

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, January 10, 2023

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:06 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 Kristine Zonka

C. PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the minutes of April 5, 2022 Regular Meeting, August 4, 2022 Zoning Meeting, and October 11, 2022 Regular Meeting.

Result: Approved

Mover: Kristine Zonka

Second: John Tobia

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

E.1. Resolution Re: Recognizing Addisyn Mayer

Chair Pritchett passed the gavel to Vice Chair Zonka.

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-001, recognizing and commending Addisyn Mayer for volunteering above and beyond to become a hero for Brevard County's environment.

Result: Adopted

Mover: Rita Pritchett

Second: Tom Goodson

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

Vice Chair Zonka passed the gavel to Chair Pritchett.

F.1. Permission to Accept a Grant, Re: Florida Fish and Wildlife Conservation Commission and Matching Fund Donations for Artificial Reef Construction

The Board approved and authorized the Chair to execute an Artificial Reef Construction Grant Agreement between Brevard County and the Florida Fish and Wildlife Conservation Commission; accepted matching fund donations; authorized staff to competitively bid; authorized the County Manager to execute a construction contract with the lowest responsive and qualified bidder; and authorized associated Budget Change Requests.

Result: Approved

Mover: Kristine Zonka

Second: John Tobia

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

**F.3. Final Plat and Contract Approval, Re: Reeling Park South, Phase 5
Developer: The Viera Company**

The Board granted final plat approval; authorized the Chair to execute the final plat and Contract for Reeling Park South – Phase 5, Developer: The Viera Company, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Kristine Zonka

Seconders: John Tobia

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

F.4. Approval, Re: Dedication by Warranty Deed for Tract M3, Adelaide Phase 6A and Bill of Sale from The Viera Company, for the Benefit of Lift Station W-34

The Board accepted the Warranty Deed for Tract M3, Adelaide Phase 6A, and Bill of Sale from The Viera Company, for the benefit of Lift Station W-34.

Result: Approved

Mover: Kristine Zonka

Seconders: John Tobia

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

F.5. Legislative Intent and Permission to Advertise, Re: Amendment to Ordinance for Fats, Oils and Grease (FOG) Management Program by Amending Chapter 110, Utilities, More Specifically Sections 110-70 and 110-72

The Board granted legislative intent and permission to advertise an amendment to ordinance for Fats, Oils, and Grease (FOG) Management Program by amending Chapter 110, Utilities, modifying Sections 110-70 and 110-72.

Result: Approved

Mover: Kristine Zonka

Seconders: John Tobia

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

F.6. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards

The Board appointed/reappointed **R. J. Durham**, **Bud Crisafulli**, and **Roger Drabyk** to the Contractor's Licensing Board, with terms expiring December 31, 2024; **Bill Vollmer** and **Rich Ware** to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2023; **Dana Vinci** to the Transportation Planning Organization Citizens Advisory Committee, with term expiring December 31, 2024; **Lori Alvord** to the Central and South Brevard Public Library Advisory Board, with term expiring December 31, 2024; **Ned T. Keller** to the Health Facilities Authority, with term expiring December 31, 2026; **R. J. Durham** and **Scott Carswell** to the Building and Construction Advisory Committee, with terms expiring December 31, 2024; **Mary Louise E. Young** to the Internal Audit Committee, with term expiring December 31, 2024; **Sonya Mallard** to the Board of Adjustment, with term expiring December 31, 2023; and **Frank Golan** to the District 2 Canal Dredging Committee, with term expiring December 31, 2024.

Result: Approved
Mover: Kristine Zonka
Second: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.7. Acknowledgement, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved
Mover: Kristine Zonka
Second: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

F.8. Letter of Support to Representative Tyler Sirois for Naming the SR 405 Bridge the Dr. Sally Ride Memorial Bridge

The Board approved and authorized the Chair to sign a Letter of Support addressed to Tyler Sirois for naming the SR 405 Bridge the Dr. Sally Ride Memorial Bridge.

Result: Approved
Mover: Kristine Zonka
Second: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

G. PUBLIC COMMENTS

Chair Pritchett advised there are a lot of cards under Public Comments; she believes a lot of the cards are regarding Manatee Hammock; and she is going to ask the Parks and Recreation Director to provide the audience with some information, as there is some bad information going around.

Mary Ellen Donner, Parks and Recreation Director, stated on October 11, 2022, the Board executed and adopted a Resolution that increased non-resident camping fees at Manatee Hammock campgrounds, Wickham Park campground, and Long Point Park Campground; with the fee changes that were instituted, there are also a couple of reservation procedures that were adopted; the stay was changed from 169 days to 90 consecutive days; regarding reservations, non-residents had 395 days in advance to make reservations, giving Brevard County residents an additional month, so an additional 13 months in advance for Brevard County residents and one year for out-of-County residents; and there was also a premium fee added of \$2 per site if it was a water/sewer waterfront, and that particular fee was attached to a site rather than for a resident or non-resident. She pointed out she can answer any questions that the Board may have, or she can answer any questions after Public Comments.

Chair Pritchett asked Ms. Donner the date when the changes were made.

Ms. Donner replied October 11, 2022, and the vote was 5:0.

Chair Pritchett stated it was a while ago, and asked if the County is doing anything different.

Ms. Donner responded the fees were implemented effective November 15, 2022, so those fees have been in effect approximately three months.

Chair Pritchett stated in some of the calls she received people thought the changes were happening now, and the County was about to make more changes; it is good for clarification.

Ms. Donner noted at this point, unless it is the desire of the Board, no additional changes are being made.

F.6. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards (continued)

Chair Pritchett stated she did not see Rick Heffelfinger's card regarding Item F.6.; and she apologized, and asked if he wants to speak.

Rick Heffelfinger stated he knows the Board just did the approval of the appointments; there are a lot of appointments who had new people for the new Commissioners; he was wondering where the scoring sheets were on those; and he asked if they were not done.

Chair Pritchett noted she does not do that.

Mr. Heffelfinger asked since those guys were new, when the scoring was, and if they had a chance to weigh in on those appointments.

Commissioner Feltner stated he did not have a lot of applicants for those particular boards, so it was advertised for more than a month on Facebook, the County site, and it was sent out in a press release; those were the only individuals who were interested; and they had a history of that.

Mr. Heffelfinger inquired if the Commissioners' have to score if there is no one competing for a position; and he asked if any scoring was required.

Commissioner Feltner replied no.

Mr. Heffelfinger stated he knows former Commissioner Smith was put on the Save Our Indian River Lagoon (SOIRL) board, and he does not remember seeing a scoring card on that either.

Chair Pritchett explained she thinks it is Commissioners choice, he or she get to pick who to put on the advisory boards as appointees.

Commissioner Zonka advised these are District-specific appointments.

Mr. Heffelfinger asked if the Commissioners even need to advertise.

Chair Pritchett pointed out the Board Members do if they do not have anyone to appoint, but the Commissioners are allowed to appoint anyone he or she wants to the boards.

Mr. Heffelfinger commented he thought that was an interesting choice since he wanted to do away with the Manatees.

G. PUBLIC COMMENTS (CONTINUED)

Ms. Donner stated as one additional item, the 30-day camping fee was eliminated, so everyone pays daily now.

Yabsira Adera, U. S. Small Business Administration (SBA), stated he is here to talk about the loans they offer to Hurricane Nicole survivors; he works for the Office of Disaster Assistance

where they offer long-term, low-interest loans to homeowners, business owners, and private non-profit organizations; the two types of loans they provide are called physical disaster loans and economic injury disaster loans; the former is given to homeowners and business owners in order to repair or replace disaster damaged real estate; and the economic disaster loans is given to businesses as working capital in order to help them meet their necessary financial obligations. He went on by saying it is important to understand that homeowners are eligible for up to \$200,000 to repair or replace inventory and business equipment, and also real estate; businesses are eligible for up to \$2 million; homeowners are also eligible for up to \$40,000 to repair or replace personal property such as clothing, furniture, and automobiles; the interest rates on these loans are pretty low; interest rates are as low as 3.3 percent for businesses, 2.3 percent for non-profit organizations, and 2.31 percent for homeowners and renters; there are a lot of benefits provided at the SBA; and for the first year, there is a 12-month deferment plan, which if a person takes out a loan for the first years, they will not have to pay back until after the first year, and the interest rate will not start to accrue until after the first year. He continued by saying the SBA can also increase a loan as much as 20 percent of their physical damages as verified by the SBA for mitigation purposes; that is to improve the resiliency of a person's home or business so they can build back better; in order to be eligible for a SBA loan, the person or business must be in a declared disaster zone; they must also have acceptable credit to the SBA, and show their ability to repay these loans; and the deadline to file for Hurricane Nicole is February 13, 2023, and the deadline for the economic injury disaster loan is September 13, 2023.

Chair Pritchett asked for clarification, does he work for the government.

Mr. Adera replied affirmatively, and stated he is a U. S. Small Business Public Administration Information Officer.

Commissioner Goodson asked if a person's home is mortgaged, where he or she falls in line against the home if the SBA loaned the money; and would the SBA be second in line.

Mr. Adera advised if the home is mortgaged what they do is ask the applicants to first file with Federal Emergency Management Agency (FEMA); and once they apply with FEMA, they file with SBA; if a person does not qualify under SBA, they are sent back to FEMA; and then he or she are eligible for more grants.

Commissioner Goodson inquired if a person's home is mortgaged, they have an equity in it, would the loan through SBA be the equity amount they have.

Mr. Adera replied yes; he stated they cover what insurance does not cover, so they help the uninsured and underinsured; but they do not give additional money more than the insurance.

Commissioner Goodson mentioned Mr. Adera made a statement that after the loan is secured at 3-½ percent interest, something like that, and he asked what kind of terms does the SBA have in the longevity of the loan.

Mr. Adera responded up to 30 years individuals can pay back the loans, and also people do not have to accept the loan if it is given to them; and there are no pre-paid penalties and the first year is deferred.

Chair Pritchett explained to those in the audience who have not been to a County Commission meeting, there typically is not a lot of conversation, this is their time to give the Board comments; if a person has things that need to be answered, the Board Members will take

notes, and someone will get back with them; and she just wanted to let them know there is not typically conservation unless a Commissioner has a question.

Hawk Hermann stated Manatee Hammock is his residence for the winter; he is a temporary, part-time resident of Florida; he was a resident of Florida for over 20 years; he has family in the area that have been here for over 50 years; and he is part of both as residencies goes. He went on to say he does have some questions, and he understands the answers may be coming later; he hopes to understand the policy changes to Manatee Hammock as well as other campgrounds; he asked what prompted such a substantial change, because it is not just a little bit, it is 115 percent increase in rates; then the changes for limiting the amount of stay are, again, rather restrictive, not only to people in his condition who are temporary residents, but to permanent residents; and they have a number of people who are residents of Brevard County who are full-time, and it has been one of the affordable ways they have been able to live their retired life. He added going from 169 to 90 days also becomes a bit of a challenge, especially economically, with the high rate that it has been increased; inflation has affected the housing crisis, it kind of adds one more nail in the coffin for those who are on limited budgets, which many retirees and small families are on; he is trying to understand what prompted such a substantial change; he asked if there were any studies done to help concur the conclusion of the decisions that were made; have there been any discussions with outside, private corporations for either management of the property or for development of the property; and he stated he is trying to grasp what is going on here, because it is not just affecting them, but their family who is also long-time residents of Florida. He commented his primary concern that goes along with that is if the Board may possibly reconsider and re-evaluate those prices and new policy changes to make them more amenable to everyone; the rates are higher than other Recreational Vehicle (RV) resorts and campgrounds throughout the region here.

Chair Pritchett asked Mr. Hermann to reach out to the District 1 Commission office, she will send him the meeting minutes and all of the items of how the Board came to these conclusions and decisions; and she stated she thinks it will help him a lot.

Kristine Gustke asked the people who are in the audience who support Manatee Hammock; she stated her summer home is in Michigan and her winter home has been at Manatee Hammock Park for the past six years; she and her husband are very saddened that this may be coming to an end due to the changes in reservation rules and very large rate increases, 115 percent as Mr. Hermann mentioned; she and her husband, along with her many winter residents, add a great deal to the community in many ways; and they pay the fees for their campsites, as well as shop for groceries, clothing, household, and personal items at several area stores. She went on to say they also engage in entertainment, including Titusville Playhouse, the movies, and other area attractions; many of them have friends who specifically come to the area to visit them while they are here, and they also bring in money for the aforementioned things, hotels, and rental vehicles; they purchase gasoline, as well as car repairs at local shops; they receive services, such as manicures, pedicures, and haircuts; many of them eat out often at local restaurants and diners; and they take their pets for grooming and to local veterinarians. She pointed out many of them have made large purchases recently of vehicles, campers, and even purchasing homes in the area; they also use the RV in other storage units, as well as doctors, hospitals, and labs; along with bringing the above mentioned revenue into the area, they are also involved in the community in several other ways; several churches are attended by the winter residents; and within those churches they are involved in choirs, bible studies, and fund-raising events for churches and local charities. She stated others volunteer at the Salvation Army, Hummingbird Food Pantry, Samaritan's Purse, homeless item collection and distribution, packing weekend meals for Brevard County Schools, and assist by driving blind residents to appointments; they have donated secret Santa items and have volunteered tutoring and babysitting for Brevard County children; there are many other things

people are involved with that she has not mentioned; she knows she speaks for others when she says she truly enjoys doing these things in the community she has lived in and loved; and she would be very sad if they are unable to continue to come here and be so involved in this awesome community because of the changes the County has made.

Commissioner Zonka asked if Ms. Gustke is a Brevard County or a Michigan resident.

Ms. Gustke replied a Michigan resident.

Steve Fodor stated he is here to represent the long-term residents of Manatee Hammock; their rent is about \$650 a month; that comes out to around \$65,000 for the 100 or so residents who are present; in five months, they pay \$325,000 just to the one park; and when this motion went through, the residents here cannot afford it because they are on a fixed income. He added he has been told by most of the residents that they will not reregister, so the County will be losing approximately 100 residents, non-long term residents; that is \$325,000 worth right off the top, not to mention the rest of the budgets; by taking the national average, a person pays 25 percent of their income to the residence and the other 75 percent to themselves; it was calculated that they are paying 33 percent of their budget to the park; and that leaves them with roughly \$1,200 more a month. He noted if the County loses 100 residents, that is \$120,000, and over a five-month period, which they all like to stay, that is \$600,000; along with the rent, plus the money they support the community with, it is \$925,000; his question to the Board is if it thinks it can recoup these kinds of losses, because the County will lose them; the Board's answer is required because they have made other plans already; and he asked the Board to please reconsider and put things back because the system is working, and to leave it alone. He pointed out they could live with a small increase, but 115 percent is a little ridiculous in his opinion.

Chair Pritchett stated this is why she hates the government owning things like this; she hates that it competes with the private sector at all; she would almost rather sell it and let someone else run the RV and to charge what they charge; she does not think County facilities should charge a lot less than the others, because it is then competing with the private sector; and she does not think that is fair either.

Claude Black stated since his wife and his first visit to Manatee Hammock over 14 years ago, they have enjoyed visits to the park every year; since retiring three years ago, the affordable fee and the six-month reservation period made it an easy choice for them; given the current economics, he doubts that any RV person questions the increase in Manatee Hammock camping fees; and the immoderate 115 percent fee increase, plus other charges, brings the daily rate to \$48.16 or \$1,444.00 for a 30-day period, far exceeding the rate of some of the neighboring commercial RV parks. He went on by saying unfortunately, it makes it unaffordable for him and his wife; this discriminatory rate of the Brevard County residents, he guesses the Board has looked at the scale and it knows, the Brevard County residents have a different fee schedule than other residents, is even excessive for them; it amounts to \$993 for every 30-day period; the second unfortunate change is limiting the reservation to 90 days; some of the RV guests travel over 2,000 miles to come and visit Florida; and this 90-day period would be a great hindrance for them in driving down here and staying for 90 days, and having to leave or move someplace else. He asked the Board to do three things; one, to reconsider increasing the daily rate tremendously exceeding the rate of inflation; second, to reconsider imposing a discriminatory rate between the park customers; and third, to reconsider the limitations of visiting the Manatee Hammock to 90 days rather than the 169 days, which was the previous policy.

Marilyn Cummings stated she and her husband live seven months in Minnesota; this is their eighth year being winter residents at Manatee Hammock Campground; they love it here; they love the trees and being near the river; and she thanked the Board for giving her a chance to speak for many of them. She went on to say as they understand it, this whole issue of new rules began with a couple of unhappy County residents that cannot get last-minute reservations at Long Point Park; everyone should plan ahead, make reservations way in advance, so if this is true, last minute reservations is a problem, and the non-County residents have avoided that, and they have been reserving over a year in advance for many years, they plan way ahead; the changes the County has implemented for the 90-day maximum stay will not remedy that problem for those same last minute campers who want to get in on the weekend or two weeks from now; the park is still going to be full as they cannot limit that; and limiting hundreds of non-Brevard County winter residents to 90 days and more than doubling the monthly fee will very likely send them to other parks in other counties or even states where they will spend their thousands of dollars every winter. She explained Brevard County businesses she thinks are unaware of this change will surely notice a drop in profits from these new rules; there are other parks in the area with lower fees, better amenities, Manatee Hammock does not have a lot, and they value their long-term campers; Manatee Hammock is like a community, they are like a family; during the winter months, the long-term park residents care for their own campsites even after the Hurricanes; they abide by all rules of the campground, and they are respectful of staff and buildings; and they are being forced to look for a future winter campground, and have already found several in this area that offer more to campers and have lower fees. She added many of these parks even give their long-time winter/campers first chance at reservations before they accept new folks, and they have no length of stay limits.

Kay Rice stated her permanent residence is in Massachusetts; they have tried to keep their comments to a minimum; and the Board may be glad to hear that she is the last speaker. She went on by saying they do not know if there is any possibility that the Board will revisit the extreme increase in the price and change in rules for those camping at Manatee Hammock; Manatee Hammock is a second home, a close community for many of them; some of them have come here for over 25 winters; many of them were hoping to do the same; and they believe they play a positive role in the economy, in church, and other volunteer community activities. She noted they spend additional money here that locals using the park are unlikely to spend; if they no longer come to Manatee Hammock and Brevard County, both their presence and their spending will be missed by the greater Titusville community and certainly by Manatee Hammock; with the seasonal, non-Brevard County residents no longer coming, there may be more calls to the local police due to more crimes, such as thefts; they watch each other's campsites, they know who belongs where; and having mostly weekend and short-term campers will make more work for the office staff and the maintenance staff. She stated there will be empty campsites during the week; she asked if studies have been done to assure that the park will continue to be self-sustaining; the County does not need to put money into Manatee Hammock; they understand that prices are going up all over, even if most of them are not receiving any increase in their incomes; and most of them could work with a reasonable increase, but more than double just cannot work for most of them. She explained they may be able to find other campgrounds in other parts of Florida, or in other states; they will find campgrounds with more amenities and at a lower price, but they are unlikely to find the community that they have built at Manatee Hammock over the years; she expressed her appreciation to the Board for its time and attention; and she urged the Board to reconsider the dramatic price increase and change of rules.

Chair Pritchett asked the Manatee Hammock to reach out to the District 1 Commission office; she stated they will supply to them all of the minutes and data of why the Board did what it did; they are delightful, respectful, and she hopes they have a wonderful evening; and she hopes

whatever the County ends up with, whether it stays or whatever, that they are able to still able to come and enjoy the community.

Michael Yauch stated he represents a group of citizens from Merritt Island; they would like to congratulate their new representative, Tom Goodson; and they look forward to working with him on many items that affect Merritt Island. He continued by saying their informal group have studied many of the challenges that have faced Merritt Island, and have spoken with communities that compare in population and geography; several County Commissioners in the past Commission meetings in response to Merritt Island citizens voicing concerns about the Island issues have asked why Merritt Island does not incorporate to give the residents control to deal with the challenges and future planning; they believe it is time to investigate the economic impacts of that possible action by conducting a feasibility study to incorporate Merritt Island; their initial conversations with Florida entities that conduct this type of study indicate the expense of a study would be in the range of \$50,000, \$60,000, maybe less; and it would take approximately three months working with County staff, to receive the results. He commented after the results of the feasibility study are received, the residents of Merritt Island can understand the economic impact of incorporating and decide if moving forward towards incorporation will assist in the following: preserving the history of Merritt Island, prioritizing and increasing their responsive time to Merritt Island infrastructure needs, increasing Merritt Island's sense of community, preventing Merritt Island from becoming a parking lot between Cocoa and Cocoa Beach, attracting and encouraging new businesses, removing blight from the Island, ensuring decisions are made at the local government level, prioritizing conservation of their miles of shoreline, as well as protecting their wildlife areas. He advised the Board that he is making a formal request on behalf of their volunteers, and ask that it enter into the minutes of today's meeting that the Board of County Commissioners approved the funding for a feasibility study to determine the economic impact of incorporation of Merritt Island residents; and if the Board has any questions, he would like to bring up one of his team members that can talk about the different entities they have talked to.

Commissioner Goodson asked if this was to go through, when it would appear on the ballot for a vote.

Mr. Yauch replied November 24th.

Commissioner Goodson advised he would urge all of the Commissioners to grant this acceptance for them to make their study; as the Board knows, as time has gone on there has been issues with zoning and painted buildings over there, so if they want to step out on their own, he would be the first to recommend that the Board agree to help them fund it; and he asked when it was done last.

Mr. Yauch responded 2011.

Commissioner Goodson asked how the vote went then.

Mr. Yauch replied it was negative.

Commissioner Zonka inquired what the numbers were like.

Mr. Yauch advised he did not live here at that time, so he does not know; he thinks part of the reason is how it was presented to the residents; most people if they think they will have to pay more taxes, just say no; and they have a committee that is going to work very diligently to present it in a positive package to the residents.

John Denninghoff, Assistant County Manager, pointed out it did not go for a vote, a referendum at that point; it was a lot of discussion in the community; and ultimately, it did not move forward.

Morris Richardson, County Attorney, explained he believed the last time it was a referendum in 1988 when the voters rejected it.

Mr. Denninghoff noted it seems to be about what his recollection is.

Commissioner Goodson stated it is quite a long time ago, and he thinks it is time to try again maybe.

Chair Pritchett asked if Commissioner Goodson wants staff to come back to the Board with the cost of the study.

Commissioner Zonka commented a feasibility study.

Mr. Denninghoff stated he did not hear what was said.

Chair Pritchett asked if it would be a starting point for staff to come back to the Board with the costs to do a feasibility study to move forward.

Mr. Denninghoff advised staff can take a look to see what they expect the cost to be, and come back and report that to the Board.

Mr. Yauch mentioned they have reached out to three different entities, and received quotes from them, so they vary in that \$50,000 to \$60,000 range.

Commissioner Zonka stated the County would have to go out to Request for Proposals (RFP), and it would have to go out to a competitive bid for that; and if the Board has interest in moving forward with it, the Board can certainly talk about it.

Commissioner Tobia stated Commissioner Zonka talked about going out for an RFP, but he would like it to come out of Commissioner Goodson's office; but he would certainly support it; he does not know where Commissioner Goodson stands with this, but he does have boots on the ground there; if the Board does go forward with this, he thinks at a minimum, he would have the support if there was a motion to begin the RFP process that is fine; and if it does come back at a reasonable cost, Commissioner Goodson would have his support.

Commissioner Goodson advised he does not have a problem with it as long as he looks to have money in his account when the year is over, but he does not think he wants to agree to fund it all when they are paying taxes over there; but he will help if there is money in his account.

Commissioner Zonka noted Merritt Island Redevelopment Agency (MIRA) can be looked at as well.

Attorney Richardson stated the County can fund the feasibility study; MIRA, on the other hand, is not authorized to fund the feasibility study for incorporation.

Chair Pritchett stated she knows there is some budget flexibility with each of the Commissioners Districts; and that is what Commissioner Tobia is eluding to right there, so Commissioner Goodson can come back and let the other Board Members know what he has got.

Commissioner Tobia stated he has spoken to some folks in MIRA about this, and the County Attorney's Office had done a memorandum that is very good about the steps and order that this should go through.

Chair Pritchett stated Commissioner Tobia should start with this.

Commissioner Tobia noted no, this is not his District; there was an empty seat, so that is why he started the process; he would encourage everyone to get in contact with the County Attorney's Office; that result was shared with MIRA; the County Attorney's Office did a great job on that; and he has dates, timelines, estimated costs, and stuff like that.

Chair Pritchett stated she thinks Commissioner Goodson has the Board's support on this, she thinks it is something that would really benefit the Merritt Island area, and will help him do his job better.

Commissioner Goodson asked the County Attorney since he had numbers, were Mr. Yauch's groups numbers that far off.

Attorney Richardson advised he does not have cost numbers on what it would currently cost to do the feasibility study, as that was not part of the scope of what he did; a study was done in the past at \$21,000, but that was the distant past; and he would not use that as being representative of today's costs.

Commissioner Goodson asked where the group would go now.

Frank Abbate, County Manager, stated staff would be looking for Board direction; it would be a motion from this Board to tell staff to move ahead with an RFP to solicit someone to do a feasibility study, and to see what the cost would come back as; and staff would bring that back to the Board for consideration as to whether or not to move forward. He went on to say it would have to come out of the General Fund, so staff would have to do it at that point either through an allocation from somewhere else where that money is out of Reserves or mid-year supplement.

Chair Pritchett stated she thinks the Board will give Mr. Abbate the discretion to go through and look at what he thinks is appropriate.

Mr. Abbate explained they will bring back the results of the RFP; if the Board authorizes it, they will have a selection committee for that; and they will bring the results back to the Board and identify what the funding at that time would be.

The Board directed staff to come back to the Board with RFP for a feasibility study to incorporate Merritt Island and to identify a source of funding

Result: Approved

Mover: Tom Goodson

Seconder: John Tobia

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

Susan Aroyan expressed her appreciation to the Board for approving their request; she asked what the time frame is in terms of putting together that RFP, getting it out, and getting answers back, because obviously, making a November 24 deadline is pretty aggressive; and she stated that she would like to understand the timeframe and who they can work with offline to kind of get their project plan in place.

Mr. Abbate replied he would estimate it would be about three to four months to have the RFP drafted, sent out, and brought back to the Board; probably between four and six months to get that whole process and back to the Board; and before the Board breaks in June would be an ideal time.

Commissioner Goodson stated they need to start working now, with the understanding that they could get approval or not get approval; and do not waste any time convincing the public or constituents that this is a great idea, or either when they get involved in it, they may come back and say it is not a good direction.

Ms. Aroyan advised they already have a committee that is already putting in place committees to talk about how they will approach the public; obviously, without having the actual data, they can only do so much; but they have definitely started the process.

Commissioner Feltner stated the Board is talking about dates and timelines and he thinks the last chance the Commission has to put something before the voters for a referendum for the general election is the first part of August.

Chair Pritchett asked of next year, correct.

Commissioner Feltner responded affirmatively, in 2024.

Attorney Richardson pointed out in order for the legislature to enact a municipal charter in their 2024 legislative session, the deadline by Statute to receive the required feasibility study would be September 4, 2023.

Chair Pritchett stated maybe the Board can put on there where Commissioners can do three terms instead of two.

Brooke Williams stated she has been a Brevard County resident for more than 40 years, 25 of those 40 years being in North Brevard; she actually lives on her husband's family-named street; the Mitchell's were granted a certificate from Brevard County for being a Mims pioneer family established in the 1930's; and she is here because they have a speeding issue. She continued by saying almost two years ago, she started the process of having speed humps installed on her road; when the traffic study could not be fully completed, she was told that Chair Pritchett actually approved the speed humps.

Chair Pritchett noted with the Community Development Block Grant (CDBG) funds, they are working on it.

Ms. Williams stated that it was then being sent to Ian Golden, Housing and Human Services Director, for funding.

Chair Pritchett stated yes, and it was approved for the funding.

Ms. Williams pointed out now she is being told . . .

Chair Pritchett commented that there has to be repairs done on the road, so she has to find more funding to repair the road before the speed humps can be put there, because these are not typically things she funds out of the budget.

Ms. Williams advised yes.

Chair Pritchett stated they are working very hard creatively to get the funds to do these projects; they try to do the speed study on there, but all of the items got stolen, so they cannot even do that again; these are things she typically does not fund, but since she worked so hard, and they were actually able to find some funding; now they have to fix her road, because they have some issues; and they are moving forward as fast as she can to try to accomplish this.

Ms. Williams stated she actually spoke with the superintendent in Road and Bridges, he was actually on her road the other day, and he told her there is like a year's waiting list just to get on the re-pavement.

Chair Pritchett advised the County is working on this right now; she thought she was going to have an appointment with her; she has been trying to get her some information; and they have been talking about this almost daily trying to figure out what to do.

Ms. Williams commented everybody probably knows her name in every department.

Chair Pritchett asked if she was related to Michelle Imparto.

Ms. Williams stated no.

Chair Pritchett pointed out her office has been getting calls from her father as a pastor over there.

Chair Pritchett reiterated the County is working on this.

Ms. Williams stated it has just been so hard, and then she sees where they are saying it now has to be re-paved; she sees speed humps going up on Indian River for example, which needs to be re-paved; but they put them there.

Chair Pritchett stated that would not have been in the County; and Ms. Williams is not being ignored.

Ms. Williams stated that is how she feels, like her area is being completely neglected.

Chair Pritchett stated it takes a while; just so she knows, if the funds had not have been found, the County does not fund speed humps; as soon as the County can fix the road, which ended up being the next hurdle, they are on the docket to get this done.

Ms. Williams expressed her appreciation to Chair Pritchett.

Sandra Sullivan stated they all love the Lagoon; she showed the Board a picture of what the Lagoon looked like in 2010; she stated obviously, everyone is concerned about the condition of the Lagoon; she provided the Board a picture of the Lagoon taken on New Year's Eve; and she pointed out the person who took this picture, it caused them to cough and their eyes to water, which may be consistent with a harmful algae bloom. She continued by saying from the Lagoon Plan, and this is well known, that the steep decline in the aerial mass of the sea grass started in 2010; why that is significant is what changed in 2010; it is not the muck, the Lagoon has had the muck; it was not sewage dumps, because there have been sewage dumps throughout the years; what changed in 2010 was the State switching to broadcast spraying of herbicides; and it took time for science to catch up. She noted herbicides kill seagrass, they persist in saltwater, they kill good algae, and they feed the bad algae as a phosphorous food source; what the people voted for she thinks is really important; what was voted for was capital improvements and capital maintenance projects, reducing pollution, oversight, and audits; what was sold to

the people in 2016 was putting money to Advanced Wastewater Treatment (AWT) plant upgrades; and in talking about the muck, for example Turkey Creek, the Florida Institute of Technology (FIT) study showed the muck flux was not coming from the septic, it was coming from the sewer plant in a higher amount. She mentioned one of the roles of the oversight was not only to evaluate the projects originally but to evaluate the actual performance they are delivering; she does not feel this is being met in the Lagoon Plan; by taking the percentage being spent on muck in this report, it says 27 percent; but by taking out inflation, which is skewing the numbers, it is actually 36 percent; the amount being spent on harvesting aquatic weeds because Hydrilla is like a monster plant sucking up that stuff; and it is just sprayed, it dies, and it releases it. She stated other counties use what is called Stormwater Treatment Areas (STA), to suck up those nutrients, which is very effective; and the County is not deploying technologies that other places use.

Steve Mitchell stated he was not planning on speaking today, but when he heard the Manatee people come up, he decided to talk; he is also called Satellite Steve; he does satellite RV systems full-time; his busiest time is right now when the snow birds are here; and he is usually at Wickham Park because Manatee Hammock is hammock and all treed in. He went on to say the systems he puts in are usually at Wickham Park, Long Point Park, and places like that around the area; all of his Wickham Park customers that he has had for around 10 years, they are all complaining about the same thing the Manatee Hammock people are complaining about with the rates going up and the time frame; but the biggest thing the Board may not understand, and they do not understand, and he sees it full-time, it is a lot of tent people; a lot of crime is going on during the summer months at Wickham Park; and he does not know about some of the other parks, but he is at Wickham Park a lot. He advised he is letting the Board know that is what he sees when the snow birds are not here; he knows the snow birds are from out of town and are not the Board's constituents; and he is just telling the Board what he sees.

I.1. Appointments, Re: Save Our Indian River Lagoon Citizen Oversight Committee

Chair Pritchett asked Virginia Barker, Natural Resources Management Director, to introduce the item, and then she will hear the one public comment card.

Ms. Barker stated these are three appointments to the Save Our Indian River Lagoon Citizen Oversight Committee; on October 25, 2022, the Board reappointed 10 of the 14 current members, and directed staff to advertise for the remaining four seats; on December 6, 2022, the Board considered the one applicant for the Board's Finance seat, and appointed Curt Smith, so that leaves three seats to be filled; one of those is a League of Cities seat, so action one is to consider appointment of Don Deis, who was selected by the League of Cities for their vacant Technology alternate seat; and action two is to review the applications the Board has in its package. She went on by saying the resumes and reference letters, and rank candidates to fill the County Commission's voting member seats for Real Estate and Tourism; and after the Board takes the public comment card, she will tally the rankings and provide the results before the end of the meeting, so it can appoint the top ranked candidates.

Chair Pritchett asked if the Board is ready to vote right now, or are there any comments about the recommendation for the League of Cities appointee, Don Deis; and if the Board will think about that, she will call the speaker up, and it will come back after that.

Rick Heffelfinger stated it is kind of a follow-up to the original question, he was not aware the Board could just appoint people to these positions; he asked if some of them have to be voted by the Board, or does it just take the ones allocated; he stated it sounds like a conflict of if the candidates are all being evaluated; and he asked if the Board is just filling the ones it wants to

fill. He noted there is a ranking sheet but it is dated 2019; he does not know if that is the right ranking sheet, or if it is an old one; but he thinks it has the right names on it.

Chair Pritchett advised this one the Board does not do per District, it does a consensus on the Board, so what it does is it is given all of the data and resumes, study them, and the Board Members rank them on how each feels; Ms. Barker tallies them up; and the Board gets a consensus, and that is who is nominated.

Mr. Heffelfinger asked if Curt Smith was directly appointed, and if that is unique to finance.

Ms. Barker pointed out Curt Smith was the only applicant for that seat, so just one candidate cannot be ranked.

Chair Pritchett stated no matter who had applied, she would have voted for former Commissioner Smith; and she has never seen so much passion for the Lagoon.

Sandra Sullivan explained Ordinance No. 16-15 spells out the appointment process; from what she saw was, in the appointment of Curt Smith, whether he was the best candidate or not, it is about following the actual Ordinance, which is the law for Brevard County; the process is outlined in the Ordinance; she suggested that reading the Ordinance is really important; the application process for filing for the Lagoon Committee had not closed when former Commissioner Smith was appointed; and that is the reason it brings up a concern. She continued by saying under the appointment process, the County Commissioners shall call for interested volunteers to submit their applications to Natural Resources prior to a date; each Commissioner will review the qualifications of the remaining applicants and score them one to three; and the department staff shall tabulate the ranking sheets to select the members for the remaining fields of expertise and alternates for the remaining three fields of expertise. She added she thinks what Mr. Heffelfinger is saying is when having procedure and policy in place that those policies are followed; whether former Commissioner Smith is the best candidate or not, it is not about that; it is just about following the County procedures and policies; and she believes that may need to be looked at.

Frank Abbate, County Manager, stated the Board should speak to the County Attorney on that, because that was reviewed with the County Attorney's Office before that item was brought back to the Board.

Morris Richardson, County Attorney, advised his office did review that, the application period closed prior to the appointment, and it did follow the policies and procedures, and specifically the Ordinance cited by Ms. Sullivan; what Ms. Sullivan referred to was actually the initial appointment process for the board as a whole when it was first formulated; and staff has followed the processed provided for replacement members when they were required.

Commissioner Zonka asked if the Board followed policy 100 percent correctly.

Attorney Richardson responded affirmatively.

Chair Pritchett asked the Board if it has a vote to assign the appointment of Don Deis.

The Board considered and accepted appointment by the League of Cities of Don Deis as the Technology-alternate seat of the Save Our Indian River Lagoon Citizens Oversight Committee.

Result: Approved
Mover: Kristine Zonka
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

Ms. Barker advised the Board they have the results of the appointments; for Real Estate seat, it is Barbara Wall-Scanlon, and for the Tourism seat it is Robert Putnam.

The Board reviewed and ranked the candidates for the Real Estate and Tourism seats; and appointed Barbara Wall-Scanlon to represent the Real Estate seat, and appointed Robert Putnam to the Tourism seat of the Save Our Indian River Lagoon Citizens Oversight Committee.

Chair Pritchett expressed her appreciation to Ms. Barker for all she does.

Result: Approved
Mover: Kristine Zonka
Seconders: Tom Goodson
Ayes: Pritchett, Goodson, Tobia, Feltner, and Zonka

J.1. Consideration, Re: Contract for Sale and Purchase and Addendum from Michael S. Terrel for the Waste Water Treatment and Water Treatment Plants Relocation Project

Edward Fontanin, Utility Services Director, stated this item is a consideration of a contract for sale and purchase from Michael Terrel for the wastewater treatment and water treatment plants relocation for the South Brevard area; to give the Board a little background, the driver of this relocation is due to compliance with State Law and also looking at the useful life; staff looked at sites, and this parcel became available; thus, they went through the process with Land Acquisition; and there are three options associated with the Board on direction. He noted the first option is to accept the offer as presented, which is the \$3.5 million; the second option is for the Board to give direction on a counter-offer of an amount approved by the Board; and the third option is to reject the offer and to proceed with utilizing the property to the west of the 80 acres in this discussion, which is the Barefoot Bay Water and Sewer District that it would repurpose for this relocation.

Commissioner Tobia stated this has changed a little based on the discussion that proceeded this; what is important is to remind the Board that this \$3 million came out of District 3 and was approved by the Board for the American Rescue Plan Act (ARPA) funds to be designated to this project; the suggested price of \$3.5 million for the private property purchase option is outrageous; two appraisals were done in June and July 2022; they came back at \$2.65 and \$2.75 million; and thus, fair market value was addressed at \$2.7 million. He went on to say the first appraisal is almost six months old, the second is approaching, and the Board knows what has happened to the market in the last six months; not just Brevard County, Forbes did an article where they described, "Many experts and analysts have come forward with predictions of real estate prices starting to fall in 2023 due to the fears of possible recession, economists feel that the home prices should drop even more given mortgage rate increases"; he would like to suggest the Board reject the price of \$800,000 over the determined fair market value; just to be clear, if the Board wanted to go forward with this, it would require a supermajority, and everyone, other than him, would have to agree that this was fair; and plus, it is an additional \$500,000 more than what was initially appropriated. He explained that staff did a great job in their Agenda Report; they have an alternative one that shows the option cost difference to move forward on the land that is under control of the County; that cost is \$2,198,500;

economically this figure makes the most sense for the County; he proposes it be sent as a counter offer to the private property owner, and to provide him or her with 14 days to respond; should the property owner reject this offer, he would like to give staff the permission to pursue the alternative one option; the Board has seen prices decrease, and it knows what it would be to get that other property ready; and that is what he is suggesting to be offered to that individual. He stated he would like to hear what ideas the other Board Members have, tender a motion that incorporates this, and then a cherry on the top at the end.

Chair Pritchett stated what Commissioner Tobia is suggesting is to counter offer to where the market probably is right now; she stated she talked with staff, and another idea they had was to transfer the property from Barefoot Bay; again, these are District 3 ARPA funds; and she asked Commissioner Tobia to restate his offer.

Commissioner Tobia advised the tendered offer would be \$2.198, and remember he had appropriated \$3 million, so that will come at the end; he moved to reject the offer of \$3.5 million for the purchase of 3920 Edisto Drive, Grant, FL 32949, and send a counter-offer of \$2,198,500 with a response within 14 days; should the counter-offer be accepted, the Board will authorize staff to complete the purchase of the property; upon the counter-offer being rejected by the property owner, staff will then be authorized by the Board with alternative one option, which includes any necessary actions that might be needed to take to prepare the District of Barefoot Bay Water and Sewer Parcel #30-38-08-001-1 for the development of a water, wastewater facility; and leftover funds go to facilitate the incorporation study for Merritt Island.

Mr. Abbate pointed out the simplified way to repeat what Commissioner said was option two; and they would have 14 days for the \$2.1 million, and if they do not, staff would proceed with the same that is in option three, which is to reject it and move forward with the County's property in Barefoot Bay.

Commissioner Zonka asked if Commissioner Tobia's commitment to the Merritt Island feasibility study regardless of what happens with the deal, because really that is a small amount of money, and he would be well-under anyway.

Commissioner Tobia replied absolutely; he advised if the Board moves forward to cover the \$2.1 million, there would be a delta of \$800,000; and he would hope that delta would go with a continued process like for engineering, either way, whether they accept it or not. He went on to say he talked with Attorney Richardson who was in the neighborhood of 50 or 60, if it is that amount, it is not going to make a difference one way or the other; but he would certainly move forward; he expressed his appreciation to Marcus with Merritt Island Redevelopment Agency (MIRA) for working with him on this; and he thinks it can be moved forward in an expeditious fashion to meet the deadlines for Attorney Richardson to move forward.

The Board rejected the offer of \$3,500,000 for the purchase of 3920 Edisto Drive, Grant, FL 32949; directed staff to counter-offer \$2,198,500, with a deadline of 14 days; should the counter-offer be accepted, authorized staff to complete the sale and purchase of the property; upon counter-offer being rejected by the property owner, staff is authorized to move forward the Alternative 1 option, which includes any necessary action that might need to be taken to prepare the District of Barefoot Bay Water and Sewer parcel #30-38-08-00-1 for development of a water/wastewater facility; and approved using leftover funds to facilitate feasibility study for incorporating Merritt Island.

Result: Approved

Mover: John Tobia

Seconded: Kristine Zonka

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

J.2. Board Discussion, Re: Advisory Boards

Darlene Hunt stated she wishes Commissioner Tobia would have done his presentation before she came up to speak, because she is not sure what all he has in mind; she knows various appointed advisory board committees under the Board's jurisdiction have been under review; she thinks it is good to look at functions from time-to-time to see if there is still value and the work that is being formed by these volunteer organizations, so she would like to share her experience with the Art in Public Places Advisory Board; she has been involved for several years off and on; and the Art in Public Places is led by Lynn Brazina, she is assisted by Sandy Miller, and these two ladies are the most efficient team that people could ever meet. She continued by saying the meeting records, minutes, attendance, monthly placement of art, financials, and statistics are updated every month for their meetings; meetings take place in less than one hour; they quickly take care of business, including the jurying of the new paintings for the program; and most of the time the minutes are provided to the members in their emails the very same day. She pointed out in addition to be a committee-appointed member, she is also a participating artist with several paintings placed throughout Brevard County in places like hospitals, public buildings, businesses like Dixie Crossroads, Lexus of Melbourne, and the Melbourne Airport; from time-to-time people have mentioned to her they saw her paintings at such-and-such a place; this tells her that people are seeing the art that is on display; they even take notice of who the artist is; and one time a lady friend who was in a doctor's office with her son who had cancer, told her she saw one of her paintings there, and she felt like she was there with her. She noted this is art reaching out to people who she does not know that are even going to be there; she is not familiar with the cost of the program; she knows a substantial amount of the revenue comes from participating members and fees from the sales; she knows the Board used the figures from 2018 for what its cost was; she asked what are the current expenses; and she reiterated she really does not know that information. She stated maybe Commissioner Tobia can pay for that as well; she heard his generosity earlier; and she does see art as a relevant benefit to the quality of life for those who live here as well as those who are visiting.

Commissioner Tobia advised he has broken this down into five, but he wants to give an overall; he hopes there will be no final motion, because he has not prepared the documents if the Board were to do away with any of these; he has not requested for County staff to do that; that is why he is doing this, as he did not want to go through an exercise of a work product and the Board not use the work product; and he expressed his appreciation to staff, the County Attorney's Office, for how they were delving deep into what neighboring counties were doing, the Clerk's Office for providing the Resolutions and the Ordinances for incorporation, and directors and their staff for spending time on numerous conversations. He went on to say none of these boards are required by State Statute or federal law; numerous opportunities have been presented, in fact, he has looked back and there had been no less than six different meetings where doing away with advisory boards had been either mentioned or discussed; if this goes forward, and he hopes it does, there would be one more final vote on this; the Board, as conservatives, have a unique opportunity to actually decrease government a little bit here; and the Board has done this relatively recently when it took library boards from 10 to five. He asked the Board how many times his or her office has been contacted because Brevard County has had less library boards; he noted the same results would be found with many of these boards; again, the County started with 69 boards, and it is still in that 50 range; all of these boards were selected by at least two members of the Commission to look at whether or not they serve a

function that is worthy of cost, and to continue forward; five got at least two considerations to go forward; and he would like to start with Art in Public Places. He pointed out that one of five surrounding counties has a similar board to Art in Public Places; 80 percent of those that surround Brevard County have no such board; the service that will be lost is organization of exhibits of art in government facilities; each Commissioner will have to ask themselves if this is a core function of government; and the cost, as was mentioned, was back from 2018, so one can only imagine that it has increased, but that was \$7,878, and he did not want to ask staff to gather that again as it will be close one way or another. He stated all five members thought it was at least worth looking at that; at the end, he would like to see if there are three Commissioners willing to at least look at the documents that would be required to end Art in Public Places in Brevard County; seeing that it is the highest fee here, it does not serve a core function of government, and 80 percent of surrounding counties have no such board; and he just wanted to find out where everyone was on these, and if he or she wants to hear it one more time.

Commissioner Zonka commented surprisingly, this is one board on the list she would like to keep; the reason being, and a person can argue it is not a core function of government, but the community that comes into these buildings does enjoy the art; the County has employees who have art among these displays; people who have visited her office have purchased art from someone in Growth Management who contributes to Art in Public Places; and she believes the Board has already put its stake in the ground when it decided not to fund the Brevard Cultural Alliance (BCA). She added she would say to keep it at the minimum for the minimal cost, the fact that County employees participate in the art, and that the public benefits from the art. She reiterated that is the only advisory board on the list that she would not nix today.

Commissioner Tobia asked if anyone else on the Board that would be willing to say goodbye to the art hanging around in public buildings today; and he is sorry that Lexus may have to go into a different direction to keep their customers happy.

Commissioner Feltner stated he would put it on the list to vote on at the next meeting.

Commissioner Goodson explained he would like to see this board kept; he asked what the comments were about costs; and was that for all five boards or per board.

Commissioner Tobia responded in 2018 it was \$7,878, and that took a little bit of time for staff to put it together; he did not ask for them to do it; and he thought it would be close one way or another. He commented it is just for Arts in Public Places.

Commissioner Goodson asked what would encompass that cost, a rental on a building, lights, power.

Commissioner Tobia responded that was mainly staff time that was created; he did not get it broken down into specifics; but that is where the bulk of it was located.

Commissioner Goodson stated he would vote no on Commissioner Tobia's proposal, he would like to see it be kept.

Commissioner Zonka stated she would like to see if staff cost incorporated was the fact that they were here, the artwork that was stored in this building, which it no longer is; that office is now used for government business; and she would think it is some of that cost.

Jim Liesenfelt, Assistant County Manager, advised he does not have that information of what the costs were in 2018.

Chair Pritchett stated she thinks there are only two people in favor of it, and that is what Commissioner Tobia needs, and he does not have the numbers.

Commissioner Tobia stated the second one is Building and Construction Advisory Committee; not one of the surrounding counties has anything similar to this, again, the County Attorney's Office did this; there are other options that the industry has to get in touch with the Board; former Chair Zonka was very good with working hard with the Builder's Roundtable; anyone can come before the Board at a meeting; ordinance changes take two hearings; and folks can speak directly with their Commissioner. He continued by saying it says the Board does not originate anything, even though the Ordinance says the committee is further authorized to initiate a review of Code, they do not do that; they do review, they do not initiate that; the review can be done in a whole myriad of ways he just mentioned; this is extremely low hanging fruit; and he would like to move forward into doing away with the Building and Construction Advisory Committee.

Commissioner Goodson asked what the cost is to keep that board.

Commissioner Tobia replied in 2018, \$2,241.

Commissioner Goodson stated the people who serve on these boards for nothing, he admires; and he inquired if they made one good call in construction in a year for \$2,000, would that be ample reason to keep them.

Commissioner Tobia commented the fact is that not one of the surrounding counties had anything similar; and he asked what has come out of this board this is a good or service to the citizens of Brevard County.

Commissioner Goodson asked if the Board is going to pattern itself around the counties that surround it or pattern itself as Brevard County; he advised he does not know what Orange County does; but he cannot imagine Orange County, with all of the construction they have, sometimes to have another person look at something in construction and say this may not be right; and he asked would it not be worth \$2,000 one time a year.

Commissioner Tobia stated to name one thing the advisory board has done and he will let it go.

Chair Pritchett commented instead of putting Commissioner Goodson on the spot right now, to see if there are two more Board Members, and then the Board will come back with a fuller discussion.

Commissioner Feltner stated he thinks the fats, oil, grease language came out of there.

Commissioner Tobia advised it may have been reviewed, but it did not come out of there.

Commissioner Feltner stated he thinks Edward Fontanin worked on that, they went over it, and that was on the Agenda today.

Commissioner Zonka stated she thought when the Board went through this before there was no concrete value to this board; she knows there is Planning and Zoning, and there was the builders round tables at least twice a year; and she does not know what benefit this board has.

Mr. Abbate pointed out it did not come from staff; that is obviously the Board's decision; the advisory board has a number of contractors and developers; when this was initiated, they

wanted a process; and the Board, years ago, adopted this as a way to give them eyes before something came forward to the Board.

Commissioner Zonka asked if they bring the Board anything.

Mr. Abbate responded no, they have not, they basically review and make a recommendation to the Board.

Commissioner Feltner explained he would be okay in putting this on for the next meeting.

Commissioner Zonka asked Chair Pritchett how she feels.

Chair Pritchett noted the Board has gone through this before; she has one that she is willing to look at; she is worn out with some of these right now until she sees how many people show up to the meetings; she does like for people to feel like they are participating in government; and she wants to see the track record if people are showing up to the meetings.

Commissioner Zonka stated maybe if it goes on the Agenda and people want to keep it, he or she will show up to that meeting, so she is okay with putting it on the Agenda.

Chair Pritchett advised Commissioner Tobia that one is going to be on the Agenda.

Commissioner Zonka stated then the Board will find out how valuable it is to people who are on the board, because she does not believe she has ever heard from her member.

Chair Pritchett reiterated that is one Commissioner Tobia has for discussion.

Commissioner Tobia stated the next one is the District 2 Canal Dredging Committee; first of all, he looked at the board; most of these members are not experts in canal dredging or transportation; he has a president of a cosmetics company, which is cool, but not really dredging material; and a Physician's Assistant (PA) at a cosmetic surgery center, and an electrical contractor. He added the County has staff that is highly qualified and will arguably do a much better job of making empirical decisions; alternative options are constituents could come to District 2 with their issues, or they can speak before the entire board, and they can certainly contact staff with any concerns; only one county, that being Orange, has a similar board; and this board was previously disbanded, and was reestablished, so for five years there was no board. He noted there is no need to continue forward with this board; and the cost is \$1,399.

Chair Pritchett advised she is interested in hearing Commissioner Goodson's opinion on this as it is in his District.

Commissioner Goodson stated he thinks it is a valuable board; it is in their District, they know those canals; he is sure they do not beat staff up asking to do this or that; but if they are willing to serve on that, make recommendations, and follow staff's directions, he has no issue with them; and he just finds it funny for \$1,399 the County is willing to give up what might be somebody's whole key to life that they enjoy. He noted how much more they aggravate government, he does not know; and he reiterated he does not have a problem.

Commissioner Feltner commented he will yield to Commissioner Goodson on this issue.

Chair Pritchett stated the Board is a no go on the District 2 Canal Dredging Committee.

Commissioner Tobia stated he has a fallback on this one; the \$1,399 comes out of a larger fund; and he would hope the Board could at least get rid of the \$1,399 and put it in the District 2 Road and Bridge fund, so they are at least paying for the administration of this board.

Commissioner Goodson noted he definitely will not agree with that; and he asked if anybody else paying for the administrative costs.

Commissioner Tobia mentioned this is the only board, as there is only one District 2 Canal Dredging Committee.

Commissioner Goodson pointed out District 2 is special; and he does not want them to pay for it.

Commissioner Tobia stated he is asking that they pay for the administrative costs of their board.

Chair Pritchett stated this is a no go.

Commissioner Tobia stated just to be clear, the rest of the Board will be paying to fund that board even though it only benefits District 2.

Commissioner Goodson stated he is sure the budget can be gone through and the same argument will be found somewhere else.

Commissioner Tobia explained Commissioner Goodson is paid to do that, so he suggests he get off his duff and start making suggestions where he cuts the budget.

Chair Pritchett advised Commissioner Tobia they are going down a rabbit trail here.

Commissioner Goodson stated as soon as Commissioner Tobia quits doing this stuff.

Chair Pritchett added to take a time out, or she will be going back to lights.

Commissioner Tobia continued by saying last is the Historical Commission; a Google search will show that there is a South Brevard Historic Society, North Brevard Historic Society, Cocoa Florida Historic Society, Florida Historic Society, and a Melbourne Florida Historic Society, all encompassed in Brevard County; only one surrounding county has a like board that is similar to this; in 2019 he brought forward the issue on the date that is currently on the County seal, it is incorrect; and he reiterated the date on the County's seal is incorrect. He commented he would have thought the Historical Commission would have probably picked that up before him, or done something to fix that; they have done nothing to remedy that, so this board's responsibilities can either be absorbed by staff or other historical societies in Brevard County; and he would like to see if he has any support for transferring those responsibilities to the one of five or six other historical societies that are located in Brevard County.

Chair Pritchett explained this is the one she thought the Board needed to do something different with; they are having a hard time getting anything moving forward; she would like to see instead of being an official board, if it can just be kept as a community group, because they can meet when they want, talk freely, and then figure out some moving forward processes; they have to come up with funding on their own as well; and she thinks this might be a good one not to be a government board anymore. She noted they are welcome to use her office for meetings; she does not think there is much this board can do right now; and there are just no funds right now.

Commissioner Zonka stated she is good with that.

Commissioner Feltner stated he agrees to put this on the next meeting.

Commissioner Goodson stated he will suffer through it, and he agrees.

Commissioner Tobia stated regarding the Marine Advisory Council, most of the board members are not experts in this field; two of the surrounding counties have something similar, and three do not; there is a grant provided that looks at whether or not there is a council that does this, and that grant is for \$60,000; the council provides 2.4 percent of the total amount needed in order to get said grant; and he looked at some of the counties that receive this and numerous counties that receive this grant did not have a similar marine advisory council. He stated a couple of public institutions of higher learning received a similar grant; those two points are not necessary to continue with that grant; there are alternative options; people can speak directly with the Commissioner of the District; they are welcome to address the entire Board at meetings; and they can bring up issues with staff to investigate further. He advised in 2020 the Marine Advisory Council made recommendations to the Board of what they have done; there is a safety zone near Camp Holley, so they lowered the speed limit, they made the suggestion of that; there was a gap for 10 years where they provided no actionable items; he spoke with the director of this board, and the one the Board received in 2020 was 2010 when the Brevard County Comprehensive Maritime Management Master Plan, Brevard Recreational Boat Study, and the Brevard County Mooring Field Analysis; the fact the Board gets recommendations from them that are small, and every 10 years, means probably it is not required as a core function of government; and he would suggest the Board do away with the Marine Advisory Council.

Chair Pritchett pointed out she loves this board, so it is up to the rest of the Commission.

Commissioner Zonka commented she is fine with it going on the Agenda.

Commissioner Feltner stated he agrees.

Commissioner Goodson stated he agrees.

Chair Pritchett pointed out there are some passionate people on that board; the Commission will be surprised; and she hopes they show up at the meeting.

The Board discussed and reached consensus for Commissioner Tobia to bring back to the Board for further discussion on the possibility of dissolving the Building and Construction Advisory Committee, Historical Commission, and Marine Advisory Council.

J.3. Final Plat and Contract Approval, Re: Fox Glen Subdivision, Developer: D.R. Horton

Tad Calkins, Planning and Development Director, stated this item is a final plat and contract approval for Fox Glen Subdivision; in this request, staff is asking the Board to approve the plat for 100 units on 28 acres; and to authorize the Chair to execute the contract agreement. He went on to say this item was on the Advanced Agenda as F.2.; when it was reviewed prior to being finalized, staff found a few scrivener's errors in the Agenda Report, and some of the supporting documentation, so staff removed it; staff got with the applicant and they were able to make the appropriate corrections; however, it was beyond the time staff could present it under the Consent Agenda, so it was requested to add it on to the Agenda.

Rick Heffelfinger stated the question he has, and he actually talked to Keith in Chair Pritchett's office, and this sort of came out of the weeds somewhere; he did not see anything about a

development down there; he is concerned because it is District 1; they have a planned development that is kind of slow stalling with Cocoa that is down the street from him that is going to add a whole lot of houses; and SR 524 has multiple apartment complexes, he does not know how many there are. He went on to say if this is a really old one that went through Planning and Zoning and those other projects that have happened, he does not know where the sewage is going for this development; he does not know what the sewage plant processing capability is; he knows that Cocoa is going to install the pumping station for this 100 houses; and he is thinking about the fact Brevard County is growing pretty fast, and he hopes they are not going to exceed the septic system, because he does not know if these guys are kicking any money at it. He noted he does not care, he has a septic system in his backyard, he knows exactly where his stuff goes; if this is going to exceed those facilities; he knows Titusville had an overflow; he does not know if it was age; and he hopes someone has looked at these facilities, and Planning and Zoning was supposed to. He advised he could not find anything about these recent reviews of Fox Glen Subdivision.

Chair Pritchett stated tomorrow she will get him some information on that to help him feel comfortable with those questions.

Mr. Heffelfinger stated if it went through Planning and Zoning, and everybody looked at this growth, because growth is very important.

Chair Pritchett reiterated she will get Mr. Heffelfinger some good data on it to get some comfort.

Mr. Heffelfinger asked if Chair Pritchett knows where the sewage goes, and is it the sewage processing facility.

Chair Pritchett noted she does not want to answer incorrectly; Mr. Heffelfinger said Cocoa is putting it in, so she would guess it would be going to Cocoa; but she will get him something.

Mr. Heffelfinger advised they are just doing the pumping station, he does not know where they pump to.

Chair Pritchett stated that was an equipment problem, Titusville has capacity, and they are working on that.

Mr. Heffelfinger asked if there is any impact fee for these guys to help with this facility.

Chair Pritchett replied she is not sure, and she asked for Mr. Heffelfinger to let her get some exact data.

Mr. Calkins explained the engineered plans were reviewed, and part of that process is to ensure that they have adequate sewer connection; as each individual home is permitted, there is also another review that takes place to ensure that there is adequate capacity in that system for that house; and he would say with good confidence that it has been reviewed and there is adequate capacity, otherwise staff would not be bringing it forward.

Mr. Heffelfinger stated it says that a lot of the stuff is the responsibility of the homeowners association; and he asked if the County is approving single houses, what happens if they are halfway through and they exceed; and it sounds like the County is approving as they build the house.

Chair Pritchett stated no; there is so many behind-the-scene hours it takes to do this; and she reiterated again that she would get Mr. Heffelfinger the information.

Sandra Sullivan stated she looked at the last Planning and Zoning meeting, and then she went to 2022 in Legistar and did a search for Fox Glen, as well as the developer; she could not find it in all of last year for the Planning and Zoning Advisory Board; typically on something like this, the documents for transparency and accountability are loaded up in Legistar so those documents are there; usually there is a document from Planning and Zoning; and it just raises a question on that issue. She went on by saying the concurrency documents are uploaded as well, the related documents to a development approval when it comes to this Board; as she understands reading this, this is a sale of County property, so for accountability, she would have expected to see an appraisal; and she asked if that is correct. She asked to table this item until the next Board meeting, so that the appropriate documents that should be, as far as transparency and accountability, are uploaded to Legistar; and she stated she did reach out today to see if she could get the documents, a public records request was created, and she would just like to see the document online so that they are there for the public, as appropriate.

Chair Pritchett commented she is okay with this; it was on the Consent Agenda; there were a few errors found, and it was fixed; and this is a fairly comfortable, easy process today.

Mr. Calkins stated the documents that were attached were the documents that staff has consistently attached to every plat document, so at this point, this is the final process in their subdivision process; there is two other steps which are completely administrative, and that is when staff meets with the applicant to discuss the design of the subdivision and the layout; and then when staff reviews the engineered plans, they are accompanied, or show the design, of the infrastructure and the lot layout. He pointed out those are administrative functions by Code, and the process here today is acceptance and approval of the plat; there is no advisory board involved in this process, so there would be no advisory board for staff to take it to; and there would be no documents for those other steps to be included, unless the Board wants staff to start including all of that information. He noted there could be hundreds of pages of engineered plans and stuff like that; he does not think it would be an efficient use; and plus, it is not really what the Board is taking into consideration as part of this approval.

John Denninghoff, Assistant County Manager, stated if there is a zoning change required, a Comprehensive Plan modification, or Future Land Use Plan modification, then staff goes through a very extensive public process; but as soon as that zoning is completed, then it shifts into an administrative process as Mr. Calkins described.

The Board granted final plat approval; and authorized the Chair to execute the final Plat and the Contract for Fox Glen Subdivision, subject to minor engineering changes, as applicable, and does not relieve developer from obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Kristine Zonka

Second: John Tobia

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

K. PUBLIC COMMENTS

Rick Heffelfinger stated a meeting ago, or before, he had a question about Keep Brevard Beautiful (KBB), and they got some resolution; Mary Ellen Donner, Parks and Recreation Director, said they have a contract so they are moving forward with KBB, because there was a question about how that whole process worked; hopefully, KBB is going to love that contract

language, they are going to sign it, and maybe they can get signs; there was a young lady up here, and she was probably working through KBB doing cleanups and getting points for her civic duty; and he is happy that happened rapidly. He went on by saying he does not know how long it has been grinding; he still has to talk with the KBB guy, because he wants to go in front of his board; he hopes that Parks and Recreation did not do something like raising the rates or costs to KBB to try to participate; at least they know the process is moving, so he wants to thank Ms. Donner for that; and he hopes there are no snags in that contract. He advised the interesting thing about these boards for the citizens, it is involvement for the community; that has a lot of value; he asked why these boards need so much staff, as they are just getting together to try to help; and it should not cost anything unless they have materials.

Chair Pritchett noted it is Sunshine Laws.

Mr. Heffelfinger asked if staff has to be there to capture minutes, and the Board cannot capture minutes themselves.

Chair Pritchett replied no.

Commissioner Zonka pointed out they would not need the government to run that board if County staff was not involved, it would just be a community board in their neighborhood.

Chair Pritchett advised that is what the Board is trying to do with a couple of them now.

Commissioner Zonka noted the members are appointed by the Commission, so if the Commission is appointing the members, then that is the government involvement, so it has a responsibility to that board.

Mr. Heffelfinger stated he would like to give kudos to whoever fixed the webpage for the County that now has all of the advisory boards, and that is getting organized now; he asked if someone has a question about minutes, should those all be on the website now; he stated it is an opportunity for the community to get involved; and it is about how well the Board is doing its job, because those guys have nothing to recommend to it on how to improve the system, so it must be doing well.

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

Frank Abbate, County Manager, advised the Board, relative to one of the Community Redevelopment Agencies (CRA), the one with Satellite Beach, during late December staff heard from the City that they were looking into paying off their CRA loan early and terminating that CRA; that CRA, as the Board may recall, the County entered into an interlocal agreement with them several years ago, under Board direction around 2017 or 2018; they are scheduled to terminate in 2026; there are a couple of reasons for them doing what they are doing; and he just wanted to let the Board know they are planning to have a meeting, he believes in February, for it to be considered by the City Council of Satellite Beach, followed up by the CRA board. He added they plan to terminate the agreement and the CRA itself; there is not really anything he wants the Board to do; and it is just to give the Board a heads-up on that.

Chair Pritchett stated she met with Courtney Barker and Mindy Gibson with the City of Satellite Beach; at the end, Ms. Barker mentioned to her they were getting ready to pay off the CRA; she said it would start benefiting the County; and they used this from some high-end beach construction, so it was good for them; instead of the County getting the funds this year, the City is going to use the funds, which the County would have gotten, to pay off their CRA debt, so in

the long-run it will help the County; and she asked the County if it is going to take a big hit on this in the beginning.

Mr. Abbate stated this past year when staff prepared the budget, the Board may recall the City of Satellite Beach limited the CRA to use those funds, the City and the County's funds, from the CRA for their debt service; the County was receiving back at the end of each year, and staff had projected to receive a certain amount, he believes it was over \$700,000, for this fiscal year the County is in; if they use those funds to pay off the debt, the benefit for the County is just as it is for the City, that any interest in the future is not going to accrue, but they are paying it off this year; it will be the County receiving less funds this year, but then upon the termination of the CRA, the County will not be making that contribution, which is over \$900,000 a year; and starting the next year, it will get the full tax increment they were previously getting. He went on to add it does benefit the City because they had some payments coming up for a variable debt interest rate that they had in place, so it will benefit them from that perspective; but it will benefit the County in the long run because the CRA will be shut down three years earlier than it otherwise would have been.

Chair Pritchett pointed out it is really good that they were able to do this, so for them, it is a real good thing, and down the road it will be good for the County, a good benefit; but she just wants to recognize that this would have been County funds that are paying off the debt; and she approves of it, she thinks it is a good idea.

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

Chair Pritchett stated she has a little bit of a report, because she thinks it is going to come up later; she had a meeting with Courtney Barker and Mindy Gibson, and they wanted to discuss the Satellite Beach parking the Board has been talking about for a while; she was trying to come up with some alternative ideas that may be creative; this was a little bit of a combative meeting, she was a little bit surprised; and she tried to move in a direction to try to find out what the Board is going to do. She went on to state she talked to them and said that maybe there was a way for the County to take it back and the City can repurchase it; she had a concern if the County did that it would lose the ability to get beach dirt, which it gets through the Tourist Development Council (TDC) and through Natural Resources; the County spends a lot of money on Satellite Beach; she will get some better data for the Board further down-the-road; and it is good, it benefits the City, it is all well. She commented she needs to get some data from the Board Members; she is just going to say it felt like a little bit of bullying, so she is not sure how to look at this; she is going to try to pull some numbers for the Board to look at; but if the other Commissioners can look into it, it would be good; and she actually changed her mind on that, and she will call Ms. Barker. She noted she told Ms. Barker she just does not want to sell it to Satellite Beach, because the County is going to lose all of that money to refurbish that beach later; the more she looked at it, and the more she started looking at the numbers Commissioner Tobia gave the Board in that presentation, she still does not understand why they do not charge the same for everybody; it is not that much for their citizens as well; but she does have a lot of heartburn that the unincorporated areas gave that property back when they did, and somebody wrote that into that contract on purpose; and she thinks they just need to abide by the contract agreed to, and if they do not, maybe the County wants to take it back. She added she wants to ask Mary Ellen Donner, Parks and Recreation Director, if the County did take it back, would it be a financial burden on the County to retake those properties; and if the County can maintain them.

Commissioner Zonka stated the County can charge for parking.

Chair Pritchett stated the County could charge for parking and use that for upgrades as well; but she wants to get this data from Ms. Donner right now to help the Board make a decision on what is best for the County. She asked if the Board were to take it back, would it be a real burden for Brevard County's parks to be taking back these parking properties.

Ms. Donner replied Brevard County Parks and Recreation and Natural Resources did at one point run that park, and they did do some fiscal impacts a couple of years ago; and it would not severely impact the south area budget.


Chair Pritchett advised she does not care if Satellite Beach wants to keep it, they have a different vision for it in their area; she would have done a long-term lease, she would not have done the contract; if the City wanted to make improvements to it, they can; the County belongs to everybody; and she will dig more data up if the Board wants. She continued by saying she just thinks they need to do the same for everybody, and then this all goes away; and then they can do the improvements they want or the County just maintains it, charge it, and then help to upgrade it a little bit. She noted she wanted to bring it to the Board Members so he or she can start thinking about it; she will call Ms. Barker; she was trying to come up with a purchase price; but the more she thought about it, and she had conversations with the County Attorney, she just could not get comfortable with it.


Commissioner Tobia stated to be clear, if the Board goes down that road, he would certainly hope it would treat that like any other park that it has; Satellite Beach has invested a lot of funds in that, and that is great; but he thinks if they wanted the Board to take it over, they would expect that same level of service; and he certainly does not want to create the have parks and the have-not parks. He advised the County does charge, it charges property taxes; it is the Port that likes to take property and then charge to park; he is firmly against that; there are deed restrictions on there and he thinks the County Attorney has been very clear, and they need to abide by their pie-in-the-sky idea; while creative, it lacks any grounding; and the way Chair Pritchett was probably treated was because he has unequivocally said no; and will continue to say no, so he does not know where anyone else is on that board, but the fact they have not called his office means that much more pressure on the other Commissioners. He stated when the Board starts to offer more alternatives, he thinks it just adds fuel to the fire; if they want to walk away from it, they have the ability to walk away; they will not, because they have a multi-million dollar development going across the street; that is the worst bluff ever by the City of Satellite Beach to do that, so call them on that; and he appreciates the work Ms. Barker and Ms. Gibson have done on that, they are fighting extremely hard for the taxpayers of Brevard County, but it just comes at the County's expense. He pointed out he is not willing to go down that path, and if the Board stands firm as it has in the past, they will stop approaching the Commissioners; he cannot imagine what Chair Pritchett is going through and he cannot imagine what Commissioner Feltner is going through as he represents that area; and to make it easier, he is going to be a no.


Chair Pritchett stated she is with Commissioner Tobia on the no right now; she will contact Ms. Barker, because she told her she would, and have this conversation; but if the other Board Members want to take it back, she would do that as well.

Upon consensus of the Board, the meeting adjourned at 7:09 p.m.

ATTEST:




RACHEL SADOFF, CLERK


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

As approved by Board February 21, 2023.