

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, November 14, 2023

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:03 PM

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

C. PLEDGE OF ALLEGIANCE

Commissioner Goodson led the assembly in the Pledge of Allegiance.

Chair Pritchett advised the Board she is going to rearrange the schedule just a little bit to help people get out of here if they have a short item; she had a request to perhaps table Item F.22., but she wants to find out where the Commission is at on it, because it will make a difference on where this Item is placed; and she asked if any Commissioner would like to table this Item. She stated the Board will hear Item F.22., but she is going to move it to right before the I. Items, because she has a lot of cards; and she thinks the other Items are going to move fairly quickly.

D. MINUTES FOR APPROVAL

The Board approved the September 5, 2023, First Budget Hearing, and the September 12, 2023, Regular Meeting Minutes.

Result: Approved

Mover: Jason Steele

Second: John Tobia

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

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Tobia stated he would like to pull Item F.28., Acknowledge Receipt of the County's Municipal Community Redevelopment Agencies FY 2023/2024 Adopted Budgets, from the Consent Agenda for discussion.

F.28. Acknowledge Receipt, Re: County's Municipal Community Redevelopment Agencies FY 2023/2024 Adopted Budgets

Commissioner Tobia stated upon the suggestion of Chair Pritchett, the Board agreed to put all Commission office purchases and travel in the Bill Folder for transparency and easy public access; some Community Redevelopment Agencies (CRA) detail their travel budgets in the same way the Board does; unfortunately, a number of them do not; three of them list travel expenses but do not list the number of days and people attending, what conference, or the location of the stay; and further, another CRA has a \$4,000 expense listed as 'promotional activities'. He went on to say this was concerning to him, a \$35,229 expense listed as 'other charge'; none of these are small expenses, they are clearly in the thousands; he probably would have done this in the past, that he could do a public record request, however, that may seem as abrasive, so he wanted to see if he could get a feel from the Board if he or she was interested in the Chair sending out a letter to these CRA's; and there are just three of them, asking for a little more detail on travel, the number of days, number of people traveling, what conference, and location of the stay; a little bit more detail on what the promotional activity is; again, he thinks a line item for \$35,000 as 'other charges' is just not good enough; and he has a sample letter.

Commissioner Goodson inquired if the Board could also ask in that request that the Board is provided with their budgets, because he has not seen them; and did the Board see the entire budgets.

Commissioner Tobia replied affirmatively; he stated they were attached to the Agenda; he would be more than willing to share it; he reiterated the Board did receive the CRA budgets; and he provided a copy to Commissioner Goodson of the entire CRA budgets.

Chair Pritchett stated she thinks sometimes these things are in questions, they are hard to figure out unless a line item breakdown is received.

Commissioner Tobia stated the line item for \$35,000 as other charges would raise a red flag if it came out of one of the Board's Commission offices.

Chair Pritchett noted they can put something on the side to note what they are for.

Commissioner Tobia pointed out he is sure it was proper.

Chair Pritchett agreed with Commissioner Tobia, and she stated she thinks it is a good idea; what she is working on at the beginning of the year is that anyone who serves on an elected capacity is going to send the County Commission their data for travel; it is probably fine; but there is no other way to see it unless a public records request is done, which feels personal; and she will bring it back to the Board in January or February that anyone who sits as an elected position would be turning their data in to put on the County's Agenda just so people can see what is being spent.

Commissioner Tobia provided his draft letters to Chair Pritchett.

The Board acknowledged receipt of the County's Municipal Community Redevelopment Agencies FY 2023-2024 adopted budgets; and authorized the Chair to send a letter, on behalf of the Board, to the City of Cape Canaveral CRA, City of Titusville CRA, and City of Rockledge CRA, requesting additional information regarding their 2023-2024 adopted budgets.

Result: Approved

Mover: John Tobia

Second: Jason Steele

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

F.1. Approval, Re: Submit Grant Application and Execute Associated Agreement, Modifications, and Amendments upon Awarding of the Department of Environmental Protection's (DEP) Wetlands Restoration and Protection Grant for the Jefferson Marsh Mosquito Impoundment Culvert Project

The Board approved the Mosquito Control District to apply for the Department of Environmental Protection (DEP) Wetlands Restoration Grant, with DEP currently prioritizing initial project proposals; authorized the County Manager to execute the Grant Agreement, future grant amendments, and modifications, if grant is awarded by DEP, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve all associated Budget Change Requests (BCR).

Result: Approved

Mover: Tom Goodson

Second: John Tobia

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

F.2. Approval, Re: Florida Department of Environmental Protection Grants: LPA0474 - Eau Gallie NE Environmental Dredging and Interstitial Water Treatment; LPA0475 - Grand Canal Phase 5 Environmental Dredging and Interstitial Water Treatment; and LPA0478 - Sykes Creek Phase 2 Environmental Dredging and Interstitial Water Treatment

The Board approved the three Grant awards from the State and authorized the County Manager, or his designee, to execute all contracts, amendments, and modifications for Environmental Dredging and Interstitial Water Treatment Projects, upon review by the County Attorney's Office, Risk Management, and Purchasing Services related to the following Florida Department of Environmental Protection (FDEP) Grant Agreements: LPA0474 – Eau Gallie NE Environmental Dredging and Interstitial Water Treatment, LPA0475 – Grand Canal Phase 5 Environmental Dredging and Interstitial Water Treatment, and LPA0478 – Sykes Creek Phase 2 Environmental Dredging and Interstitial Water Treatment; approved and authorized Task Orders and Change Orders, as required in excess of \$100,000 to accomplish work approved under these State Contracts; and authorized any necessary Budget Change Requests (BCR).

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.4. Resolution, Re: Re-Purchase Property in County-Owned Commerce Park in Titusville

The Board adopted Resolution No. 23-131, permitting the re-purchase of approximately nine and eight/tenths (9.8) acres of industrial land in the County-owned Spaceport Commerce Park in Titusville for \$362,600 from the entity known as Dark Storm Development, LLC (Dark Storm Industries), using reserve monies held by the North Brevard Economic Development Zone (NBEDZ); and authorized the Chair to execute the Contract for Sale and Purchase and all documents in connection thereof.

Result: Adopted

Mover: Tom Goodson

Seconders: John Tobia

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

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

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$6,183,887.37 to the Brevard County School Board, in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any necessary Budget Change Requests (BCR) to implement this disbursement.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.6. Re-Opening of Public Hearing, Re: Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas (Brittany LcCun) (23Z00023)

The Board approved the re-opening of the Public Hearing for 23Z00023 (Charles Steven Douglas and Debra Kay Douglas Trustees; and Sandra J. Douglas (Brittany LcCun)) for the December 7, 2023, Board meeting.

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

F.7. Preliminary Development Plan (PDP) Amendments, Re: Fortenberry Road Apartments Planned Unit Development (PUD) Minor Amendment #1 (23PUD00003 & 22Z00062)

The Board confirmed the proposed amendments to the Fortenberry Road Apartments Planned Unit Development (PUD) that are not considered substantial and are within the administrative approval authority provided to the Zoning Official by Brevard County Code of Ordinances.

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

F.8. Approval, Re: Dedication of Utility Easement from Space Coast Credit Union for the Space Coast Credit Union Lake Andrew Drive Project

The Board accepted the Utility Easement from Space Coast Credit Union for the Space Coast Credit Union Lake Andrew Project.

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

F.9. Approval, Re: Brevard County Board of County Commissioners Written Consent to Easements in Connection with the City of Cocoa's Granting a Utility Easement and a Temporary Construction Easement to Pivotal Utility Holdings, Inc., Doing Business as Florida City Gas for the Construction of a Pipeline over Lee Wenner Park

The Board approved and authorized the Chair to execute the Written Consent to Easements in connection with the City of Cocoa's granting of a utility easement and temporary construction easement to Pivotal Utility Holdings, Inc., doing business as Florida City Gas, for the construction of a pipeline over Lee Wenner Park.

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

F.10. Approval, Re: Conveyance of Championship Circle NW Right-of-Way to the City of Palm Bay

The Board adopted Resolution No. 23-132, authorizing conveyance of County property; and approved and authorized the Chair to execute the Interlocal Agreement and County Deed with the City of Palm Bay for conveyance of Championship Circle NW right-of-way.

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

F.11. Resolution, Re: Releasing Performance Bond: Pineda Boulevard West Extension Segments F, G, & H, Phases 1 -3 - Developer: The Viera Company

The Board adopted Resolution No. 23-133, authorizing the release of the Contract and Surety Performance Bond dated August 30, 2022, for Pineda Boulevard West Extension Segments F, G, and H, Phases 1-3 Subdivision/Road Plat, Developer: The Viera Company.

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

F.12. Resolution, Re: Releasing Performance Bond: Laurasia Subdivision, Phase 1 - Developer: The Viera Company

The Board adopted Resolution No. 23-134, authorizing the release of the Contract and Surety Performance Bond dated July 12, 2022, for Laurasia Subdivision, Phase 1, Developer: The Viera Company

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

F.13. Resolution, Re: Releasing Performance Bond: Egret's Reserve - Developer: Egret's Landing MI, LLC

The Board adopted Resolution No. 23-135, authorizing the release of the Contract and Surety Performance Bond dated February 7, 2023, for Egret's Reserve, Developer: Egret's Landing MI, LLC.

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

F.14. Approval, Re: Dedication of Drainage Easement from Yardco Cocoa Holdings, LLC for the Yardco Cocoa Holdings, LLC Project

The Board approved acceptance of the Drainage Easement from Yardco Cocoa Holdings, LLC for the Yardco Cocoa Holdings Project.

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

F.15. Approval, Re: Interlocal Agreement with the School Board for New Middle School Access Improvements

The Board approved and authorized the Chair to execute the Interlocal Agreement with the School Board pertaining to the new middle school access improvements at 6093 Stadium Parkway in Viera; and authorized the County Manager to approve any necessary Budget Change Requests (BCR) associated with this action.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.16. Approval Re: Agreement between the Brevard County Board of County Commissioners and Community of Hope, Inc.

The Board approved and authorized the Chair to execute an Agreement with Community of Hope, Inc.; authorized the Housing and Human Services Director to execute any future amendment(s) or modification(s) upon approval by the County Attorney and Risk Management; and authorized the County Manager to execute any necessary Budget Change Requests (BCR).

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.17. Approval, Re: Acceptance of Donations from the Estate of Mr. Earl E. Eblin, Jr. Direct Assets to be Deposited into a Specifically-Designated Account for the South Mainland Library

The Board approved and authorized the County Manager to accept the donation from the Estate of Mr. Earl E. Eblin, Jr. with direct assets to be deposited in a specifically designated account for the South Mainland Library; authorized the County Manager to execute any documents necessary from Mr. Eblin's Estate, upon approval by the County Attorney's Office; and authorized the County Manager to execute any necessary Budget Change Requests (BCR).

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.18. Board Approval, Re: Florida 9-1-1 Region 5 Next Generation 9-1-1 Routing Project Memorandum of Understanding (MOU)

The Board approved and authorized the Chair to execute the Florida 9-1-1 Region 5 Next Generation 9-1-1 Routing Project Memorandum of Understanding (MOU); and authorized the County Manager to submit and execute required Budget Change Requests (BCR), documents, amendments or other administration actions to the MOU, subject to approval by the County Attorney's Office and Risk Management.

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

F.19. Board Approval, Re: Interlocal Agreement between the Board of County Commissioners and Brevard Public Schools (BPS) or Support of the BPS 9-1-1 Telecommunicator Vocational Program by the County's 9-1-1 Systems Administration

The Board approved and authorized the Chair to execute the Interlocal Agreement with Brevard Public Schools (BPS) for support of the BPS 9-1-1 Telecommunicator Vocational Program by the County's 9-1-1 Systems Administration; and authorized the County Manager to submit and execute Budget Change Requests (BCR), documents, amendments, or other administrative actions to the Interlocal Agreement, subject to approval by the County Attorney's Office and Risk Management.

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

F.20. Acknowledge Receipt, Re: FY 2023-2024 Parrish Medical Center Revenue and Expense Budget and Millage Resolution

The Board acknowledged receipt of the FY 2023-2024 Parrish Medical Center revenue and expense budget and Millage Resolution.

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

F.21. Approval, Re: FY 2024 Meeting Schedule for Community Development Districts

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

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

F.23. Resolution, Re: Approving the Issuance by Brevard County Housing Finance Authority of Multi-Family Housing Revenue Bonds (Oak Meadows Project), in an Amount Not to Exceed \$17,600,000

The Board adopted Resolution No. 23-136, authorizing the issuance by the Brevard County Housing Finance Authority of multi-family housing revenue bonds to finance the acquisition,

rehabilitation, equipping, and development of the Oak Meadows Project, in an amount not to exceed \$17,600,000.

Result: Adopted

Mover: Tom Goodson

Seconders: John Tobia

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

F.24. Resolution, Re: Approving the issuance by Brevard County Housing Finance Authority of Multi-Family Housing Revenue Bonds (Emerald Place Apartments Project), in an Amount Not to Exceed \$15,000,000

The Board adopted Resolution No. 23-137, authorizing the issuance by the Brevard County Housing Finance Authority of multi-family housing revenue bonds to finance the acquisition, rehabilitation, equipping, and development of the Emerald Place Apartments Project, in an amount not to exceed \$15,000,000.

Result: Adopted

Mover: Tom Goodson

Seconders: John Tobia

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

F.25. Resolution, Re: Approving the Issuance by Brevard County Housing Finance Authority of Single-Family Mortgage Revenue Bonds, or in the Alternative, the Issuance of Mortgage Credit Certificates, or in the Alternative, the Issuance of Multi-Family Revenue Bonds During 2024 Through 2026

The Board adopted Resolution No. 23-138, authorizing the Brevard County Housing Finance Authority to apply for an allocation with the Florida Division of Bond Finance and to allow for the future issuance by the Brevard County Housing Finance Authority of single-family mortgage revenue bonds, or in the alternative, issuance of mortgage credit certificates, or in the alternative, issuance of multi-family revenue bonds during 2024 through 2026.

Result: Adopted

Mover: Tom Goodson

Seconders: John Tobia

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

F.26. Resolution, Re: Objecting to Florida PACE Funding Agency's Proposed Levy of Non-Ad Valorem Assessments in Brevard County

The Board adopted Resolution No. 23-139, objecting to Florida PACE Funding Agency's levy on non-ad valorem assessments in Brevard County.

Result: Adopted

Mover: Tom Goodson

Seconders: John Tobia

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

F.27. Resolution, Re: Authorizing the Chair to Execute a Maintenance Memorandum of Agreement with Florida Department of Transportation (FDOT) Pertaining to the A. Max Brewer Bridge

The Board adopted Resolution No. 23-140, authorizing the Chair to execute a Maintenance Memorandum of Agreement with Florida Department of Transportation (FDOT) establishing the maintenance responsibilities for State Road 406, A. Max Brewer Bridge, and associated facilities.

Result: Adopted

Mover: Tom Goodson

Seconders: John Tobia

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

F.29. Proposed Revisions, Re: Board Policy BCC-46, "County Commission Transition"

The Board approved the proposed revisions to Board Policy BCC-46, County Commissioner Transition.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.30. Proposed Revisions, Re: Board Policy BCC-92, "Reimbursement of Expenses"

The Board approved the proposed revisions to Board Policy BCC-92, Reimbursement of Expenses.

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

F.31. Acknowledge Receipt, Re: Bill Folder

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

Result: Approved

Mover: Tom Goodson

Seconders: John Tobia

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

G.1. Approval, Re: Renewal of Lease with Farmland Reserve, Inc. d/b/a Deseret Ranches of Florida

Chair Pritchett called for a public hearing to consider approval of a resolution and first release renewal with Deseret Ranches of Florida.

Tom Mulligan, Solid Waste Management Director, stated this is requesting that the Board approve and authorize the Chair to execute a resolution and first release renewal with Deseret Ranches of Florida; and this is the first of two five-year renewals that are made available under the original 20-year Lease.

There being no comments or objections, the Board adopted Resolution No. 23-141, authorizing the lease of County Property; and approved the First Amendment and First Lease Renewal with Farmland Reserve, Inc. d/b/a Deseret Ranches of Florida.

Result: Adopted

Mover: John Tobia

Second: Rob Feltner

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

I.1. Legislative Intent and Permission to Advertise, Re: Anchoring Limitation Areas

Amanda Elmore, Natural Resources Management Deputy Director, stated this is legislative intent and permission to advertise modification to Chapter 122, entitled Waterways, to allow for the establishment of four Anchoring Limitation Areas (ALA) near the Eau Gallie and Melbourne Causeways; the ALA's are depicted on the attachment three maps of the Board's Agenda Packet; in March of this year the City of Melbourne passed a resolution to petition the County to adopt these areas; the areas would be clearly buoyed and marked; and vessels could moor for no longer than 45 days in any six-month period; and staff is happy to answer any questions the Board may have.

The Board approved legislative intent and granted permission to advertise amendments to Chapter 122 Waterways, allowing for the establishment of four Anchoring Limitation Areas lying within the City of Melbourne's and Brevard County's waterways; and authorized the use of up to \$10,000 in Brevard Boating improvement Program Funds for signage and buoys.

Result: Approved

Mover: Jason Steele

Second: John Tobia

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

I.2. Performance Bond Reduction, Re: Pangea Park, Phases 3 and 4 - Developer: The Viera Company

Marc Bernath, Public Works Director, stated this Item is a request for a Performance Bond reduction for Pangea Park, Phases 3 and 4, in District 4, requesting the Board to release a portion of a Performance Bond; this is \$10,682,650.49; as of October 27, 2023, they have a certificate of completion for Phase 3; and this in relation to Pangea Park for the Viera Company.

The Board authorized releasing a portion (\$10,682,650.49) of the Performance Bond provided with Contract dated February 21, 2023, for Pangea Park, Phases 3 and 4, Developer: The Viera Company.

Result: Approved

Mover: Rob Feltner

Second: Jason Steele

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

I.3. Appointments, Re: North Brevard County Hospital District Board Members

Kathy Wall, Central Services Director, explained this is a request that the Board review the applications for consideration for appointment to the North Brevard County Hospital District Board for Seats Five and Six.

Chair Pritchett stated this is a wonderful community hospital that North Brevard County has; she thinks even the property it was built on was donated by some wonderful people that lived up there forever, Mr. and Mrs. Parrish; she just wanted to say that, because she is so proud of the hospital; there are some nominations provided; if the Commission would, she would like Dan Anton on it, as he is a new appointee; and Jerry Knoffel has been on there a while, so Mr. Anton is going to bring a new addition, as he is very smart. She went on to say she would also like to have Dr. Elizabeth Galfo; she is a Hospice doctor; she is very kind; and she does a lot of good work for the community.

The Board reviewed applications for consideration of appointment to the North Brevard County Hospital District Board members for Seats Five and Six; and appointed Dr. Elizabeth T. Galfo to Seat Five and Dan Aton to Seat Six.

Result: Approved

Mover: Jason Steele

Second: Tom Goodson

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

J.4 Reports, Re: John Tobia, Commissioner District 3

Commissioner Tobia stated employee recognition is for Michelle Long, Public Works Human Resources and Customer Support Specialist; she has 23 years of service in Brevard County; she started with Road & Bridge nearly 25 years ago, which now is part of Public Works; she served in a variety of roles from Administrative Secretary to Human Resources and Customer Service Specialist, each role adding to her extensive knowledge in Public Works matters; and she has spent years providing the citizens and employees with exceptional customer service and unwavering can-do attitude has given the distinction of one of the most valuable team members, and the go-to person whenever in doubt about an issue or inquiry. He went on by saying Ms. Long comes to work each day with a positive attitude, servant heart, and inspires others to be their personal best; and Ms. Long loves traveling with her family, spending time with her grandson Ezra, listening to music, and helping others in need. Commissioner Tobia pointed out Ms. Long's position as a customer service support specialist dealing with the public, there is nothing more critical; the Board Members may be the face, but she is the one who does the work and has the communication, so the Commission greatly appreciates her service; and staying here until maybe the end of the meeting says a lot about her.

Ms. Long stated she would not normally, but she will give the Board a fun fact about her employment; in August 1997 when she came to work for Road and Bridge, she was grateful for a job, she had recently been laid off; and it was Commissioner Goodson who reached out to a friend of his saying he had someone who needed a job, if there was a place for her, and she has been here ever since.

Commissioner Goodson commented another fact that is amazing is Ms. Long is his cousin by marriage.

Ms. Long pointed out she is his niece by marriage.

Commissioner Goodson asked if it is his niece; he stated he knew she was in the hen house somehow; she is as wonderful as Commissioner Tobia said; and that is the last thing he has ever done for anybody.

E.1. Presentation by Mr. James Cannon, Intergovernmental Coordinator with St. Johns River Water Management District, Re: "St. John's River Water Management District Project Highlight"

James Cannon stated the District and Brevard County have an extensive record of a successful partnership to support and facilitate water management programs and projects; those partnerships serve as an example of what can be accomplished when multiple entities work together with a shared vision and a common goal; the District has contributed to a number of projects over the last decade through cost-sharing, a program whereby the District provides a portion of the funding for qualified projects; and the sheets he handed to the Board show the completed, and in some cases still on-going, District-funded, cost-share projects since 2014, which were updated as of June this year. He went on by saying earlier this year the District actively kicked off a new effort to highlight some of those cost-share projects within their 18-county region, including here in Brevard County, using short videos; the specific projects chosen represent a good cross section of the work undertaken by the District and their partners; they think it is a good way to inform the public about the tremendous investments being made in the communities at both the County and the local levels, so he is here tonight to share one of those videos; and the video was provided to the Board and audience. He noted the estimated nutrient load reduction water quality benefit, the Indian River Lagoon, for just that project, shown in the video, is roughly 1,600 pounds per year of nitrogen; 1,600 pounds does not sound like a lot on the face, but if that is multiplied by the number of projects in Brevard County, the number of projects in their 18-county region, and the number of projects throughout the State, it starts to add up very quickly; that video is live as of today, it was posted on their YouTube Channel, which is youtube.com/user/floridaswater; and a number of other brief videos can be found with specific projects on that YouTube Channel. He commented Don Walker and his team are always welcome to share and post as they see fit; he expressed his appreciation to Brandon Smith for volunteering to be the star of that video; and he thanked the Board for providing him the time and opportunity to come here and to present that video.

The Board acknowledged the presentation by Mr. James Cannon, Intergovernmental Coordinator with St. John's River Water Management District, on the St. John's Water Management District Project Highlight.

F.22. Resolution, Re: Approving the issuance by Brevard County Housing Finance Authority of Multi-Family Housing Revenue Bonds (The Venue at Heritage Oaks Project), in an Amount Not to Exceed \$16,750,000

Chair Pritchett stated she has speaker cards for this Item; and she asked if it was good to do the cards first or if the Board would like to open with comments.

Angela Abbott, Attorney for the Brevard County Housing Finance Authority, stated the request before the Board is to approve the public hearings that the Authority held; there were actually two public hearings, but the final one was October 25th for the increased bond amount; there were no comments received at those public hearings; the application has met the Authority's guidelines, and the developer is experienced and produces a quality project; and she is happy to answer any questions the Board has.

Chair Pritchett advised this is kind of like a flow-through where the Board is able to pass this through so that the people who buy the bonds are able to get tax-exempt bonds for a little bit better of a deal for the families; and she asked if that is right.

Ms. Abbott responded affirmatively; she stated the bonds will be issued by the Authority, not by the County, so there is no liability on the County's part; the advantage of having the tax exempt financing is that there will be requirements for the project to be affordable to some degree;

there is a 20 percent at 50 percent set aside, with the remainder at 120 percent of Area Median Income (AMI); and there is an affordability element.

Commissioner Steele asked in the event that the Board would not approve this tonight, would it be very simple for the developer to find other financing.

Ms. Abbott replied she would expect it to be a market rate project at that point.

Commissioner Steele asked if the Board stopped everything tonight, it would not kill the project, it would just make the developer go to another entity to make sure they had financing.

Ms. Abbott remarked in all likelihood, they have indicated that.

Debra Sandberg stated to please understand, she agrees affordable housing is needed, not only here in Brevard County but in the entire country; she implores each of the Commissioners, especially Commissioners Tobia and Steele, to please come and see the piece of property that is in question for the bond that this will serve; the property sits right on Minton Road, abutting Heritage Oaks Boulevard; there is a traffic light at the corner of Heritage Oaks Boulevard and Minton Road; and this road, Heritage Oaks Boulevard, serves the six communities, and it is a dead end street, one way in and one way out. She asked if any traffic studies have been done to see what the property in question will do to the immediate area; she noted the traffic on Minton Road is a nightmare most of the time anyway, especially in the morning and after work; there are a lot of children who walk and ride their bikes to Meadow Lane and Central Middle School from the six subdivisions, which is right down-the-road; the property in question is deeper than it is wider; and if this property is built, it will be next to an assisted living memory care center to the north and the six subdivisions to the east, with just the one road in and out. She commented once the vote on this bond is made, she is not 100 percent on this, it ties the hands of the City of West Melbourne because it is a Federal matter then, and everything would be in the developers' hands as to how big, how wide, how tall, and what it is going to do to the roads; there is nothing in their immediate area that is three to four stories tall; and if a person wants to go down Minton Road, there is a ton of apartment complexes that it would probably be better served.

Lori Smithey stated she is concerned that this is a matter of financing the project and that the developer may just go to someone else; she just wants to voice her tremendous concern for this government-subsidized apartments on this property; they have lived there for 21 years; they are concerned about the traffic, safety, overload on the schools, overload on utilities, and potential crime if it is lower income housing; and she thinks there are places this would be more appropriate. She continued by saying down Minton Road there are apartments and open lots where something like this could be built that would be more appropriate than the location being looked at, which is not only small, but it is not at all fitting with the community and what West Melbourne has planned for that community; she does not know to what extent the Board is able to stop this from going forward, but it is a tremendous concern for the people who live there; and it is just devastating to see something go up like that in their backyard.

Lenox King commented he would really like to see this tabled; with those six communities, it is probably in the vicinity of 800 homes, which he guessed would come out to 2,000 people; the traffic right now is really bad; he went last night to get his wife and him dinner, and there were six cars in front of him turning left to get into their subdivision off of Minton Road; it is crowded now, and is going to get worse; and he is a little disappointed that he just found out about this last night. He noted he thought there would be a way for communities that are so close to where this is going on to be notified of what is happening; and he reiterated he would like this to be tabled so that other people in the neighborhood who do not know anything at all about this. He pointed out even the city council, until very recently, did not know anything about this.

Janet Miller, President of Heritage Oaks Homeowners Association, explained she really does not have much to add to what has already been said other than she would like to see this tabled; this was a horrific Friday afternoon thing that was sprung upon the community; none of them knew it; she thought it was a little shady; she has had contact with the owner of the property, and thought they had established a little bit of a rapport, so she was quite shocked when she saw how this came about; and she worries about the children and the walkers. She advised just a week ago there was a woman hit right there at the intersection just before daylight; the area is not conducive to what they want to do; she has no opposition to affordable housing, it is needed, the veterans need it, and the homeless need it; there is no question that it is needed throughout the State, and throughout the United States; and she asked if any of the Commissioners have come to that area and looked at it to see how inappropriate that corner is for this type of facility.

Rod Hintz remarked he is a member of the Board of Directors of the Woodfield at Heritage Oaks Homeowners Association; he too was blindsided by this; the attorney said they had actually had the time for community feedback, which is absolutely news for them; whatever steps were taken to publicize it that there was going to be an opportunity for such never got to anybody that really has the skin in the game with what is going on here; as has been said, they have a lot of cars on Minton Road, traffic is horrendous there, and it is fixing to get a lot worse; there is an apartment building going up just south of I-95 off of Minton Road that is adding about 560 new cars within the next year to the traffic on Minton; and there is single-family going in across there with 50 homes, which will add another approximately 100 cars to the Minton Road traffic. He went on to say now they want to add another 200 cars with this project; again, they have not seen any type of traffic study that shows them what that impact is going to be; those who live there cannot even imagine what an additional 800 or 900 cars going up and down that road is going to be like; and it is really time everyone needs to step back, look at this, do the due diligence, and really decide if this is the right thing to do.

Earl Miller stated any building at all at that location would be bad, because as others said, children are going to school, traffic is horrendous; all people do anymore is to sit, and sit, and wait on the traffic; it backs up from SR 192 almost all the way to the I-95 overpass; in the mornings it is that way, the evenings it is that way, and the growth in this County is getting bad; it needs to slow down; and he has lived here for 60 years, he has seen a lot of growth, but nothing like what is going on in the last five years. He asked the Board to just come and look at that area, because the turning lane for traffic going south, there is a bottleneck there; he noted there was a motorcyclist killed under a bus a couple of months ago; and it has just gotten bad in there.

Ernest Savage stated to Commissioner Steele's comment, they may only be able to influence this decision by delaying it being made today, and if that is the solution that is available today, it is exactly what they would like to request; he knew they were in trouble when he was receiving phone calls from their local West Melbourne leaders Sunday afternoon saying there was an issue; to echo the comments being made here today, it is a safety issue; there was a traffic study done in West Melbourne to just put in a right turning lane at this intersection in question, and that study was conclusive that, that intersection was dangerous; there has already been someone killed by a bus earlier this summer; and a pedestrian was hit by a vehicle in that intersection just last week. He mentioned within one-tenth of a mile from that intersection, there are three schools; over 500 students walk back and forth to those schools from those six neighborhoods daily; to increase traffic in that intersection, whether it be foot traffic or by vehicle, is inappropriate and worthy of further discussion; that is all they are asking for is an opportunity to voice their opinions and be a part of the process; to date, they have not had that opportunity, and that is why they are here; and they literally had 36 hours to try to coalesce

around this issue. He pointed out they have been feverishly working to just make their voices known; he expressed his appreciation for being allowed to come before the Board; and he stated he looks forward to engaging in the dialogue going forward.

Suzy Kedzierski mentioned she probably has nothing useful to add to what the people have already said; the last speaker said the residents want to have a dialogue, but she wants the Board to vote no; she thinks the idea that the developer can put an ad in Cocoa for public comment and expect people in West Melbourne to see the legal ad he put up there is insane; she does not understand why there is no opportunity for a public comment period; she does not understand why the Board has to vote on it as an entirely group consent issue; and she does not understand why with the live local rules that the City's hands are tied as to what they are able to do and not do for the citizens. She pointed out they elect the leaders because they agree with their viewpoints, they are going to safeguard the community, and that they are going to do what they told people they would do, which was to make West Melbourne into vibrant city or town that has parks, walkways, small mom and pop shops, restaurants, and things like that; instead, they have their community, which is all one and some two-story homes, no four-story anything in the area; without the City Council or the Board being able to do very much, the citizens are supposed to allow a four-story affordable housing project be put in there, because there is some Federal money available; she thinks it is crazy the residents had no time to prepare for this; they only found out about it Sunday afternoon; and to get this many people in the room, and probably double that at least, sending the Board emails and phone calls, it is unfair.

Linda Rann stated she lives in the Preserve, she has lived there for going on 13 years, and she has seen the traffic just get horrific; she does not want to take up a lot of the Board's time, because she had the same things to say that everybody else said; she would think the residents would have more options to get more information about the project; and she asked the Board to table this Item and vote no.

Lisa Steele commented basically a lot of people have said a lot of what is in her notes, so she will try to make this brief; this was brought on them really quickly; they had three days to gather everybody together and get to the meeting; if they were given more time, this room would be more full of people; they understand to a point the live local act; however, they, in West Melbourne, are taxpayers and voters; and this proposed building of 105 units, plus a dental and medical office, is set to exit on Heritage Oaks Boulevard. She continued by saying that is the main road that comes in and out of their neighborhoods; their neighborhood has 735 houses, with children who walk to and from schools two times a day, five times a week; they will also be using Heritage Oaks and Minton Road; that area is already congested; and they recently had the pedestrian that was hit by a truck, and a motorcyclist that was fatally hit just a block away. She noted adding 105 families would place them close to 850 families, and those are only single families; she asked the Board to please refrain from approving this funding until the developer provides a more desirable, less congested location; and also a time that gives the residents an opportunity to respond.

Paul Smithey stated the community has planned out West Melbourne; the area where this is going is a bunch of single-family homes; Heritage Oaks is their neighborhood; they are going to put an apartment complex that is four stories; and it does not, at all, blend in with what the planning was for, but they have allotted some areas just a mile or so south to where all of the new apartment complexes are now being built, down near a bunch a shopping, the right place to put an apartment complex. He explained putting it here is just the wrong choice, the wrong location; they can go put it down there; there is still land available, there are units going in now; and that is his point of view.

Marc Gauthier, representing the developer, advised he does not have a presentation, but if the Board has any questions, he is happy to answer whatever he can.

Chair Pritchett asked after these are built, what would be the rents being charged for these apartments.

Mr. Gauthier responded they are a combination of one, two, and three-bedrooms; the rent structure is going to be driven every year when the State of Florida puts out the rents; they typically are 60 or 70 percent of market rents; he does not know the exact rents in Brevard County right now; he is on the developer side, not on the management side; but he would expect it to be somewhere in the low thousands.

Chair Pritchett asked if it is really not low income, but it is affordable.

Mr. Gauthier replied affirmatively; he stated it is a senior community; it is a mixed income; they are anticipating a range of affordability set aside; and there will be some closer to market and some that are a little bit lower on the scale.

Commissioner Steele expressed his appreciation to everyone who came out tonight; he stated unfortunately, what they have here is a live local bill that has passed, which is Statute now, and that Statute is in effect, the law is in effect, and the City of West Melbourne had to abide by that law; to his knowledge, they have not passed some type of ordinance that could have tightened-up some of the issues going forward; the Board of County Commissioners can do absolutely nothing about what is going on; there can be compassion for the residents regarding the traffic and other things talked about; and there is a word called preemption. He went on to say preemption is when a State Representative is elected or State Senator, probably the first thing people need to ask them is if they are going to preempt local laws, are they going to do away with Home Rule; if they say they are, then people need to find another representative to help; people are in a spot tonight that is not a good spot; it is very difficult to sit here and say the Board cannot do a thing about this; he cannot in good faith table the financing on this, as there is nothing that can be done to convince these people not to go forward with the project; there is nothing that the City is going to be able to do to stop people from going forward with this project; and it is preempted, it is State law, and it is unfortunate, but it is reality. He advised he is sorry, he cannot vote to table this project tonight; these people have done this according to the law; they presented it to their City Council; in order for them to get through this, they had to file a site plan with the City, it is Statute; as a result of that, the City had a certain amount of days to review it, make their comments, and go forward; and at this particular point in time, limits are about up. He pointed out the financing has been approved; and he reiterated unfortunately, the Board cannot do a thing about it. He stated he wishes preemption was not there, but it is; the Board has to abide by the law; he is very apologetic; but he can do nothing about this tonight.

Commissioner Goodson asked if Mr. Gauthier has been before the City of West Melbourne.

Mr. Gauthier responded they have been in front of staff, they have not had a formal site plan submitted.

Chair Pritchett asked the audience for no outbursts at all or she will clear them out of the room.

Commissioner Goodson inquired under the new Senate law in Tallahassee, how long have they been working on this project.

Mr. Gauthier replied probably four months.

Commissioner Goodson asked when the law was enacted.

Commissioner Steele noted July 1st.

Commissioner Goodson asked if they have been working on it since July 1st.

Mr. Gauthier advised shortly after.

Commissioner Goodson asked if they have had one publication about this project.

Mr. Gauthier responded the advertisement publication was done by the Housing Finance Authority.

Commissioner Goodson asked if they have had one.

Mr. Gauthier replied two.

Commissioner Goodson asked if it was in the *Florida TODAY*.

Morris Richardson, County Attorney, explained it was on the Housing Finance Authority's website, and on the County's website under the coming events section.

Commissioner Goodson inquired if this Board voted no tonight, how long, in days, it would take Mr. Gauthier to get his other financing that seems to be so easy to get.

Mr. Gauthier advised they would just start the application process, it is not a two-week process; to put other funding together would take a little bit of time; but they would start that process immediately.

Commissioner Goodson asked if it would be two months.

Mr. Gauthier responded a few months.

Commissioner Goodson commented that would give them ample time, even though he is sure Commissioner Steele is right, they would have nowhere to go; and it would at least give them somewhere they say they could go as far as objecting.

Mr. Gauthier replied certainly; he stated it is not a land use hearing today; and he believes there would not be a land use hearing for them to object to, so if they had some other funding, they are not necessarily asking the Board to approve that funding.

Commissioner Goodson asked how many other parcels of land in Brevard County or the State of Florida is he looking at.

Mr. Gauthier responded they are currently working on one in Brevard County, a couple in Lake and Seminole Counties, and probably a total of six or seven throughout the State.

Commissioner Goodson asked in his whole proposal of this affordable housing, are they going to keep up landscaping for a period of time, or is that something he is not going to do.

Mr. Gauthier replied they own and operate their communities long-term, so they have a really solid interest in keeping them up, and that, of course, includes the landscaping.

Commissioner Goodson asked if Mr. Gauthier would say SB-102 is like an opening of the well for his company.

Mr. Gauthier explained they do not know, time will tell; he thinks there are a lot of new municipalities that are challenging it; and whether it stays law of the land for one, 10, or 20 years, he does not have a feeling for that.

Commissioner Goodson inquired if Mr. Gauthier had to apply with the State with any kind of plans or what he intended to do, and did the State ask to see that stuff.

Mr. Gauthier replied no.

Commissioner Goodson remarked that is amazing; and he asked is that amazing.

Mr. Gauthier responded as Commissioner Steele was saying, the State puts the guidelines that say the municipalities shall approve; but then they leave it to the municipalities to do their architectural or site plan reviews; and they have to go through that whole process with the cities, both on the buildings and on the sites.

Commissioner Goodson asked if they can build an outhouse if they could get it approved.

Mr. Gauthier replied if the City allowed that type of building.

Chair Pritchett stated she thinks probably what is the most struggle is the height, or fitting in; affordable housing was on the ballot; everyone said affordable housing is needed, until it moves closer to their homes, and then no one wants it; she thinks it is because people are thinking it is low-income housing; she does not get that either; and she has three young daughters trying to find places and there is just nowhere that is affordable. She went on by saying there are people working these jobs that do not pay \$50,000 a year and there is nowhere to live; there are young families starting out that have nowhere to move into; eventually they are all going to be living with mom and dad; and then there will be 15 people living in a home because there is nothing affordable out there. She commented the County has to tighten up its belt and allow some changes; she would ask Mr. Gauthier to maybe take a pause and have a community meeting to listen to the concerns and be good neighbors; it may help alleviate a lot of the concerns; but she agrees with Commissioner Steele, she is an accountant; this is a pass through as far as allowing investors not to pay as much taxes on money they have in returns on bonds; financially, for people who want to invest in their projects in the community, it is a good thing; and plus, the Governor sent this out, all of the State Representatives did it, and it was all voted for on the ballots. She stated she would like to take just a pause so the community can talk to people, maybe get them comfortable; she is going to support this going through because she does not think the Board should stop investor financing; the project is going to get approved; as far as them getting financing, the County is at such a low inventory for housing, they will not have a hard time getting that and getting it built; she asked the community to be good neighbors with the builders; and she stated maybe they can feel comfortable. She pointed out this is 109 units times two cars, so that is 218 traffic cars, so it is not 900; maybe if the residents could get some clarification they may be able to get more comfortable; and the apartments are not cheap, so she thinks they will see a lot of young techs and people trying to find a place to live.

Commissioner Tobia explained he was pretty solid coming in, in all honesty, and then he heard some words he really did not like hearing, which were 'shady' and 'blindsided'; they may be on the opposite side of this development, there is nothing wrong with that; but what needs to be recognized is what was currently done was done according to Statute; Ms. Abbott advertised this correctly; if a person is head of a Homeowners Association (HOA), if someone parks their

car at an angle, they will be the first one to ticket someone for parking; and if anyone should be paying attention, it should be people sitting on the HOA. He went on by saying to come up here and accuse what he took as this Board, and maybe it is some of the emails he received as well, this was on Consent because every other bond hearing like this, in the seven years he has been on the Board, has been on Consent; there has never been a 'no' vote; the paradigm has shifted here because of the Live Local Act; he understands it is new and people may not agree with this project, but there was nothing shady going on here by either the developer or the organization dealing with the public notice; one gentleman in particular said he wanted to be part of the conversation; and the bulk of people were positive. He stated what Senate Bill 102 allows is a developer, and profits have to be maximized, which he understands, is to find a piece of property, look at density, go find another piece of property in that jurisdiction of West Melbourne that has a higher density, and then transport that density onto that other piece of property; that is the four stories and all of that stuff; that is out of his control, out of the control of the City of West Melbourne, but it is an advantage given to developers to help ameliorate the situation of affordable housing; to be clear on this, it is in County Commission District 3; he represents this District right now; but this project is within the jurisdiction of the City of West Melbourne, so many of the issues that were brought up here, while understandable, traffic, safety, and all of that stuff, is something that the City and the elected officials are familiar with, not the Board Members. He commented the zoning classifications in West Melbourne are completely different than that in Brevard County; he would be lying to people if he said that he knew without staff's help about all zoning classifications; however, people feel that was taken out of their hands; he completely understands that position; the Board is given an unusual responsibility here, they have the ability to vote no on this financing; and although it was close, after some things that were very disappointing were said, he will be voting no on this. He pointed out he does not see this as a traditional zoning issue, because normally the way zoning has happened here, many times it is taken into consideration whose District it is in, but this has far-reaching implications when it comes to affordable housing that would not only impact District 3 but impact all of Brevard County; this could set the precedent that could change things, so while he may know District 3 pretty darned well, this is much bigger than District 3; he asked the rest of the Board to use his or her best judgment on this one; he noted taking the fact out where it is in District 3, and use the best discretion; obviously, the Commission is not voting with him one way or another, he will be voting no; but there will be no hard feelings if the Commissioners go in a different direction; and he will have a second motion after this is decided. He advised he wishes it was said better; it really bothers him on the 'shady' and 'blindsided' stuff; if a person said it was the first time he or she has heard it, that would have been one thing; but to think there is something nefarious going on here could not be any further from the truth; and as a show of good will, he will make a motion. He stated he moved to authorize the County Attorney's Office to investigate legal methods in which more input could be solicited from citizens and elected officials at public bond validation hearings for projects that are located within municipal limits. He added, he discussed this with the County Attorney very briefly; he heard from the City Council Member Adams who called him, and he spoke with her for about 10-15 minutes; he believes she would be here if there was not a City Council meeting going on right now; but he would like other folks up here to have that benefit; he asked the County Attorney if the Board could force the City of West Melbourne to send a resolution back to it letting the Board know if they supported it or not; and he said it probably could not be done, but this is extremely complicated because of dealing with Federal law when it comes to financing, State Statute when it comes to the Live Local Act, but there has to be a better way to get more input from them because it does not have that knowledge base on zoning within a municipality. He noted he wishes it would have been handled a little bit more diplomatically, because the Board has done its best, it is completely new to it; the County Attorney said this would take a little bit of research, but he thinks it would have a big pay out, because the Board is going to see more of these in the future.

Chair Pritchett stated she thinks that is a good motion; she asked if the Board can give the Affordable Housing Authority and the developer more time to get with the community over the next month and let them come back, and the Board can just take a vote, because they do not know what is going on; and maybe they can negotiate something different.

Commissioner Tobia commented what he thinks will happen, he has gotten many emails, is these folks are not very happy . . .

Chair Pritchett noted remember when the Board had the Port St. John one, and all showed up, too; nobody is ever happy; but maybe they can get to a place where they can come to some kind of agreement, because affordable housing is needed; again, there are some things that do not fit either; and maybe they could negotiate something.

Commissioner Tobia stated Commissioner Goodson is his favorite for short meetings and less meetings; his bet is if this is continued for a month, as many of these folks have said, instead of having 11 people showing up, the Board will have 50 people showing up; he knows West Melbourne does turn out folks; and he does not think their minds are going to change, so he does not want Commissioner Goodson to get mad at him.

Commissioner Goodson pointed out he agrees with Commissioner Tobia, he is going to second his motion.

Chair Pritchett remarked she knows it is Commissioner Tobia's District, but right across the road it is Commissioner Steele's District.

Commissioner Steele stated he would be more than happy to second Commissioner Tobia's motion to do the research as far as the bonds go; but the Board still has stuff on the table.

Commissioner Tobia noted he knows the Board does; and he was trying to get the easy one out of the way.

Commissioner Steele stated he will go ahead and second the motion, and then the Board can get back to the meat of the issue.

Commissioner Tobia advised this was merely because this was more than a couple of hours of work and he did not want to burden the County Attorney's Office with anything that was trivial without Board support.

The Board authorized the County Attorney's Office to investigate legal methods in which more input could be solicited from citizens and elected officials at public bond validation hearings for projects that are located within municipal limits.

Result: Approved

Mover: John Tobia

Second: Jason Steele

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

Commissioner Tobia stated Commissioner Pritchett is the Chair, so it is her call.

Chair Pritchett noted she is submitting to Commissioner Tobia.

Commissioner Tobia commented he is going to be a no on this; these people will gladly show up again, and each bring five people; he is going to leave it up to the Chair; and the residents will have to show up again.

Chair Pritchett pointed out it is just so tough when trying to get affordable housing into it; and no matter what is being built, when a person says affordable, people are not going to like it.

Commissioner Steele expressed his apologies to the City of West Melbourne for not knowing that the site plan was not submitted; he explained the process says that once a site plan is submitted, the City has to look at it and make a decision on it; he believes the amount of time is 90 days; he assumed that process was already there, it was not; the bad news is the residents are not going to have anything to say about this anyway, he or she will not be discussing it with the City Council, it can be discussed, but the bottom line is staff is going to make the decisions, and it will move forward; and if they meet what the Statute says, because the City of West Melbourne does not have an ordinance that tightens up what the general Statute says. He stated if they got a motion to tighten-up some of that ordinance, then perhaps people may have a little bit more control over it; but this is the Governor's Bill, the President of the Senate's Bill, unanimously passed; people all over this State want it; he is sorry this is having to be gone through; it is terrible; it is preemption at its worst; and he is going to move that the Board approve the financing, let this man move forward with that, and if in some point in time the residents can get to the mayor, City Council, and all those other folks, good luck. He added, he will follow their lead in the event that happens, because he has seen other cities trying to do it, and they have struck out.

Chair Pritchett stated she is going to make the request, again, if he wants to make that motion, he can, but maybe that the Board allow a pause, because like Commissioner Steele is saying, they are going to build it anyway; but there is an opportunity right now to take a pause, it is just the Board's time, it can do it; and maybe they can go to the table and find a project that everybody might be agreeable to. She reiterated she would like the Board to take a little pause to let the developer have a community meeting to see if he can make the community happy; it is her request, there is plenty of time; the Board is going to be here for another year or so; and it is just a thought.

Commissioner Steele advised he accepts Chair Pritchett's amendment.

Commissioner Goodson advised people can say what they want about this, it is the Governor's Bill, the Senate's Bill, and all that, but if a person knows anything about Tallahassee, they mandate stuff there that just smells; what the residents really need to do when he or she leaves this meeting is to call every representative, get on their butts, ride them like a horse, because somewhere along the line people pay taxes and they should have a voice; it should not just be a person does not have any voice; he does not want to hurt the developer; but this is going to be an issue, he has already seen it in District 2; and Commissioner Tobia is correct, the Board better get ready for a fight. He expressed his apologies to the audience, and appreciates them coming; but he will not be supporting the motion.

Commissioner Steele noted he amended his motion.

Commissioner Goodson stated he still will not support his motion.

Commissioner Feltner commented he thinks the Board should vote on this tonight and be done with it.

Chair Pritchett stated it is a pretty big project just to be done with if they cannot go back, negotiate it, and get something that is good for the community; and it will just be a pause for the Board for a little period of time.

Commissioner Steele stated he just does not think it is going to do any good, it will not help; he reiterated it is not going to be able to do any good; and the Statute has to be followed.

Chair Pritchett remarked she knows, she is thinking about the community right now though; right now the Board will stop it; the developer will go do other financing; but there is a possibility the community will have some input.

Commissioner Steele pointed out what will happen is 50 people will turn into 100 people; 150 people will turn into 200 people; everybody will be screaming and yelling, but it is not going to do any good; the Statute is the Statute, it is the law; and it is not going to change until people go to the Legislature to change it. He explained that is not happening now; it will be tweaked during the Legislature in the next year, but in the meantime, this man has a certain amount money up, and he has things that he has got to do; he has gone through the proper channels; the financing is sitting there waiting to be approved so that people can buy the bonds; the Board is denying people the bonds, denying the developer the right to go ahead and build his units, or at least have them financed, and that is wrong, it is absolutely wrong; and they have abided by the law, and here the Board sits and says sorry, he has abided by the law, but it is not going to help him.

Commissioner Goodson asked if he has not abided by the law because there is no site plan put in.

Commissioner Steele replied that does not make any difference.

Commissioner Goodson advised it does.

Commissioner Steele stated no, it does not, Commissioner.

Commissioner Goodson stated he has 90 days to put it in.

Commissioner Steele noted it does not have anything to do with the financing; and the financing is totally separate from submitting the Live Local Bill.

Commissioner Goodson mentioned if a person has been in Tallahassee like Commissioners Tobia, Steele, and he has, each of them have seen good bills that are great, that is what they tell people; they get out to the public and then they go back the next year to get some changes everyone can live with; and he cannot imagine this is going to be that great of a bill when it does not give the public the right to discuss it.

Chair Pritchett stated she thinks the Board agrees with Commissioner Goodson on that.

Commissioner Goodson inquired if that is what the Governor wants why he has a State Legislature, and why the Governor does not pass the bills.

Commissioner Tobia expressed his apologies to Commissioner Goodson; he stated he agrees with Commissioner Steele, he believes that there is no common ground here; the reason he does not think there is common ground is because the State Statute gives the developer the ability to do these types of things, through no fault or effort of his own, maximizing profits is there; he does not think they will cut a four-story building into a two-story building; he does not think an extra buffer is going to do anything; but in deference to the Chair, and this is the last thing he wanted to happen, because he really believes West Melbourne is going to show up in mass next time; and all he would ask is if they do, to do a canary in a coal mine, the Board is going to see this situation happen over and over again, so if the Chair wants to take a risk, he has been wrong before, or if the developer even interested, as he is not obligated to meet with these folks. He asked Mr. Gauthier if he is willing to meet with the community.

Mr. Gauthier responded certainly, they are happy to do that if it is the desire of the Commission; he tends to agree with Commissioner Tobia, he is not sure that will necessarily go anywhere; but they are happy to do that; it is not going from 108 units to 54 units, it just does not make any financial sense; building affordable housing and providing good, affordable housing is really, really tough; there is not a lot of margin, not a lot of wiggle room; but they will be amenable to doing that and meeting with them. He asked if this were to get deferred, could it be for a date certain in December, so this does not drag on.

Commissioner Tobia stated if that is going to be added to the motion, it is December 5th, the 5:00 p.m. meeting.

Mr. Gauthier asked that an HOA member, or one of the owners of the group, just gets him contact information and coordinates with the people on their end.

Chair Pritchett advised she is going to ask that they do that to show good faith; maybe after they hear about it there will be a lot more comfort for it; and that would be her desire to open up communication so everybody knows what it is they are liking or not liking. She suggested that maybe the community could have like five people representing their voice to come and speak.

Attorney Richardson explained there was a pre-application meeting submittal of the proposed site plans submitted to the City of West Melbourne on October 24.

Chair Pritchett asked if Commissioner Tobia is going to second Commissioner Steele's motion to table this.

Commissioner Steele pointed out he modified it to talk about doing a meeting.

Chair Pritchett asked if Commissioner Tobia is willing to make a motion to bring this back December 5th.

Commissioner Tobia noted reluctantly he will make a motion to continue F.22. until the December 5th meeting.

The Board tabled consideration of a resolution approving the issuance by the Brevard County Housing Finance Authority of multi-family housing revenue bonds (The Venue at Heritage Oaks Project), in an amount not to exceed \$16,750,000, to the December 5, 2023, Board meeting.

Result: Tabled

Mover: John Tobia

Second: Jason Steele

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

H.1. Discussion Re: Request for Proposal for Software to Enhance Education and Enforcement of Resort Dwellings Regulation

Billy Prasad, Planning and Development Special Projects Coordinator, stated this Item is a discussion regarding issuance of an Request for Proposal (RFP) for software related to resort dwellings; at the Board's last regular meeting on October 24, 2023, the Board directed staff to draft an RFP; they have done so; and staff is now presenting a scope of services for Board consideration. He continued by saying based on the previous discussion of the Board, the scope of services have been broken up into three primary elements for its consideration; first, an online registration portal to implement the registration program for resort dwellings; second, providing an eligibility authorization system for citizens and other interested parties to determine whether a particular piece of property is eligible for use as a resort dwelling; and

third, procuring access to software to identify illegal resort dwellings for use in enforcement action. He advised should the Board wish to move forward with any one of these elements, it is requested that the Board consider the various decision points associated with that element contained in the Agenda Report, direct staff to advertise for the competitive procurement accordingly, and authorize the County Manager to execute all associated contracts.

Jimi Jenkins, Director of Events and Member Relations for the Florida Alliance for Vacation Rentals, stated they are a 30-year old non-profit association representing the professional vacation rental industry throughout Florida; their organization works closely with public and private agencies on numerous projects related to vacation rentals; they are a leader in education, compliance, and public policy surrounding the sharing economy; in addition, they recently established their eighth chapter Statewide in Brevard County to work on many of the concerns that were highlighted in the Board's reports in previous meetings; and with that being said, they would like to offer their expertise in this area of lodging. She went on to say on October 24, 2023, they were watching the County Commissioner's meeting where future regulations and registrations were being discussed; their organization has been involved with this type of policy-making for decades, and they have seen both effective and ineffective applications of regulations pertaining to the vacation rentals; their involvement can help Brevard County with development of a program that meets its goals while also taking into consideration the industry and operational side of the house; the Florida Alliance for Vacation Rentals stands ready to help like they have done in so many other communities throughout Florida; and the most successful programs developed with them have averted litigation and solved many of the community concerns. She asked respectfully that Brevard County consider their involvement in this planning process; and she expressed her appreciation to the Board for its consideration.

Chair Pritchett asked if Florida Alliance for Vacation Rentals runs a database that tracks people who are using their homes.

Ms. Jenkins replied they do not, they use key data of how the industry and the market is looking like with occupancy and stuff; they are pro-regulation as long as it is fair regulation; and they do not support background checks for the guests, for the record, because it is difficult to execute, it raises privacy concerns, and it is not expected of other rentals, including long-term rentals.

Andrew Easler explained he has some mixed feelings about this proposal; first, he is a techy so he is super excited for Brevard County to be anticipating possibly adopting new technology to help it, particularly in enforcement actions; there are a few concerns he does have about the implementation; there is preemption and they have the State regulation and the State Statute where they cannot expand what is on the books; and he has a little concern about expanding registration requirements for people using short-term rentals and whether or not that crosses the boundary of preemption. He noted the second thing he has is another theme spoken about tonight, which is affordable housing and upward mobility here in Brevard County; obviously, it is a bigger concern when there are people out of State, a lot of money coming in here, prices keep going up, it becomes difficult for locals to be able to survive with the ability to purchase housing, rent housing, and all of these other things; the third point on the Agenda, says does the Board wish to adopt a proactive stance related to Code Enforcement and fire prevention; right now it is not a proactive stance; the County has Code Enforcement where it gets complaints from citizens, and it is investigated; and his concern is if the County requires registration, will that alone be enough to then require fines against these people who are necessarily otherwise complying with the Ordinance.

Gerald Martin stated he has missed earlier meetings because the Board is talking about application software; his interest is to be able to short-term rent; if it is the overall scope of making sure the County has a background check and things like that, the short-term rental

platform provides that; they even have a noise sensor that will notify someone if there is too much noise coming from their location; there are background checks that are done; and within the platforms of the short-term rentals that stuff is already there, so to pay a fee for additional software is kind of redundant. He mentioned if the Board does agree to go to the software that it will open up more short-term rentals, because they are not affecting affordable housing, as houses that are short-term rentals bring tax dollars in; when people short-term rent, they tend to spend more in the community; his concern is will the County open up more short-term rental locations if the Board purchases the software, and the residents feel secure that they are not being encroached upon; and as far as affordable housing and having short-term rentals affect that, people are not renting short-term rental affordable houses, so he does not know they are taking away from affordable housing by having short-term rentals.

Beth Martin advised the platforms used by short-term rentals, they verify people when they are coming in; if they have any indication that they have not been a good renter in the past, they will not allow them to rent the place; and she asked if it has been discussed at all about lowering the number of days that people can rent short-term rentals.

Chair Pritchett pointed out it is Ms. Martin's time for comments, the Board does not usually answer questions.

Ms. Martin stated it said the County was going to require an annual fee for the software and the system, but through short-term rentals, the County receives taxes; plus, the property that they already own, they are paying taxes on, so the County is getting double taxes, or double paid; the properties that are used for short-term rentals are usually much better maintained than if there was a long-term rental in there, because people are coming and going, so there are people coming in to clean and checking out everything; and it ends up being a better property for the neighborhood.

Chair Pritchett asked Commissioner Steele if he will tell the people why he put this on the Agenda and what he is hoping to accomplish.

Commissioner Steele commented the Board talked about preemption earlier on in the last discussion regarding West Melbourne; the State came in and basically allowed short-term rentals to go in just about any place that they wanted to go; as a result of that, the neighborhoods have been bombarded with noise, parties, and this and that; they have had more complaints; and quite often when the County receives complaints, it finds out they are not registered properly, not zoned for short-term rentals, and as a result, the County, or at least he felt like literally over 1,000 short-term rentals that are not registered, not doing it legally, and not paying the Tourist Development Commission (TDC) taxes. He continued by saying he felt it is unfair for them to be able to get a free ride and getting away with not paying TDC taxes, and in addition creating problems; the County Attorney put together a noise ordinance; the next step was to see if the County can keep track of who these people are, whether or not they are legal; and in the event they are not legal, the County talked to Deckard Technologies who gave it a variety of applications on artificial intelligence types of scrolling the universe of all of the Internet and coming up with anybody that might be advertising for short-term rentals to determine whether or not they were actually in a legal zone, paying TDC taxes, and a variety of other things. He added, to get this down to something to be able to be controlled, they started with the registration process for all short-term rentals; he met with staff who came up with this Request for Proposal (RFP) tonight; this is also talking about an eligibility authorization system for citizens and other interested parties to quickly determine whether a piece of property is eligible for a short-term rental; they asked them to provide access to software to identify illegal resort dwellings for use in enforcement actions; so in other words, to be proactive instead of reactive; that is the reason for the proposal tonight; staff did a great job with that; and he was going to move one, providing for an on-line registration portal to implement a registration

program for resort dwellings, two, provide eligibility authorization system for citizens and other interested parties to quickly determine whether or not they are in a legal zone, and three, provide the access to identify illegal resorts. He stated if the Board passes that, it has to go back and give some decision points, and give staff additional direction; he would like to move to approve that and discuss the decision points at the next meeting regarding just what the Board would be doing and giving guidance to move forward; and he asked if staff is okay with that.

Tad Calkins, Planning and Development Director, replied if that is the Board's pleasure, it would be fine.

Commissioner Goodson stated he will second the motion.

Commissioner Tobia stated he thinks the motion in question may change his questioning; and he asked Commissioner Steele what the motion is.

Commissioner Steele responded it is basically to move forward with an RFP on the three proposals that staff identified, and to make the determination on the decision points at the next Board meeting.

Commissioner Tobia inquired if it is once the Board receives the RFP, once it is complete and the Board has the drafts.

Commissioner Steele replied affirmatively.

Commissioner Tobia advised his understanding is the RFP will have to be open for 30 to 60 days, so there is probably no way the Board will get a response within that period.

Commissioner Steele noted he thought staff would provide the Board with a draft RFP prior to the time it is submitted.

Commissioner Tobia asked if this is to get the draft RFP back.

Commissioner Steele responded correct, and to make the decision points at the next meeting.

Commissioner Tobia pointed out his understanding is there is a draft RFP.

Frank Abbate, County Manager, explained the draft scope of services is attached to this Agenda Item.

Commissioner Tobia commented he does not mind losing, he just would like to handle these in the order that staff set up, the decision points, and use those decision points to determine what parts of the draft RFP will come out.

Commissioner Steele mentioned he will withdraw his motion, and move that the County provide an online registration portal to implement a registration program for resort dwellings.

Commissioner Tobia stated it is a good start.

Chair Pritchett stated the Board has to see if someone comes back and accepts the RFP; and she asked if that is right.

Commissioner Tobia responded affirmatively; he asked if the County purchases software to create a portal which identifies where resort dwellings legally can be operated and citizens can look up addresses and submit a complaint to the County regarding any that are operating

illegally, why it would need registration; and he noted decision point two impacts decision point one.

Commissioner Steele advised he would just like to know the County is getting paid its Tourist Development Tax (TDT); and the registration process, he thinks, will give the Board the ability to determine whether or not they are paying.

Chair Pritchett asked if they would have to register for the Board to know if they were eligible.

Commissioner Tobia responded no; he stated just to be clear, he supports decision point number two; in fact, he made a motion to go with that decision point back in 2020; and decision point two would allow any citizen, or the County staff, to type in an address as long as it is in unincorporated, and to immediately get a return whether or not it was a legal use in that sort of area.

Chair Pritchett asked if the software would do that.

Commissioner Tobia stated there is software that has the ability to do that, so if a person believes their neighbor is operating an Airbnb, before someone files a complaint, they can go in to see if it is zoned for that, then there would be definitive evidence that what is being done is illegal; right now they say their neighbor is running an Airbnb and it is bothersome; it has to be verified whether or not it is a permitted use at that time; for collecting a fee, registration is the way to go; and he asked where the estimate the County has of about \$75,000 would come from, would it be a fee paid by the registrant. He stated it has been mentioned the TDT, since that is a reoccurring fee, that becomes cumbersome.

Commissioner Steele responded the registrants of the short-term rentals.

Chair Pritchett stated if the County did a trial year for the \$75,000, she thinks it would be appropriate to be in the Planning and Development Department's budget, because if this works as a tool, she thinks it will greatly enhance what Planning and Development has to do having easy access to this, because when Commissioner Tobia brought this up a while ago, it was a really good idea; she thinks what is throwing her off is Commissioner Steele wants to do the registration so the County can see who is eligible, but if the software does that already, it kind of takes care of the problem; and she asked if she is right.

Commissioner Steele replied yes, he thinks she is right; he is okay as long as the Board can find a way to make sure that these people are paying their taxes; it is absolutely unfair for them to get away with that; and if the software does that, he is okay with it.

Chair Pritchett asked if it does that already.

Mr. Prasad advised the software may be able to tell whether a property is eligible to use it as a use or not, not whether they are paying TDT taxes.

Commissioner Steele noted to go right back to the registration.

Commissioner Tobia asked based on the rough numbers that staff presented, from a potential vendor, they estimated 200 and some legal, permissible use Airbnb's, and if the \$75,000 is a correct number, it is an annual fee of \$375; and he asked if that is a fair fee to pay.

Commissioner Steele responded no, that is way high; he does not think the State allows the County to charge a registration fee larger than \$50; and he asked if they capped the registration fee at \$50.

Mr. Prasad replied he thinks there was a bill to do that in the last legislative session, but he does not believe it passed; and he will have to check on it.

Commissioner Tobia commented unfortunately, if that is correct and the County caps it at the diminutive amount, that is not going to make up the better part of that \$75,000; he believes that the \$75,000, based on the proposed RFP, is going to be quite a bit higher, so the registrants are only covering a fraction of the total costs; and he asked where is Commissioner Steele proposing to get the rest of that \$75,000 per year.

Commissioner Steele replied he assumed the numbers were a lot higher than what Commissioner Tobia is projecting; and he asked staff if that came from Deckard Technologies.

Mr. Prasad responded yes, Rentalscape by Deckard was the proposal staff used.

Commissioner Tobia pointed out that was directly in the proposal provided by staff a couple of weeks ago.

Commissioner Steele commented unfortunately, that is not going to work; he would assume the Board will have to eliminate the online registration portal and go to the eligibility verification system; that would be at least helpful in a lot of different ways, and give the County a little better grasp on what is being done; and he asked staff if that will help the County at all.

Mr. Abbate advised it is actually going to hurt, because if that \$10,000 is lost, there will not be any of the money for the software, so it would actually have the opposite effect.

Chair Pritchett mentioned she knows this is a big problem in District 5; the Board has been hearing it from the District 5 Commissioner for a very long time; they have a little problem in District 1; and she asked the remaining Board Members if they had any problem with it.

Commissioner Goodson replied yes, on Merritt Island.

Chair Pritchett noted the Board talked about it at one meeting just giving it a shot and seeing what kind of data comes up and how it affects the community, because this is more of kind of an aid to the residential people that are having a lot of struggle with some situations, so she does not know if that is a bad investment just to start out with; then if the Board discovers it is not really doing anything, then it does not do it; but if the Board discovers it is starting to make an impact so people can look things up, like Commissioner Tobia was shooting for a little while ago, then maybe to just do that; and she knows the County spent a lot of money recently for an incorporation study for an area just because it was important to a Commissioner, so she does not know if this is a good thing to do because Commissioner Steele is so invested in it with his District.

Commissioner Feltner explained he thinks the software to identify the illicit short-term rentals is the Board's bigger problem; the cost there is probably prohibitive; he thinks talking registration and then some kind of eligibility system, which that might be something that zoning can run; it is as simple as a person is zoned for this, it can be done there, or it cannot; and he had a conversation earlier with Florida Department of Revenue (FDOR) and staff trying to figure out if the FDOR for the State, they have to conduct sales tax audits. He went on by saying in this with the short-term rentals, there is five percent for TDT, there is a half percent for the Lagoon, a half percent for the schools, and then there is six percent for the State, so the State has a stake in this; he believes they conduct audits; he had a conversation with FDOR and it was hard to get to the core issue; but there is a question of whether the County can share data back and forth with FDOR; and he thinks ultimately, if somehow the County had a tax account number attached to short-term rental tax collected, this would be very simple. He stated it can be called

a parcel identification number if that is what the Board wants; this would fix the problem of can a person have a short-term rental here; if taxes are being collected there, and zoning is the problem, that is very easy; he is skeptical of the idea that the County is not getting the tax from somebody that is doing a short-term rental and not remitting it to the County; the only reason why is new technology; 10 years ago a person was not doing a short-term rental from his or her telephone; a management company may have been used; but the vast majority of renters, just because it is easier for them, they do not actually collect it and remit it, they do it through Vrbo, Airbnb, Booking.com, or Expedia, whatever the case may be. He noted they remit it to the County or the State on a person's behalf; a person does not have to be an accountant and collect money; if the Board were to continue this to a little bit later, he might have better information for the Board regarding a conversation with the Tax Collector and maybe FDOR; and he will bring it back to another Board meeting if the Board is amenable to that.

The Board tabled discussion of Request for Proposal (RFP) for software to enhance education and enforcement of resort dwellings regulation to the December 7, 2023, Board meeting.

Result: Tabled

Mover: Jason Steele

Second: Rob Feltner

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

J.1. Report, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated he believes the Board Members may have received a letter from the School Board requesting a joint meeting, and requesting that he respond to the School Board; he is looking for Board direction on that; he was going to suggest that, due to the size of the County compared to the cities, that the County indicates, once the School Board has met with the municipalities, has that input, the County would have the last of the jurisdictions to speak with them so it has all of the input from whatever the cities had to offer, and the County would go last; and if the Board is good with that, that is how he will respond to the School Board.

Chair Pritchett stated that is a good recommendation; but they are also welcome to come here at any time and give the Board input.

Mr. Abbate advised the plan is to go to each of the jurisdictions.

Chair Pritchett commented they can speak to the Board under Public Comment if they would like.

J.7. Report, Re: Rita Pritchett, Commissioner District 1, Chair

Chair Pritchett stated she wishes everyone a wonderful Thanksgiving; she hopes everyone spends time with their families; she hopes no one puts too much weight on; and God bless everyone.

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

J.4 Report, Re: John Tobia, Commissioner District 3 (Continued)

Commissioner Tobia stated today is National Spicy Guacamole Day; the useless Florida fact is Florida has 4,510 islands with an average area of 10 acres or larger; this day in Florida history is in 1969 Apollo 12 launched from Cape Kennedy, Florida, on course to the moon; launch controllers lost telemetry contact at 36 seconds and again at 52 seconds when the Saturn 5

launch vehicle was struck by lightning; after one and one-half revolutions, circuits were checked out; and luckily, no significant problems were noted. He went on to say on a second of personal privilege, his dad, a veteran of the United States Air Force, is sitting back there; and he will never come to another meeting again, so he greatly appreciates that.

Commissioner Feltner pointed out also known as Steven's dad.

Commissioner Tobia remarked yes, the father of a successful doctor; he is well aware of that fact on a constant basis; and with that, he will call the Public Comment cards.

K. PUBLIC COMMENTS

Marshall Gilmore stated he lives in Merritt Island and is a local attorney; he wanted to introduce himself, because he is helping the folks that want to make Rockledge Drive into a State scenic byway and also an international scenic byway, and added in to the Indian River Lagoon; since he has not been in front of the Board, he just wanted to come in so he or she would know his face; and he has spoken to the County Attorney a few times, but they have never met. He commented he was a county attorney in Eastern Oregon for years, so he knows what it is like to go through these meetings; it takes a lot of fortitude; he is sorry he was not on the Agenda; he wanted to meet the Commission and introduce himself; if he can get the Rockledge Drive turned into the State and National program and work together, it is a win/win situation for the County and for the folks down there that want to preserve that little street the way it is; he has talked a little bit to the folks at the State; he has been looking at what needs to be done; and if they can work together as a team and put that into the total Lagoon. He pointed out it also dovetails nicely with the preservation of the Indian River Lagoon, because the trees are the living repairing area, and that helps; plus, it cuts down on sedimentation; there may be grants that can be accessed that may help with whatever sewage decisions get made, whether it is an advanced aerobic septic system, or repaving it, or trimming the trees and all that; he provided a three-page letter to the Board; and he expressed his appreciation to the Board for letting him speak.

Commissioner Goodson asked if he wants to preserve the road and the trees, but not the sewer lines, is that pretty much it.

Mr. Gilmore replied he does not know yet; a lot of times he has been involved in stuff that the municipalities, states, or Federal get involved in; a lot of times it is technological alternatives that have not been looked at, so he does not know if the County has already got a plan or what is available out there; they want to preserve the ambiance of that; he lives on Merritt Island across from it; the Tropical Trail comes down there; but it is nothing like this slow road. He noted there are trees that need to be cut down because they are old; they have an arborist lined up that will come down and work with the County's arborist and decide what needs to be trimmed and what trees need to go; and the idea is to preserve the ambiance of that area.

Commissioner Goodson advised 60 percent voted to help clean up the Lagoon; and the most pollutants in the Lagoon are untreated septic or septic tanks; and the height limit for trees is 14 foot.

Mr. Gilmore commented he is not sure that applies to it, it might be less.

Commissioner Goodson mentioned he was told the County should buy smaller garbage trucks, and he told them what could be done is to put dumpsters at the end of River Road and they can haul their garbage down there.

Mr. Gilmore stated the folks have hired him to come in and help them, and they are open-minded about what can be done; and they want to preserve the road and the canopy.

Commissioner Goodson asked how much more would he want to preserve the road when it is a US highway, it was the original US 1; and is it preserved under that.

Mr. Gilmore responded no, because it is old US 1.

Commissioner Tobia stated a person does not hire an attorney in a win/win situation; the fact that he is here means there is no win/win; he thinks he will be on the opposite side; he will tell Mr. Gilmore right now he will be with Commissioner Goodson on this one as that is his District; and he wishes him lots of luck on this one.

Mr. Gilmore explained they want to keep an open mind and dialogue with the staff, the whole nine yards; he reiterated he has been County Attorney and worked with Federal agencies; and there has to be a way to be a win/win.

Commissioner Tobia pointed out Commissioner Goodson, Steele, and he were State Representatives, and they just poo-pooed State Legislation, which Mr. Gilmore heard if he was sitting here for the last two hours; and he is welcome any time.

Stu Buchanan stated he is here tonight to ask the Board to give assistance to a local organization called Cross Winds; Cross Winds provide semi-public services; they assist law enforcement, Department of Children and Families; they are mainly funded by the State; he is sure some of the Board knows he used to work in Planning and Development; and he wrote all of the State and roadway grants for engineering. He went on to say what a lot of people do not know is he worked in the County the first time 22 years ago in Housing and Human Services; he ran what was called the Community Based Organizations grant funds; Cross Winds was one of the contracts he was responsible for; they have had recent staff changes; and they just had multiple board members resign. He noted they will be having a lot of new board members; they are in trouble; to be exact, they are about \$280,000 in trouble, which is very likely going to make them shut their doors; this would be horrible for the County; and they do really good work. He advised he is here tonight to ask the Commissioners to take the time individually to meet with Frank Abbate, County Manager, and Ian Golden, Housing and Human Services Director, to become aware of the situation that the organization is in, and to please consider a one-time assistance to them; the County has funded them in the past several times, so they have had a relationship with them for 30 years; they provide a service that if they shut their doors, it would be very bad for the children of the community; and he expressed his appreciation to the Board for allowing him to speak.

Upon consensus of the Board, the meeting adjourned at 6:59 p.m.


RACHEL SADOFF, CLERK


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

As approved by the Board on 02/01/2024.