital. She went on to say it is just a very scary situation to live under; she knows if the Board had a loved one in the neighborhood, it would be thinking about this a little bit more; she asked to reconsider the

temporary bridge but she knows it is a budget issue; but she would hate for something to happen to someone because they couldn't get to the help they needed in time.

Rebecca Joseph stated she personally thinks this is very import because her grandparents are elderly; and she has seen one grandparent fall and die.

Nicole Grabner stated she is a resident of The Lakes at Saint Sebastian and she really appreciates the opportunity to speak with the Board; she would also like to echo that the residents appreciated all the Board's help and listening to their comments, and all the work that the Public Works department has done to try to alleviate their concerns; she is also a mother with two special-needs children and safety is a high concern; she knows that a lot of discussion has been made about the inconvenience, but for her, safety is her primary factor; and the other portion of that, without the temporary bridge, it limits their egress to one exit. She added if it were coming up on hurricane season, increased rains, tornadoes, or whatever Florida decides to grace us with, there is only one opportunity to leave the neighborhood; and she would like to have that given a little more consideration.

Thomas Joseph stated he also lives in The Lakes at Saint Sebastian; he is present just to urge the Board to reconsider; he has heard before this that it does reconsider some of its decisions and this is an important one; he does not think adequate due diligence was done concerning removing the temporary bridge; it is really a matter of safety, inconvenience is secondary, but with one egress route, it is just inadequate; and he knows they have tried to put some Band-Aid help on with some walking bridges and a piece of equipment. He went on to say those are really inadequate, as they would not do anything for a wildfire or house fire; and he is really just asking the Board to look in its heart and thing about what can be done to include the temporary bridge, as it was originally there; he thinks the reason that it was originally there are still valid; and to just remove it because of an obsolete quote, he thinks, is a disservice to the community that needs the help.

Janice Pacific noted she is a resident of The Lakes at Saint Sebastian; she is a retired wildland firefighter, emergency medical technician State training fire manager who spent her career training wildland firefighters as well as structure firefighters on how to fight a wildfire; so she is not speaking as an ill-informed person; the F350 brush truck is not capable of hauling a patient, which was spoken about already, but it is a diesel truck that cannot just be started up and moved immediately, as they have a warm-up period; all of the trucks she managed had to be warmed-up; and it is not going to be any use on a house fire with 300 gallons. She added the engines that she managed could not hook and pump from a fire hydrant; the hydrant can be used to refill the 300-gallon truck, but that will not do squat on a structure fire; wildland fire concerns with the bridge completely remove, there is only one way in and out now; if a wildfire decides to cross Micco Road, the firefighters may decide to close Micco Road because of the fire, and the residents would be stuck in-place; while it is true the residents have roads and green space around them, that does not help when some of them are sensitive to smoke and need to get away from for health reason; and an example is retired wildland firefighters like herself and her husband who spent their careers eating smoke and are very sensitive to it. She stated it does not help in the neighborhood where homes are up against the wildland at the edge of the preserves, dense brush and tree areas have significant fire fuel that can and will burn in the event of a wildfire; some of these homes are close enough for radiant heat to damage or burn their homes; they have heard from the County at previous meeting, that they would not get fires because it has been a wet year; if one understands wet years and how that increases the one-hour fire fuel growth, it is easy to see that when it does dry out, there are then more light fuels that burn like crazy and create more ladder fuels that put the fire up into the trees which causes the problems with the fires; and she mentioned maybe the Board could move grant money over from the races to bridges.

Shane Ortell stated he is also a resident of The Lakes at Saint Sebastian; he finds it interesting that the Board holds an event planner's feet to the fire when he blew a budget, but it does not hold the Public Works' feet to the fire when it blows a budget by double; that is 100 percent, not 10, 20, or 40 percent, but 100 percent that this budget was missed by; at that point, it should have gone back to the drawing board to refigure that budget and get a realistic quote; and eight months is insane for this project. He added he thinks the fact that the Board decided to yank the resident's safety and quality of life out of this budget, over \$1 million, is wrong; and he thinks it needs to be reconsidered; it is putting all of the residents' lives in danger and really messing with their quality of life; there are a lot of old people that live in the neighborhood; and he guesses that neighborhood was not there when this project was started but it is now. He noted there are 160 homes being occupied in just his neighborhood; there is also Deer Run to the west and does not know how many people are in that subdivision, but they are also affected by this; this thing is a real problem for the people that live there; he thinks the fact that the Board voted on this without maybe having a knowledge of how many people are living there and took it upon itself, that if somebody does have a house burnt down, or killed because now they are driving an extra 40, 50 miles both ways on a road that is not real safe, as previously mentioned, it is on the Board; and he thinks the decision to take the bridge out needs to be reconsidered, as they need vehicular access in and out of the neighborhood from that side of the bridge.

Bette Ortell stated she also lives at The Lakes at Saint Sebastian; the responsibility of County Commissioners is to provide for the general well-being and safety of its residents; if it allows this bridge project to proceed without temporary vehicle access, it is shirking its responsibility; she knows over the next eight months to a year, she will be living on a hope and a prayer that her neighborhood stays safe, there is no hurricane, no wildfire, and no one from the community dies from lack of Emergency Medical Services; she would not want to be in the Board's shoes; and she would not want to wake up over the next eight months to a year knowing and praying, the Board praying, that there is no hurricane or wildfire that affects the resident's lives. She went on to say she would not want that guilt of someone dying her shoulders if this happens; the Board's responsibility is to provide safety and well-being to all residents of Brevard County; if it allows this project to move forward without the temporary vehicle access, it is putting not only the residents of The Lakes at Saint Sebastian, but Barefoot Bay and many others in imminent danger; and if something disastrous should happen, that decision is on each and every one of the Board members.

Richard Weiss stated he too is a resident of The Lakes at Saint Sebastian and he wants to address the safety issues; talking about getting out of his area, he asked what if, in a two-lane road, there is a car accident; with all of the construction and construction vehicles, if someone has to get out in an emergency or in an ambulance, it is not going to happen or it will take a lot longer; he would also like to know why the residents were not notified about this by anyone other than the HOA; and no letters telling them about the impending danger to their safety. He continued to say there was a blinking sign past the development telling them what may happen at a certain time; meanwhile, within two weeks of the closure, and there are no real definitive plans; there is no way he can be told that an ambulance is going to get to the hospital the same as it did in the past; and it is just not possible.

Richard Heffelfinger stated he is going back to the last meeting; Sandra Sullivan addressed a little bit of it; there is a situation with the road and a safety thing there too maybe; he proposed an alternate plan to access the Windward Preserve development that is being proposed by the City of Cocoa to solve a traffic problem; and he thinks the City of Cocoa has a problem where they are in somewhat of a violation of the Planned Unit Development (PUD). He added there is supposed to be two access points, one of them, because the stipulation agreement was taken away, was Friday Road access; now there are two access points but they are to the same road; and the Board is actually enabling them somewhat because he understands they have an

application submitted to vacate the right-of-way on the James Road extension and take that as a private road; so the Board is somewhat enabling them to use that two-access point under the same road, but it does not really comply with the requirements of the PUD; and at the last meeting he did a line drawing showing how the City of Cocoa can solve this whole problem and get the secondary access if they put a road in on their own property. He noted he submitted that to the Board in email late; Commissioner Pritchett had actually taken the copy of the drawing, so she has a nicer copy; he is going to the City of Cocoa tonight and point-out the problem with the PUD; he would appreciate it if the Board would stand with the unincorporated residents, that it represents, that Cocoa is doing a bad number; and it is going to affect him in particular, because he lives off of Friday Road where all that traffic will come down. He noted the calming devices on James Road will make it even worse; the other road is needed; the developer in the stipulated agreement has to do what it takes and bear the cost; he hates to do that to the City of Cocoa as he likes them; City of Cocoa can grow but it has to grow properly; and the Board needs to help make sure all that traffic is not put down his road creating a safety issue just like this Micco Road.

Leland Miller, The Lakes at Saint Sebastian HOA President, stated along with the Board, he has 37 years of government experience, and he has been in its position; 25 years as a hostage negotiator, crisis intervention specialist for the State Police and Department of Corrections, and 12 years as a county court judge; he understands respect, and respect and due-diligence goes both ways; he believes the attempt that they have made was not informative to the residents of The Lakes at Saint Sebastian; and if he did not request a meeting, the residents would still not know everything. He added to this date, he just found out about some more EMS services made available, which indicates to him that the Board was never informed when it made its decision; when the Board made its decision in September to reduce the project, it did not have all the information; the Board, as County officials, the primary responsibility, safety, security and welfare of the citizens it represents, same with the officials that are appointed to oversee this project; that was not done, there was no communication with the residents or the Board; and that is a serious concern. He went on to say still to this day, what happens if there is a flood or fire and EMS cannot get to the residents from the west; there is no way for them to come in; that has to be dealt with first; if a resident dies within that community, the responsibility is laid back on the County officials that set these plans forward and the Board; and the Board decided to cut this project down, and only the Board can amend the project and have it temporarily stopped until these concerns are addressed.

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

ATTEST:

  
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RACHEL M. SADOFF, CLERK



  
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JASON STEELE, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board on March 12, 2024