

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, October 25, 2022

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 AM

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

C. PLEDGE OF ALLEGIANCE

Chair Zonka led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the February 17, 2022, Special meeting minutes and the September 1, 2022, Zoning meeting minutes.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

E.1. A Resolution Acknowledging National Veterans Small Business Week of the Florida Association of Veteran Owned Businesses

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-142, proclaiming November 1 – 5, 2022, as Veterans Small Business Week and recognition of the Florida Association of Veteran-owned Businesses.

A representative of the Florida Association of Veteran-owned Small Businesses expressed his appreciation for the Resolution.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

E.2. A Resolution Acknowledging The Space Coast Community for its Recognition by the Association of Defense Communities and USAA as a 2022 Great American Defense Community

Commissioner Smith read aloud, and the Board adopted Resolution No. 22-143, commending the Space Coast Community for its recognition by the Association of Defense Communities and USAA as a 2022 Great American Defense Community.

A representative for the Economic Development Commission (EDC) of Florida's Space Coast stated several members of the EDC have joined him today; he expressed the EDC's appreciation for the recognition; he mentioned the Space Coast is home to countless individuals and organizations who are dedicated to the service, to the military community, the active duty and the veteran military members and their families; over the years community leaders have led many programs and initiatives to ensure the success of the military families in the Space Coast community; for this they have received the recognition as a Great American Defense Community; the EDC is proud to have led the effort to receive this recognition from the Association of Defense Communities; and the Space Coast is recognized as a top community

in the United States for its commitment to the success and taking care of the military community in the Space Coast. He added at this time he would like to present a gift to Commissioner Smith; and he expressed his appreciation for the Resolution.

Result: Adopted
Mover: Curt Smith
Second: Rita Pritchett
Ayes: Pritchett, Tobia, Smith, and Zonka

F. CONSENT AGENDA

Commissioner Tobia stated he would like to pull Items F.1., and F.2.

Chair Zonka advised she has cards for Items, F.4., F.14., and F.15.

F.3. Florida Department of Environmental Protection Grant WG052 - South Central Zone C Septic-to-Sewer

The Board authorized the Chair to execute Grant Contract WG052 with Florida Department of Environmental Protection (FDEP) for the South Central Zone C Septic-to-Sewer Project; authorized the County Manager to execute any future amendments to this Contract; and approved related Budget Change Requests.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.5. Resolution to Adopt the North Merritt Island Hydrologic and Hydraulic Study and Stormwater Model

The Board approved and adopted Resolution No. 22-144, accepting the North Merritt Island (NMI) Hydrologic and Hydraulic Study (HHS) and Model for use in the NMI area in accordance with Chapter 62, Article X, Division 5, entitled Floodplain Protection.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.6. Acceptance, Re: Binding Development Plan with William and Jeanette Gonedridge

The Board approved and executed Binding Development Plan Agreement with William and Jeanette Gonedridge for property located in the west 2/3 of the east ½ of the southeast ¼ of the southeast ¼ of the southwest ¼, in Section 31, Township 20S, Range 35E (except right-of-way for road as now laid out and dedicated), Brevard County, Florida.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.7. Legislative Intent and Permission to Advertise Amendments to Chapter 22, Brevard County Code of Ordinances, Re: Contractor Licensing

The Board granted legislative intent and permission to advertise amendments to Chapter 22, Brevard County Code of Ordinances, in order to comply with revised statutory requirements regarding local occupational licensing pursuant to passage of House Bill (HB) 735 (2021).

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.8. Board Approval, Re: Temporary 90-day Waiver of Window and Door Building Permit Fees for Repair of Hurricane Ian Damage

The Board approved 90-day temporary waiver of permit fees for window and door building permits in order to assist with recovery repair efforts related to storm damage caused by Hurricane Ian.

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.9. Approval, Re: Utility Easements from Vaquero Mims Partners, LP, for O'Reilly Auto Parts

The Board approved and accepted utility easements from Vaquero Mims Partners, LP, for O'Reilly Auto Parts.

Result: Approved

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.10. Adopt Resolution and Release Performance Bond: Bridgewater Central at Viera Subdivision - Developer: WCI Communities, LLC and The Viera Company

The Board executed and adopted Resolution No. 22-145, releasing the Contract and Surety Performance Bond dated July 7, 2020, for the Bridgewater Central at Viera Subdivision – Developer: WCI Communities, LLC and The Viera Company.

Result: Adopted

Mover: Rita Pritchett

Seconders: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

F.11. Approval of Change Order for Payment of Emergency Invoice to L7 Construction, Inc. for 18-inch Sewer Line and Manhole Repairs

The Board approved the Change Order for payment to L7 Construction, Inc. for their efforts per an Emergency Purchase Order in the amount of \$212,243.92 for sewer repairs on North Wickham Road and Business Center Boulevard, near Deer Lakes Drive.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.12. Approval, Re: License Agreement for Access Across Environmentally Endangered Lands (EEL) Program Managed Lands at Fox Lake Sanctuary

The Board executed and approved the License Agreement with Carl Wasileski to access his property through the EEL Program managed lands at Fox Lake Sanctuary.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.13. Board Approval to Purchase a Replacement Fire Engine Due to Accident Loss

The Board approved the use of Fire Rescue Assessment Reserve Capital Funding to purchase a replacement fire engine; and authorized the County Manager, or his designee, to be delegated approval authority for any Budget Change Requests or other administrative actions required to purchase the replacement.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.16. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.17. Resolution Recognizing Ann McReynolds Bush's 100-year Birthday

The Board adopted Resolution No. 22-146, commending Ann McReynolds Bush for all that she has accomplished in her 100 years, and wishes her a very happy birthday.

Result: Adopted
Mover: Rita Pritchett
Second: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.1. Save Our Indian River Lagoon Contingency Fund Request for the City of Cocoa J and K Septic to Sewer Project

Commissioner Tobia stated this is Save Our Indian River Lagoon (SOIRL) Project concerning the City of Cocoa; he will be voting no on this request; he hopes to get some support from the Board; the reason why is this is not a shovel ready project; even if the Board approved this

additional \$545,000, the project would still be over \$6 million short; this is just placing money in a pot and they have no source of funding for that additional \$6 million; he thinks the money could be better used on a project; and when the City of Cocoa is closer to filling that hole, then they can certainly come back to the Board and ask. He noted he would rather use these funds now than later; and he would like to make a motion to reject the additional funds for the City of Cocoa.

Chair Zonka advised she would like more information.

Virginia Barker, Natural Resources Management Director, stated the city's letter of request, which is part of the packet, explains that their intent is to go for a Florida Department of Environmental Protection (FDEP) grant that requires a 50/50 local match; therefore, the additional funds that the city has requested is the balance that they would need to be able to provide the 50 percent local match to leverage the 50 percent State funds to have sufficient total funds to build the project. She continued to explain the project is fully-designed and is in the permitting phase; and the challenge is how to get the project fully-funded without at least 50 percent of the funding in hand.

Jennifer Riggs stated she is a resident and lives in one of the 92 homes in the area; she has worked with a number of neighbors diligently over the past few years to educate them on the importance of this effort; they have come a long way in that education and persuasion; this will be a huge disruption to the neighborhood, the streets, the driveways, and the tear up, but people are willing to do this for the benefit of the Lagoon and the entire County; she has worked diligently with several neighbors to identify these sources of funding; and she thinks they are fully there. She added this will help them get through the chicken and egg problem; additional sources or gaps can also be met with the State revolving loan fund; they feel passionately about this; it has taken a long time to get there; and she hopes the Board will support this effort for the benefit of the entire County.

Commissioner Smith asked Ms. Barker in the context of this loan in particular and others, if this would be considered seed money that would encourage maybe some other organizations to step up and say they have this much funding, and may be helpful to get them there; and he asked if that would have any effect on other funding sources.

Ms. Barker mentioned nearly all of the wastewater type funding that is available requires some sort of local match; the question is whether all of that local match should come from the SOIRL program or whether there should be some city contribution; and the city has fully-funded the design and engineering work, though they would hope that the future State grant would help reimburse some of those costs.

Commissioner Smith inquired if Ms. Barker knew how much the city invested in the study.

Ms. Barker replied it was over \$100,000, but she does not have that with her.

Commissioner Smith asked if anyone from the City of Cocoa was in the audience.

Samantha Singer, assistant to the City Manager, advised the amount that has been spent thus far in design was \$405,865.

Commissioner Smith commented that is pretty close to a match; and he asked if there are any plans going forward to fund this.

Ms. Singer replied at this point council has not made any decisions as far as funding anything;

they are still trying to find that gap in the funding before they make any decisions; there still has to be decisions made on who is required to hook up to sewer; and at this point all council has made the decision on was to come back and try to get additional funding to secure those grant funds from FDEP, and some of the other funding that Ms. Barker was talking about.

Commissioner Smith inquired if either Ms. Barker or Ms. Singer have a clue as to what it would take or be expected to take to get full funding; and he asked what the process is.

Ms. Singer stated it is a process trying to get funds from SOIRL to try to match FDEP; they are hopeful to get the full funding for the project; again, council has to make those decisions as far as, who hooks up to the sewer; there is still a lot of unknowns; and she mentioned this is the first step in the process as they need to secure that additional funding before moving onto the next step and then get the answers for the rest of these types of questions.

Commissioner Smith asked Ms. Barker if she has any clue as to how long; and he asked would it be expected in three years or five years.

Ms. Barker stated the main funding for these waste water grants from the State are an annual selection process, therefore, assuming that there are funds again appropriated by the legislature for this grant program next year, and she assumes there will be, there would be an announcement next summer, and usually a decision in the fall.

Commissioner Smith asked if it would be safe to say that they have their work cut out for them to reach out to local representatives, senators, or representatives in Tallahassee to move this along.

Ms. Barker responded affirmatively. She mentioned the other challenge they have is that in order to secure those State funds, the agency is going to want to know that the connections are going to happen; she mentioned they also need to grapple with adopting mandatory connection policy; if this funding is approved, then that is one hurdle down; then they can grapple with the policy decision on the mandatory connections; and then go for the State funds as soon as the next round is open.

Ms. Singer stated it is a step process that the city has to go through.

Commissioner Smith noted that is why he is asking the questions because he does not know what the steps are, but he thinks Commissioner Tobia made a good point; if the City is not doing anything, and he is not suggesting that, but if the city were to sit on its hands for two or three years, this money is just sitting there doing nothing when it could be used for a more immediate project; but if this is the first step that is needed to get to where they want to go, then the Board should be behind this.

Ms. Singer advised it is definitely the first step; the city needs to know this step before it can move on to the next process and bring it before council to get those mandatory connections to apply for the rest of the grant funding; the city has already put in money for the design of this project, so the city is committed to the project; and it is a matter of trying to find and secure that additional funding.

Commissioner Smith stated he is good with that but he is leaving in a month or so and he is not going to be on the Board to see the fruits of their labor; he certainly hopes the city gets there because obviously it is a worthwhile project; at the same time he would think that his fellow Commissioners would be cognizant of the fact that they would not want to see two or three years go by and nothing be done, because that is \$545,000 that could be used for something

else; however, if this part of the process then he is all for it.

Commissioner Pritchett asked Ms. Barker if the area she is looking at is an area that is close to the Lagoon that the County was doing target areas for when trying to change these.

Ms. Barker responded affirmatively. She stated these areas were identified in the original analysis in 2016 and included in the original plan, they are riverfront parcels in Cocoa.

Commissioner Pritchett asked how old are these septic systems, if they are not the high-end septic systems, would they not be changing them out, or if these are older houses.

Ms. Barker noted it is a mix, there are older homes in there and the majority of them are on the older conventional septic, not the advanced septic.

Commissioner Pritchett stated when they first got into this they were working on removing muck and then the Commission changed it to do a little more septic to sewer conversion; she thinks it is in line with what the Board changed it to; she asked Ms. Barker the other day if there was money available in reserves that were not converted yet, and she replied yes; she is in favor of this; however, she wants to place a caveat on it that if the city has not secured grant funds within the next two to three years that this money would come back into the pot for further evaluation; she reiterated she is going to vote in favor of it, if it is possible that this money has been secured with other funds within the next 36 months or it comes back to the IRL; and she advised the reason she is saying that amount is because she does realize that the County is building up reserves over time and then able to pick up new projects. She noted she is watching how long it takes to get this money put out once it is encumbered; she does not think it would necessarily fill any pot by then but it gives the city time to do that; she thinks Cocoa is a little low on the totem pole on what they are able to do with these funds; she thinks a lot of the areas are working with the Banana River area so she thinks it is appropriate and equitable to Cocoa; and she will be voting in favor of it.

Commissioner Tobia stated he would like to see Cocoa with a little skin in the game; he thinks he heard that they have spent \$400,000 and they are hoping to get that refunded; this is a \$12 million project; the County has already appropriated \$5.6 million, so when talking about skin in the game, these folks have less than four percent and they are hoping to get that refunded; and as far as steps go, they have not taken the first step, the first step would be if they are going to put a sewer line down there, they are going to make it mandatory for the folks that now have access to that hook up. He continued by saying that is going to be thousands and thousands of dollars; the City of Cocoa, by their own admission, have not done that; the County has already put \$5 million in this pot; the County has 10 to 12 times the amount of skin in the game on this and they have not even set forth policy to make sure that those homes are connected to the sewer system; the Board heard that it was important for the city to get the match; the County may be a step in the process, but it certainly is not the first step in the process; and he reiterated the County has already placed millions of dollars into this project. He added he thinks it would make sense for Cocoa to go through as much as they could before coming back to the Board and asking for this because the County has \$5,622,000 in this \$12 million project and the city is just trying to get an extra \$400,000 or \$500,000 and have not gone through what is needed; he would certainly be apt to hear this when the City of Cocoa would pass that, but the State has said they are not going to provide that money until the City of Cocoa passes that ordinance that would require those hookups, so the Board is not the next step; the County has skin in the game; if the Board votes for that, please understand those two basic things, in which he thinks quite a bit of misinformation was put out; and he does not know if he will get a second on this one, but his motion would stand to deny this additional \$500,000, as the County already has \$5.6 million in the pot from SOIRL.

Commissioner Pritchett noted she gets it; she thinks putting a time period on it for the city to get all of their ducks in a row would be good; she knows in the areas that have a lot of unincorporated and incorporated areas, even though they have a lot of incorporated, and the County has different things, and the city puts in different funds, they are all still paying taxes to this; it is not like County residents pay a different amount than the incorporated, it is all County; Cocoa has paid heavily into these funds as well; she thinks as the County works to get these funds distributed it is important to remember that it is really not Brevard County funds without the cities being involved in that because they are part of the County; this is where she does not look at city limits with these things; the funds need to go out to these districts a little more evenly; and she thinks Chair Zonka's district might be a little low on these funds, so if she comes with any projects she will have her support.

Commissioner Smith added that he thinks the Board's message has been pretty clear to the City of Cocoa; this money can be used as seed money, but it cannot be spent until they receive the total; the Board has already suggested that; he would make the motion to approve this, but he would stipulate in that motion that the Board give the city 36 months as Commissioner Pritchett suggested, to come back and show that the city either received the funding or made significant steps to get that funding, otherwise, the Board will pull that \$545,000; he knows the city is on board for that; and he mentioned he has talked to Ben Malik about this and he thinks the city is going to get where it needs to go. He continued by saying he wants to make it clear that the Board is going to be watching to make sure that the city does it because it is a worthwhile project for the city and the County.

Chair Zonka advised there is a motion on the floor by Commissioner Tobia. Motion failed for lack of a second.

Commissioner Smith went on to say he would like to make the motion to approve with a caveat to give the city 36 months.

Chair Zonka interjected by asking if Commissioner Smith would consider shortening that.

Commissioner Smith responded in the affirmative; and he asked what she would suggest.

Chair Zonka asked for 24 months and stated if they have not secured the funding, the city would have to reimburse the County.

Commissioner Smith agreed with that and added, or made significant steps, because some of that is beyond their control; it is coming from the State of Florida; and no one knows what the economy is going to look like going forward.

Chair Zonka noted it does not take two years to get a grant, the money is there.

Commissioner Smith stated he does not know if they can get a full grant; and he asked Ms. Barker what her thoughts were.

Ms. Barker advised the County received \$43 million last year in its applications.

Commissioner Smith asked if Chair Zonka is good with 24 months.

Chair Zonka agreed.

Commissioner Smith stated he will make it 24 months.

The Board authorized a \$545,373 funding increase for the Zones J and K Septic to Sewer Project; with a caveat to give the City of Cocoa 24 months to secure the funding, otherwise the City will have to reimburse the County.

Result: Approved

Mover: Curt Smith

Seconded: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

F.2. Save Our Indian River Lagoon Time Extension Request for the City of Cocoa Beach Golf Muck Dredging Project

Commissioner Tobia stated he is disappointed in losing, but he thinks he is going to be a little more successful on this one because the Board was very clear that it cares about timelines; he thinks the Board Members have stepped into this one; this is Cocoa Beach so if Commissioner Smith spoke with Mayor Malik, this is probably the one he discussed with him; this is not the first extension, it would be a second extension; and he noted that this is well past the first timeline, and Cocoa Beach is asking for another one. He continued by saying he hopes the Board is uniform on timelines; he is going to throw another thing out there even though he should not have to after the Board just said it is serious about timelines; this is a project that existed before Save Our Indian River Lagoon (SOIRL); if he goes back to guidance that the Board did after the passage of this, it says, "Funds budgeted allocated and saved by government entities by virtue of reimbursement or allocation of their trust fund must be reallocated by the government entity solely to other projects benefiting the restoration of the Indian River Lagoon (IRL)"; he has no documentation that this dredging project existed before, granted he did not ask for any either; and he thought that would be incumbent on the local government to provide the Board with the extra funds they would be getting by benefit of SOIRL, the city funds would go to some other project with SOIRL, but he just does not have that. He commented so for those two reasons, one is time limits that the Board Members were very concerned with, and the second is the city just playing ball and cup shifting funds trick, he would ask that the Board would deny this request; and he made the motion to deny the City of Cocoa Beach this funding.

Virginia Barker, Natural Resources Management Director, stated this is the largest project in the Lagoon Plan; she is not aware of it being a project before it was put in the plan; if it was, she would certainly need to figure out how they were going to reallocate funds for a future Lagoon project; the project is partially funded by the Lagoon program; they have worked with the city and Senator Mayfield during the last legislative session to get \$12 million additional dollars so that the project is now fully-funded; and that took some time to come up with that additional \$12 million. She went on to say the city has begun the permitting process and done the geotechnical investigation, run through alternative analysis, so now that they have full funding they are ready to move forward with the final permitting and bidding; she advised this is nearly one million cubic yards and it is a very large project that is going to take years to complete; and she explained that is the basis for requesting more time.

Commissioner Tobia stated he is sorry but he was under the impression that this project was prior to; he must have misinterpreted the email that he has; if he misspoke, that is his fault and he apologizes for it; the timeline still stands; and he reiterated his apology, stating he does not want to spread misinformation.

Ms. Barker apologized by saying she was sorry if her email was misleading.

Commissioner Smith asked what kind of timeline the City is working with and if they have a

commencement date set.

Wayne Carragino, project manager for the City of Cocoa Beach on this project, stated the project is under way; what happened was they received the additional appropriation from the State for the \$12 million; the timelines of the projects for the SOIRL grant and the State grant do not line up, therefore, it was very hard to administer the project when the grants do not jive with one another; they are trying to get that more realistic so they come into alignment with each other; and they are moving along with the project. He noted it is a very big and interesting project; they are committed to the fact that it is going to clean up the river right around Cocoa Beach; they took the lead on it; they went to the County and said they would be more than happy to administer and manage the project; and all the city is asking for is a little more time. He noted it is a very complex project and requires a little more time.

Commissioner Smith stated the project is exciting because it is a big project and when it is completed it will be very worthwhile to the IRL, and particularly the Cocoa Beach area.

Commissioner Pritchett stated Ms. Barker mentioned in the notes that this is one of the largest funds; she is noticing the amount of nitrogen that is going to be removed with this project; just looking over things the Board has received in the past, that is pretty significant with this project; and she asked Ms. Barker if that is correct.

Ms. Barker affirmed that is correct.

Commissioner Pritchett stated she remembers when she first received her education on this, Ms. Barker talked about the impact of the muck on the Lagoon and how it is continuing to cause so many problems; she has always been a believer in removing the muck; she has also always been a believer in thinking that these septic tanks are a lot of the issue too; and she advised she will be voting in favor of this because it is a time issue. She went on to say COVID-19 has placed a damper on most of the projects that even the local community is trying to do; and she is going to support this.

Commissioner Tobia stated he just wants to apologize for the misinformation.

Chair Zonka advised Commissioner Tobia is pulling his motion. She commented she thinks the Senator worked very hard to get the \$12 million in funding; and she thinks for this Board to say no on an extension for a project that is going to be so impactful, would be foolish.

The Board authorized the Chair to execute Amendment 1 to the Save Our Indian River Lagoon Agreement (SOIRL 20-168) with City of Cocoa Beach extending the completion date to December 31, 2027.

Result: Approved

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

F.4. Restoration of Engineered Dunes in South Beaches Post Hurricane Ian

Amanda Elmore, Deputy Director of Natural Resources Management, stated this is to authorize a two-week advertisement period and for the County Manager to execute all contracts associated with maintaining the engineered dune system in the south beaches; they anticipate the cost to be about \$8.5 million; and about 87 and one-half percent of that will be reimbursed. She continued by saying over the years since the system was installed in 2004 and 2005, they

have maintained it eight times; a cost of \$56 million, and their portion of that, historically, has been about 15 percent.

Sandra Sullivan stated there is quite a bit of damage down there; the beaches were impacted after the storm; she was watching the City of Satellite Beach Council Meeting and they were saying there is also a mid-reach version of this, which she did not see on the Agenda for doing the same; she wants to mention about the ebb and flow of sand on the beaches; this is right after the sand renourishment in 2020 in South Patrick Shores; this is a property in the north; and within a couple of months this was all back. She added the sand comes in and out depending on the direction of the winds; she is not saying that the project is not needed, but she was informed that there is some statutory requirement that there is supposed to be a delay before surveying to do this; and obviously these properties need immediate addressing so, she is not arguing with that. She continued on to say as the Board moves forward and is looking at these projects, and she is not sure why the mid-reach is not on there when it is due to begin on November 23, she would request that the County separate out the County versus the city portion because of the difference in coastal element; the coastal element is the setbacks are much greater, and in the unincorporated area, than in the city area which is seawalls and rock; obviously, their needs are much higher and there is a cost delineation in the difference between what the coastal element results in; and obviously, this needs sand all of the time. She noted she would like to bring the Board's attention to that; the mid-reach is protected under State and Federal law as a reef and important fisheries area; she will provide the documents; this is a document stating the Director of Natural Resources Management going around the policy with effectively a loophole, and she does not refer to it as the mid-reach, she just calls it Satellite Beach, but it is protected; what is at stake is the actual reef, which is the most dense area of the reef between Patrick and Hightower; and lastly, following the sand renourishment, the sea turtle nesting.

Commissioner Pritchett stated she imagines after that hurricane the County has a little bit of work to do, she knows there is in the north end of the County; she expressed her appreciation to Ms. Barker for all the work she and her team does, the hours that they put into it, and the studying they do; and she advised she will make the motion to approve this.

The Board authorized advertisement of the South Beaches engineered dune restoration for a reduced two-week bid period and award of contracts to the lowest responsive bidders; authorized the County Manager to execute all contracts and task orders in excess of \$100,000, including construction and maintenance, engineering, and environmental services necessary to complete the projects; authorized use of County-owned/managed land for construction access; authorized staff to seek Federal Emergency Management Agency (FEMA) and State reimbursement; and authorized associated Budget Change Requests.

Result: Approved

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

Ms. Barker asked if she could say something. She explained the mid-reach is part of the Federal Shore Protection Project that is why it is not a part of this Item; the south beaches is not part of the Federal Shore Protection Project; her staff is also working with the Army Corp of Engineers on repairing the damage in the federal project areas; and they are hoping that will occur in November of 2023, so maybe the confusion is November 2023, versus November 23, different years.

Chair Zonka thanked Ms. Barker for clarifying that.

F.14. Appointment(s) / Reappointment(s)

Sandra Sullivan stated the objection is to the Jaffe appointment; this is a board for construction advisory; she thinks with what she is seeing with the insurance crisis that is upon everyone, and looking at what kind of Code adjustments are needed, she has an exception to Mr. Jaffe because he represented the City of Satellite Beach with a retainer while he was the broker for the view property; and then he became the representative which makes her scratch her head, as far as potential conflicts of interest. She went on to say she thinks it would be more appropriate to have somebody on there who is a professional engineer or a builder, not a realtor-type person, who can bring expertise on what the County needs in adjusting the building Code in areas for flood zones and the barrier island when looking at research on why people's insurance rates are going up; there are other counties who have adjusted their building Codes to say, for example, special flood zone areas to have the first story not have to be inhabitable with this and break away with the second story habitable; and looking at potential Code as the County enters this time of hurricane-related insurance increases, it is at a crisis; and there have been six companies leave Florida since January, and three since June. She continued to say the cost has gone up for many of the residents where she is, 100 percent or more; even residents are looking at selling their homes because of the future increases that are coming; and truly there is a bigger picture here to look at related to County flooding, and impacts to the barrier island, to look at potentially changing County Code on building development as other counties have done.

Commissioner Tobia stated Mr. Jaffe is his appointment; he does not necessarily disagree with what Ms. Sullivan had to say; it would be great if there was a structural engineer that understood all of this stuff, but the reality of the situation is, he advertised this and Mr. Jaffe was the one that met the requirement; he did not have a whole slew to choose from; and had he had a super-qualified person, he certainly would have put him or her there. He added this does not require an exception because this gentleman is not over the term limit amount, but certainly anyone with those qualifications is more than welcomed to contact his office or any other Commission office should he or she want to be on this board; he did this numerous ways, through Facebook, through the County Public Information Officer, and whenever he received a request he put it out; he appreciates these volunteer's time; it would be wonderful to say he has X, Y, and Z, but the reality of the situation is he has gone through all the steps to get the best qualified people there, and Mr. Jaffe, to the best of his knowledge, has done a great job; and he does not have a criminal record which may come into play a little bit later.

Commissioner Pritchett noted she agrees with Commissioner Tobia; these are volunteers giving their time; these are boards that bring their advice to this Board to look over what they have hashed out; she just wanted to mention it is hard to find people to fill boards; when there are people who have the heart to give information, weed through all of this stuff, and are very educated, it is a blessing; and Commissioner Tobia has her support on this. She stated she also wanted to mention that she would like to almost reevaluate because the Board has placed such tight term limits on the volunteer boards; she may be apt to change that because she is having a hard time finding good candidates that are educated for some of these boards; she knows the Board follows through and votes through when it cannot get certain appointees; and there are some on there that she is going to hate to lose when their time period is up because they are that good and they are giving their time.

Chair Zonka mentioned she met Mr. Jaffe over the years and he is a very smart guy and knows what he is doing; he is part of the industry; this is an advisory board, they are not setting policy; they may make recommendations or ask questions, but they do not set policy; and she will support Commissioner Tobia's appointment.

The Board acknowledged the reappointment of **Peter Fusscas** to the Health Facilities Authority, with said appointment to expire December 31, 2024; **Kevin Gholston** to the Citizens Budget Review Committee, with said appointment to expire December 31, 2024; **Ben Glover** to the Planning and Zoning Board with said appointment to expire December 31, 2024; **Lynn Herndon** to Art in Public Places Advisory Committee to expire December 31, 2024; **Mike Jaffe** to the Building and Construction Advisory Committee to expire December 31, 2024; **Alexander Rumsey** to the Investment Committee to expire December 31, 2024; and **Theresa Barger** and **Charles Roger Hardin** to the South/Central Brevard Parks and Recreation Advisory Board with said appointments to expire December 31, 2024.

Result: Approved
Mover: John Tobia
Seconders: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

F.15. Revision of BCC-25 Policy, Procurement

Katherine Wall, Central Services Director, stated this request is to adopt the proposed revisions to BCC-25, Procurement; some of the highlights of the changes are that it clarifies the the Board's objective to maximize the value received for public funding; it also better defines the request for proposals and requests for qualifications; it adds a definition for cone of silence, when it applies and when it does not apply; it updates and adjusts the approval authority for purchasing thresholds for Directors, Assistant County Managers, and the County Manager; and it has not been changed since 2008. She went on to say it authorizes the County Manager to sign agreements incorporated into the request for bids or request for proposals for tangible items that have been included in the County's adopted budget, and within the budget approval; it also, unless required by State laws or regulations of grants, modifies the advertising from the newspaper of general circulation to the County's official website, along with the County's vendor platform, which people can electronically process their requests for proposals; it modifies the emergency purchase threshold; and it clarifies the definition of e-verification process.

Sandra Sullivan stated it is the increase of the threshold that in her opinion, takes away the accountability, the transparency to the people who come to these meetings to see what the purchases of the County is doing; it is about accountability and transparency; and it is the concern with increasing the thresholds, the rest of it is fine.

Chair Zonka stated just for the record all of that is public information as well; it does not increase the buying ability; and she inquired if that is correct.

Frank Abbate, County Manager, responded absolutely.

The Board approved the proposed revisions to BCC-25 Policy, Procurement.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Tobia, Smith, and Zonka

H.1. Public Hearing regarding Merit System Policy II, Pay Plan Changes

Chair Zonka called for a public hearing regarding the Merit System Policy II, Pay Plan Changes.

Jerry Visco, Human Resources Director, stated this is a request for a public hearing, required by Brevard County Code, Chapter 82, Personnel, to consider recommendations to the County's Merit System Policy, particularly Policy II, Pay Plan; earlier this month the Board ratified the Collective Bargaining Agreement with the Laborers International Union; incorporated in that Agreement were changes to the shift differential payments paid to union members for working the night and the midnight shifts; and the proposal in front of the Board today is to make those same shift differentials applicable to the County's non-union employees.

There being no further comments or objections, the Board conducted the public hearing and in accordance with Chapter 82, Personnel, Brevard County Code, approved a revision to the Merit System Policy II, Pay Plan, concerning shift differential payments, in order to provide non-union employees benefits similar to those negotiated for union members.

Result: Approved

Mover: Rita Pritchett

Seconded: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Zonka

H.2. Ordinance Amending Chapter 62, Article VI, Re: Sewer Lift Stations, Sewer Vacuum Stations, and Other Water and Sewer Utility Infrastructure Elements

Chair Zonka called for a public hearing for an ordinance amending Chapter 62, Article VI, for sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements.

Tad Calkins, Planning and Development Director, stated this is a proposed amendment to Chapter 62, Article VI, in the Zoning regulations; these amendments will define sewer lift stations, sewer vacuum stations, and other water utility infrastructure; it exempts them from the minimum zoning lot requirements; it also establishes the development standards for those improvements; and this is the first reading.

Sandra Sullivan stated at the Planning and Zoning meeting this was brought up along with a long spreadsheet of all the sewage-related dumps here in Brevard County and a great many of them are related to lift stations; the justification of that board, by the County, was this is for public safety, but this is not for public safety when many of the issues in the County with sewage-related dumps, are in fact, lift stations; this is about the appropriate checks and balances to the development process of new properties to ensure they have everything in place on the site plan to be appropriate for the needs of the County; the other thing related to this at the Affordable Housing Advisory meeting last week is the County was pushing to have a variance to where developers do not need to bring variances to the Planning and Zoning; the accountability in ensuring and having eyes on lift stations, as part of the planning process, ensures and is protective to ensure the County does not have dumps; she has in her own community, because lift station failures, had a million gallons at a time, going into retention ponds, overflowing onto the road where kids cross the road to get to school; they have to walk through sewage to go to Sea Park Elementary, it was crazy, Brevard County is not a third world country; having the checks and balances in place for developers ensures that the lift stations are appropriately designed as part of the site plan process is appropriate.

There being no further comments or objections, the Board conducted the first of two public hearings to consider an ordinance amending Chapter 62, Article VI, for sewer lift stations, sewer vacuum stations, and other water and sewer utility infrastructure elements.

Result: Approved
Mover: Rita Pritchett
Seconded: John Tobia
Ayes: Pritchett, Tobia, Smith, and Zonka

I.2. Allocation of American Rescue Plan Act (ARPA) 2nd Tranche Funds to Qualified Expenditures Including Infrastructure, Negative Economic Impacts, Public Health, and Revenue Replacement

Frank Abbate, County Manager, stated this is a proposed allocation of the American Rescue Plan Act (ARPA) second tranche funds that the County received; the Board has previously approved approximately \$39.5 million for various projects including the Emergency Operations Center, the GIS system for the Property Appraiser, COVID-related medical claim reimbursements, and upgrade to the public safety radio system, and the County's portion of that being shared by the cities; and what the Board has before it today, the County Manager's Office met with staff in a variety of departments to look at potential projects, and they are listed under four categories, the first being infrastructure, water, and sewer, which has been a Board priority and remains one. He continued by saying there are a number of projects from lift station rehabilitation to various other aspects of storm water improvements to various equipment that would be used in these type of projects; the total amount that is being proposed that the Board allocate under ARPA was \$23.7 million; there is also negative impacts to households for affordable housing with a \$2 million allocation; and improvements for the parks in the south area of the County for approximately \$3.5 million. He added, another ARPA category is public health; there is \$300,000 allocated for Mosquito Control entomology lab equipment; under revenue replacement there are five different projects including Wickham Road, Road and Bridge and Fleet Facility improvements, animal hospital under the jurisdiction of the Sheriff's Office, and some maintenance facilities both in Titusville and in Cocoa; and with that, it equates to about \$4.6 million. He went on to say staff is recommending about \$34.1 million in ARPA allocation of funding with the remaining \$5.4 million to be in contingency; and that is a little bit less than 10 percent, so as there are costs overruns in these various ARPA approved projects, if the Board approves it, the County should be able to appropriately fund that.

Sandra Sullivan stated there was a meeting that discussed the \$58 million from ARPA and the commitment and a vote by the Board to put \$40 million of that to infrastructure; she has spoken before about some of the allegations, particularly when Commissioner Lober was still on the Board, he put all of his ARPA allocation to lift stations which he identified as being very deficient; in looking at the allocation of the ARPA funds, she finds it kind of interesting in one aspect that people would expect a lot of it to be directed to utilities, the sewer aspect, but a lot of it went to stormwater which is Natural Resources Management; and Natural Resources Management already gets a lot of funding from the Lagoon. She continued by saying the other thing that is a particular issue is the ARPA legislation, in reading it is very clear, so it is COVID-related revenue replacement and water and sewage under the infrastructure aspect of it; there is really creative writing by the County Commission to kind of equate these and put them under the umbrella of infrastructure, when water and sewage is what the federal language is; and for example widening of Ellis Road, and in the sub it says this is related to stormwater, it is not. She mentioned that is just really creative writing; if one goes back to the Obama administration, when certain conservatives were being targeted by the Federal Government are they going to look at this as a very conservative County and start targeting counties to see if it has spent the ARPA money; look at how the County may have to repay money if it does not follow federal law; and she is suggesting that there is some really interesting creative writing to fit ARPA money into the appropriate category of the \$40 million for infrastructure, sewage, and water.

Commissioner Pritchett stated she is going to vote to approve this because she likes the work that County staff put into this and the Commissioners input on this is very responsible; she wants to mention with the extra funds, and there will have to be a consensus with the rest of the Commissioners, but this started out with a vision years ago with road health, and she would be interested to know how the County is doing on road health; she knows there was a lot of progress made with that; she recognizes that the County is having a lot of capacity issues and abilities to serve the community as far as road projects; she wonders how much the County still has to do reconstruction with; and she noted she is not going to ask John Denninghoff, Assistant County Manager, yet, but she thinks road health is an interesting place that the County still needs to look at. She continued by saying she thinks the County is doing a good job working on capacity, as far as water and sewer; she thinks it is an issue; she thinks it is interesting how, with the stormwater, it is such a political topic right now depending on where one feels like landing it; there was this hurricane, stormwater capacities messed up, there are spills because of the excess water that came through with lift stations and manholes; as everyone is yelling at the Board that it is not doing its job to fix it, then it is doing its job and people are yelling that Board is having fun with the money, doing something different; it cannot be both ways; and she noted people need to pick their side and just stand with it, she would have more respect for them on that. She added she thinks these are good projects; she is proud of what is being done with the ARPA funds; the County is not squandering money away; they are working very hard on these infrastructure projects for the community; as always, the Board continues to try to keep the ad valorem taxes lower; the Board is still trying to catch up from the past because there were so many years being under budgeted because of the Consumer Price Index (CPI) cap; she thinks this Board is doing a good job; she thinks the County Manager and the Budget Director have done a great job aligning these; and she is going to ask, if the Board is good with it, that the remaining funds be really focused on the other infrastructure, roadway health with capacity, water, and sewer.

Chair Zonka mentioned she is real excited about this list; and she asked if there is any reason for the County Attorney to have any concerns about eligibility, she knows they Board has been through this more than once.

Mr. Abbate advised there are no concerns; he has had Central Services and Budget Office staff independently look at each item; and they have also gone through the County Attorney's Office who have viewed it to assure everything is properly categorized.

Chair Zonka stated she already knew the answer to that, she just wanted it stated; it is a shame she has to do that but sometimes it needs to be stated.

The Board approved the recommended allocation of not-to-exceed \$39,597,790 million of ARPA funding for qualified expenditures; authorized the County Manager to execute all necessary Budget Change Requests for ARPA-funded expenditures approved by the Board; authorized Purchasing Services to issue and award competitive solicitations; authorized the County Manager to execute all contracts, contract amendments, task orders, work orders, and any necessary extensions upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; authorized the County Manager to allocate available contingency funds to Board-approved ARPA-funded expenditures as needed; and authorized for the remaining funds to be focused on the infrastructure of road health, with capacity, water, and sewer.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Tobia, Smith, and Zonka

I.3. Review of Draft Merritt Island Redevelopment Agency Plan Revision

Commissioner Tobia stated this is the Merritt Island Redevelopment Agency MIRA Plan rewrite; he would like to thank staff, namely Larry Lallo, for putting together such a comprehensive document; he thinks the Board will see there is quite a bit of flexibility located in there for MIRA dealing with rolling averages, things that he did not envision, but they were certainly able to take advantage, and he thinks that is a great starting point; he also thinks this has set forth a pretty good marker for the other Community Redevelopment Agencies (CRAs) out there; everyone cares about affordable housing, but he would argue one truly does not care about something until one has to appropriate resources; and this plan does just that. He noted he made a promise to the Board that he would not ask anyone to vote on the approval of a plan until such a time that District 2 was no longer vacated; that does not give the Board time to sit on its hands, therefore, he would like to move to direct staff to present the revised plan to the MIRA board at its next meeting, which is December 8, for them to review it and provide input to the Board so it can review their suggestions on December 20; and he mentioned all this motion envisions is taking this plan and getting input from the MIRA board. He stated December 20, is after such time that this Board will have a Commissioner representing District 2 on the dais.

The Board directed the MIRA Director to present the Plan revisions to MIRA at its next Board of Directors meeting on December 8, 2022, for their review and input and to return to the Board of County Commissioners by the December 20, 2022, regular meeting, at which time the District 2 seat will be filled.

Result: Approved

Mover: John Tobia

Seconded: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

Commissioner Pritchett inquired if Mr. Lallo has anything he would want to enlighten the Board with.

Larry Lallo expressed his appreciation to the Board for working with them to help bring this about; to him it has been a learning experience; he thinks this can really work for the good; and there are a lot of things that can happen as a result of this.

Commissioner Pritchett asked if MIRA was able to make some significant changes to some of the items.

Mr. Lallo responded affirmatively as to the budget items; he stated MIRA made a change and reduced the operating expense portion that was allocated to administrative expenses by \$11,785; that portion on the overall administrative silo that was created has MIRA more in line with the County department that does the types of things that MIRA does; and MIRA is in the 20 percent range.

Commissioner Pritchett commented she wanted note that she was able to talk to Mr. Lallo a few times and they talked about certain items; MIRA was able to fix some things that were out of proportion in its budget; she wants to commend MIRA on that; she thinks that was brought about when Commissioner Tobia brought up the huge administrative costs; and she went through it in line by line detail and she was able to speak with Mr. Lallo and a few of his board members on some things that she thinks were totally out of proportion to what they should be spent on. She expressed appreciation to Commissioner Tobia for bringing it up and Mr. Lallo and his board for making those changes as far as advertising costs. She noted she asked Mr. Lallo to bring this up, so she would not have to, but she thinks it was a huge expense and MIRA

quickly got into and corrected it.
Chair Zonka asked what the expense was.

Commissioner Pritchett explained it was an expense for advertising on Facebook; and she asked Mr. Lallo what the amount was.

Mr. Lallo advised it was part of the outreach agenda for the website; the board approved an annual budget of about \$25,000 for social media to link into the website; and he spoke with Marcus Herman and some of the other board members and MIRA is going to cut that out.

Commissioner Pritchett noted MIRA did that; she thinks MIRA has direction in the past, but they are changing that now; and she just wanted to mention that to the Board.

J.1. Re-Appointment of Members and Alternates to the Save Our Indian River Lagoon Citizen Oversight Committee and Permission to Advertise for Volunteers to Fill Vacant Seats

Virginia Barker, Natural Resources Management Director, stated this is re-appointment of members and alternates to the Save Our Indian River Lagoon (SOIRL) Citizen Oversight Committee (COC) and permission to advertise for filling any vacant seats; the COC is made up of two-halves, half the seats are selected by the Space Coast League of Cities and the other half are selected by the Board of County Commissioners; the Board has the recommendation for the League of Cities for their seven seats, five potential reappointments for the Board seats, and two vacancies on the Board; and then staff needs to be authorized to advertise for whatever seats the Board wants staff to seek new applicants for.

Commissioner Tobia stated he is going to make the motion, then explain why; he motioned to table the reappointment of David Eric Mannes and David William Sherrer II with the request that the League of Cities reconsider their qualifications, to deny the appointment of David Lane, to approve the remaining appointments, and to grant permission to advertise; he mentioned he will explain why; first of all, some of these come from the League of Cities so the Board technically has to approve, but he would like to give them one more bite of the apple before they come up; one, this Board has the ability to deny, so he will start with that one; this individual has some charges on his record that have direct implications on environmental issues; he is talking poaching or taking too many waterfowl, or taking them out of season; these are all public record; and he does not think the County should have someone sitting on a board that has charges dealing with environmental issues that is a Board appointee. He continued on by saying the two for the League of Cities, and he does not want to disparage Mr. Mannes and get him confused with the other individual, Mr. Mannes also had some possession of egg bearing spiny lobster charge, another environmental issue; he thinks there can be a better applicant with somebody who does not have a record; unfortunately, that gets him to the first individual that the League of Cities, and he thinks the League of Cities has to do a better job on vetting these candidates because this is absolutely embarrassing; this is domestic violence month and the first individual here has charges for battery and of domestic violence; and he does not want to overlook driving under the influence, possession of some mushrooms that are not the type to cook with, MDMA, or Cocaine, but those are all in the last couple of years. He reiterated this is absolutely embarrassing and he is not going to vote for this person, but he would like to give the League of Cities the ability to send the Board some folks that do not have a huge criminal record. He added that is why he did the motion, to stop the reappointment of the individual who had three charges dealing with environmental, and then send the other two back, hopefully the city can get others, otherwise, he would deny them across the board, he just does not have that authority; he noted this is all public record and this is only in Brevard County; he did not do a large search; if one has all of this, he would hate to

see what one has across the country; and he has all the documentation if the Board needs any of it.

Commissioner Pritchett asked Commissioner Tobia which ones he is willing to reappoint and then she can figure out by default which ones he is talking about.

Commissioner Tobia advised it is everyone that does not have the name David, reappoint; the three that he has issues with are all David, David, and David, everyone without the name David he is good with.

Commissioner Smith stated Commissioner Tobia mentioned these people have charges, but asked if they have been convicted of these charges.

Commissioner Tobia advised not as of yet; those are relatively recent within the last 18 months on this stuff; this is a lot of charges pending; the others are a little bit more in the distant past, but the more serious ones all happened within the last 18 months.

Commissioner Smith inquired if the ones in the recent past have been convicted, not just charged.

Commissioner Tobia replied that is a good question; he is not all that great at interpreting the charges and how they follow through; and honestly, being charged with possession of egg bearing spiny lobster, he has never charged with something like that.

Chair Zonka asked but was that an accident, is the question.

Commissioner Tobia noted he is sure it will be claimed as an accident, but honestly he has no idea.

Chair Zonka commented basically he was fishing and caught a pregnant lobster; and she does not know how one determines if a lobster is pregnant.

Commissioner Tobia asked if one would fish for lobster, he thought one traps for lobster.

Chair Zonka replied they do.

Commissioner Smith noted a person could dive and grab them by hand; he has done it and he could not tell anyone if he ever brought back a pregnant lobster; and he is hoping he had not.

Chair Zonka noted she would hate to see someone disqualified for something like that; there is probably no financial benefit for someone to grab a pregnant lobster; and it is really silly that the Board is even talking about this.

Commissioner Tobia stated he does not really care on this, in all honesty; he just thought it was a little weird that the board is getting somebody that was charged with a crime; he does not mean to throw that individual in the same pot as the other individual who has all the drug charges and domestic violence; he just thought it would be unfair to cherry pick one versus the other; he knows what domestic violence is and that is not acceptable; but if the Board wants to give the other the benefit of the doubt, he is more than willing to do that. He added he would also ask where the Board stands, these were old charges, but over the bag limit of ducks or waterfowl, taking waterfowl ducks, or taking coot out of season...

Chair Zonka interjected that is intentional without a question.

Commissioner Tobia continued on by saying resist or interfere with wildlife office or inspector; those were the charges of the third one; those the Board can summarily dismiss, it is up to the Board; and he asked if he could change his motion.

Chair Zonka asked, to include the duck thief and batterer.

Commissioner Tobia responded to get rid of the middle David, the David that just has the egg bearing spiny lobster.

Chair Zonka stated she thinks that is Eric.

Commissioner Tobia advised that is David Eric Mannes.

Chair Zonka stated it says Eric.

Commissioner Tobia explained it says David on his criminal record.

Morris Richardson, County Attorney, advised that was a 2011 misdemeanor charge and the disposition was guilty on the citation.

Chair Zonka noted Attorney Richardson is in the legal side.

Commissioner Tobia advised he tries to keep these off the record altogether but he appreciates it.

Chair Zonka noted she is sure he is not going to live this down about the pregnant lobster.

Commissioner Tobia stated he is focusing more on the first and the third; if it is the decision of the Board, he would change the motion to table the appointment of David William Sherrer II, with the request of League of Cities to reconsider their qualifications to deny the appointment of David Lane; to approve the remaining appointments; and to grant permission to advertise vacancies. He noted that is a new motion and placing David Eric Mannes back into the mix.

Commissioner Pritchett stated this is the first she has heard of it; Commissioner Tobia has her attention; she is going to make a motion to put the others through, maybe bring the others back up just so she has time to look at it and ask some questions; she does not know, maybe the duck was pregnant too, she just has not had time to look at it; and she will make that motion with him today and maybe she will have time to look at the other two Davids.

Chair Zonka noted it is the guy with too many ducks out of season and the domestic batterer.

Commissioner Smith advised he is just going back to the lobster; he used to do that and when one is under the water...

Chair Zonka informed him that one was off the list.

Commissioner Smith noted he is not saying the Board should give him carte blanche okay because he did not know; and for him that is a serious issue...

Commissioner Tobia noted he will go back to the initial one; he is good with either one; he is just very concerned with the person that was recently charged with domestic battery and the drugs that he has never heard of and these are felonies, not minor occurrences; this is the Board's call and if it wants the spiny lobster guy thrown out it is completely up to the Board; and he just wants to make sure that the guy charged with domestic violence is not on this.

Chair Zonka explained the reason why she said the spiny lobster guy, is she cannot think of a logical financial or personal benefit to grab one lobster that is pregnant; and she does not see that as a purposeful act.

Commissioner Smith noted that is why he is bringing it up as questionable because he does not know if one would know; and he explained he brought a lot of lobsters up and he never knew if he did or did not.

Chair Zonka reiterated Commissioner Tobia took him off the list to not be nixed, if that makes sense; it is just the batterer and the other one; and she asked if that is correct.

Commissioner Tobia stated the batterer and the drugs is the same person; the other one is with the waterfowl, but that individual also did resist or interfere with wildlife officials.

Chair Zonka advised he had too many fowls out of season so he knew what he was doing; and Commissioner Tobia has a motion and she seconded it.

Commissioner Pritchett advised she is with the Board on the one fellow as she just got to see his record with the drugs and battery; and she agrees he should not be on the board.

Chair Zonka advised that is the Space Coast League of Cities.

Commissioner Tobia stated this Board cannot do anything about it.

Commissioner Pritchett commented she agrees with Commissioner Tobia and Chair Zonka on that one and whatever they want to do with that; David Lane, she just looked at his and she thinks what would come into play with that, she does not have enough information; say he is 28 years old, and it was 12 years ago when he was 16, that could make a difference; she just does not have enough data on him; she is totally with them on the other one that just happened; and she reiterated she does not know what to do with the other guys, unless someone know more about it. She went on to say she hates doing this in front of the public with people and she is hesitating on that one as well; and if that is what the Board wants to do she is with them.

Commissioner Tobia stated the individual is 38, 37 at the time, born in 72 and it happened in 2010, so this was not a youthful indiscretion; he reiterated he does not know what existing or interfering with wildlife officer, he did not go as far to look at what that was, but there was multiple charges; and in fairness they did all happen at the same time, December 3, 2010. He continued by saying he moves to table the reappointment of David William Sherrer II, with the request that the League of Cities reconsider the qualifications; deny the reappointment of David Lane; to approve the remaining reappointments; and to grant the permission to advertise vacancies. He mentioned this was the amended one according to Commissioner Smith and the spiny lobster.

The Board tabled the re-appointment of David William Sherrer II, with the request that the League of Cities reconsider their qualifications; denied the re-appointment of David Lane; approved the re-appointment of League-selected members: John Windsor, Stephany Eley, Todd Swingle, Charles Venuto, Laurilee Thompson, Eric Mannes, and Commission-selected members: Lorraine Koss, Vinnie Taranto, Terry Casto, and Kimberly Newton; and granted permission to advertise vacancies.

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

J.2. Authorization from the Board on Improvements at the Ritch Grissom Memorial Wetlands

Eddie Fontanin, Utility Services Director, stated this is for authorization from the Board on improvements related to the Ritch Grissom Memorial wetlands; as stated in the Agenda Report under the requested action there are three components to this; the first component is the County is currently under a consent order with Florida Environmental Protection (FDEP) due to high nitrogen discharge to the four mile canal which is attributed to the St. Johns river; the improvements that staff has ready to go will address all of the comments from FDEP; however, they have proposed to do it all inclusive in one single phase; in doing so, he is requesting authorization from the Board to shut down the wetlands for an estimated duration of 26 weeks; and that would mean no public access at that point. He went on say the second item, located within the wetlands are the three structures; there are two bird towers and a gazebo; his department is prepared to pay for the demolition, as included in the Agenda Report; staff had a structural firm look at it; all three structures were deemed to be not safe for public access; he just wants to confirm and receive direction; and the last is related to Department Policy and authorization from the Board to continue with allowing only pedestrians and bicycle traffic moving forward.

Commissioner Tobia stated he moves to complete the ecological improvements in a single phase using funds that are already allocated and to include demolition of the structures within that project with the ability to fund the demolition of the structures and the Utility Department's operational budget if needed, and to continue the policy of only allowing pedestrian and bicycle traffic; and he would be more than willing to go into the rationale between any of that stuff, but that motion contemplates all three questions that were just brought up.

The Board authorized the Utility Services Director to complete the ecological improvements in a single-phase using the funds already allocated and to include demolition of the structures within that project, with the ability to fund the demolition of the structures from the Utility Department's Operations Budget if need be; and to continue the policy of only allowing pedestrian and bicycle traffic.

Result: Approved
Mover: John Tobia
Seconders: Curt Smith
Ayes: Pritchett, Tobia, Smith, and Zonka

J.3. Requesting the Attorney General's Office to Issue an Opinion Regarding Whether County Commissioner Members of the Value Adjustment Board Must Recuse Themselves from Hearing Petitions Concerning County-Owned or County-Managed Properties

Commissioner Tobia stated he would like to thank the County Attorney's Office for this; it has come into question whether the County Commission members of the Value Adjustment Board are required to recuse themselves from hearing petitions regarding classification of properties that are owned or managed by the County; it would be beneficial to seek the opinion of the Attorney General to determine if Commissioner Pritchett and himself should recuse themselves in matters related to the Malabar Scrub Sanctuary being heard by the Value Adjustment Board;

according to the County Attorney's Office, who drafted the item conflict of interest voting prohibitions rise only when, "the vote of a public officer would result in special private gain or loss to such a Commissioner;" obviously Commissioner Pritchett and himself have no gain whatsoever; and further the County Attorney has come up with an additional idea in the meantime to seek the opinion of the Florida Department of Ethics, which potentially could get a much quicker result. He added the County Attorney has already sent that question on his behalf, that does not need a Board motion, but he thought it would be good to have a secondary avenue to get an answer to this answer; to get the Attorney General Opinion it would need a Board motion; and that is the request here, to find out whether or not, should this arise in the future, what the opinion of the Attorney General is. Commissioner Tobia made the motion.

The Board directed the County Attorney's Office to request an opinion from the Florida Attorney General's Office on the following question: "Are County Commissioner members of a Value Adjustment Board required to recuse themselves from hearing petitions regarding the classification of properties that are owned or managed by the County?"

Result: Approved

Mover: John Tobia

Seconders: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

J.4. RESOLUTION: A Resolution Declaring that it is in the Public Interest to have Hurricane Debris Removed from Public and Private Road Right-of-Ways in Brevard County, Authorizing the Solid Waste Management Director to Request that FEMA Approve the Removal of Debris from These Areas

Tom Mulligan, Solid Waste Management Director, stated this is a request for the Board to execute a resolution declaring that it is in the public interest to move storm generated debris from certain public and private right-of-ways in Brevard County; and authorize himself to request that Federal Emergency Management Association (FEMA) approve the debris removal, making it eligible for federal reimbursement for cleanup costs.

The Board adopted Resolution No. 22-147, declaring it in the public interest to remove debris from certain public and private right-of-ways in Brevard County; and authorized Solid Waste Management Director to request FEMA approve said removal, therefore, making it eligible for Federal reimbursement for cleanup costs.

Result: Adopted

Mover: Curt Smith

Seconders: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

K. PUBLIC COMMENTS

Sandra Sullivan stated this is from an article and she is going to read it, "Hurricane Ian's widespread damage is another disaster for Florida's already shaky insurance industry, even though home insurance rates in Florida are nearly triple the national average. Insurers have been losing money. Six have failed since January 2022 and now in short, losses from Ian are estimated to exceed \$40 billion;" she pointed out State legislation is having a special session to address insurance, and she would encourage the Board to reach out to the State legislators and request them to address perhaps bringing back the Department of Community Affairs Growth Management, the enforcement of their own rules; in a map of the impact on the coastal

barrier islands, which there are a lot in Brevard County, hurricane induced waves and current generate significant hydrodynamic forces to destroy flooded buildings, therefore in coastal areas one sees buildings that are concrete constructed versus wood structures because wood structures do not have the strength that CVS does; and one of those issues is redevelopment. She showed a photo and continued by saying this building is called Oceania; 32937 was capped in density in 1999; part of that, both the County and the City of Satellite Beach had to make those changes; when one converts from commercial to residential it is supposed to be at a maximum of seven density units per acre; they put in 22 density units per acre; one can see how close that dune was that Dorian eroded away; and she mentioned she had previously showed the Board the difference in the coastal element between the City of Satellite Beach and the County. She added legislation is needed to protect the barrier island for two reasons; one is escalating insurance companies, also there is a critical evacuation deficiency that she recently provided the Board a lot of reports on this; there were 109 lives lost on the Fort Meyers barrier island and that area from Hurricane Ian; the development also affects the flood plain and when one develops that close to the ocean; and lastly, this photo is related to those caps and density, this is the view, this is inconsistent with the barrier island, and should not be developed at 85 feet. She mentioned this is across the street from the Florida Community Trust Preserve which was in the County jurisdiction and was only annexed for its protection.

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

Commissioner Tobia stated he wants to thank the Board for sending out those letters to the Community Redevelopment Agencies (CRAs); the County has received many, if not all of those back; the deadline was October 16; all the boards said affordable housing is very important but they have to say that because Florida Statute requires them to say that; it was probably his fault in drafting the letter, what he probably should have asked was, how much funding have the CRAs put in affordable housing and how much do they plan to put in to affordable housing; and to be fair this Board has made some tough choices through the leadership of the Chair, and Merritt Island Redevelopment Agency (MIRA) has started to change a plan that will set a percentage of the funds received towards affordable housing. He noted just today in ARPA funding, \$2 million that could have gone towards a whole number of other things, went to affordable housing; the Chair's nominee on the board, Mr. Jordan Chandler, put together a holding place for funds for affordable housing; this board has taken a leadership role on this and then put money where its mouth is, but CRA's have not; a couple CRA's said they would work on it and they deserve some time to come back, and some have said they will not; since this is the Chair's area, he would ask what steps she would like to take as this Board moves forward; he asked if she wants to send out another letter asking them to acknowledge that fact; the Board received back from Cocoa that was a page and one-half, and it does not even mention the phrase affordable housing once, and that was not as bad as Cocoa Beach that said it is not conducive; and if affordable housing is not conducive then an area does not need a CRA to begin with. He continued to say this Board would have to make some tough choices; it would have to say no on other things; clearly this Board was not willing to say no; the cities came with their hands out today and the Board said yes, it would give them extra time, and if they want even more extra time, it would give them that extra time, and if they want more money the Board will give them more money; this Board cannot just say it wants the CRAs to do something, there has to be some consequence; he is willing to let this go; he has taken this so far, and it is fine if the Board is not willing to go there; he had his shot at the CRAs and he did not get support from the Board; and he just wanted to find out where the Board wanted to go on this. He explained if the Board is happy with the CRA responses, which some were an insult, then he is alright with that, he just wants to find out where the Board is with that and what it wants to do about it now that it has their responses back; he noted he will drop this 100 percent like he dropped the other CRA stuff, a couple years ago because the Board was not interested in going there; he found out the Board was really interested in affordable housing

and he was ready to get some partners with local government seeing as they were using County money; and he is just finding out what direction the Board is interested in going in, now that the County has received the letters back.

Chair Zonka inquired if Commissioner Tobia is waiting for a response.

Commissioner Tobia stated the status quo is he is done; he is hands off on this one; he has gone as far as needed; if the rest of the Board is happy with the responses it received back from the CRAs saying maybe they will work on it or there is no way they will work on it; and he reiterated he is done with it.

Chair Zonka advised if Commissioner Tobia wants to address a CRA individually to bring his idea to address it and the Board can evaluate it then; she does not know if he is looking to shut them down entirely; and she asked if he is looking for demand letters or reporting to the State that they are not compliant.

Commissioner Tobia noted the Board already did demand letters.

Chair Zonka stated she does not know what Commissioner Tobia's next ask is.

Commissioner Tobia stated he gave an example to provide the Board with the amount of resources, dollar figures, that they plan to spend, the same way this Board charged MIRA with to get the Board an amount that it would be placing towards affordable housing; this Board did not define affordable housing, whether it is affordable or workforce housing; it did not define how it needed to be spent, whether or not it was helping a developer with infrastructure to build that project; the Board left it extremely nebulous and it did not get back any definitive responses; affordable housing is an important issue, it is not his important issue and if the Board is not interested, he is just handing the ball off at this point, if someone else wants to take the ball on it; and the Board received the responses back and he was very disappointed in those responses, but he is not willing to go forward individually on this, he was just looking for some support. He noted it looks like there is no support and it sounds like the cities are off the hook and continue to spend the money on whatever they want as long as it is not affordable housing.

Commissioner Pritchett stated she knows Commissioner Tobia is passionate about this and she wants to thank him for that; she is kind of amazed at how passionate he is about workforce and affordable housing and Chair Zonka as well; she thinks Chair Zonka has taken a great lead of trying to ascertain funding for these projects even in the ARPA funds; she thinks this is a good project and her thought is maybe not focus on the CRAs but talk to the cities; not all the CRA boards are elected officials and she thinks elected officials need to take responsibility for this is if they are trying to maneuver funding; she does not know the budgets of all CRAs, some are larger than the others; and Commissioner Tobia did a lot of work on this a while ago as far as putting a lot of criteria on the CRA. She continued by saying her thought is maybe the Board should start talking to cities and have them come up with plans in their budgets moving forward; she knows there are grants that can come from federal and State, if the County can make a portion towards it, there are other funds that come to developers to develop apartment complexes; there was one in her district a while ago, but no one came to the table with the initial portion to meet the grant; it was a terrible situation that was not funded and it would have been a good one; and she thinks maybe if the Board has conversations with the cities and have them start working it into it if they want to roll into their CRAs fine; but she thinks this should be more of an elected position topic. She commented the Board sent it to the CRAs; some have been able to make some adjustments, but she is not sure that they are going to get as much agreement as it would with the cities, because people think differently when they are elected;

that is her thoughts on this; however, this was just thrown out there today, and that is what she came up with.

Commissioner Tobia stated he appreciates that; he is not willing to ask a city to use their general revenue to fund affordable housing; it would be great if they did, but he is not willing to do that; the reason he was targeting CRAs is because that is why they were created in the first place; the second reason is because they receive a great deal of funds and a Tax Increment Financing (TIF) payment from the County; Cape Canaveral is looking at 2022, a little over \$9,000, Cocoa Beach is \$330,000, Cocoa Diamond Square is \$121,000, Cocoa Downtown is \$583,000, Melbourne Babcock Street is \$387,000, Melbourne Downtown is \$568,000, Melbourne Old Eau Gallie \$224,000, MIRA \$1.2 million, Palm Bay Bay Front Downtown \$522,000, Rockledge is \$1,054,000, Satellite Beach is \$876,000, Titusville Downtown \$325,000, West Melbourne \$265,000 and that is County contributions; the reason he was focusing on the CRAs is because this is funds that the County could otherwise use, had it not been going towards the CRAs for the very purpose of dealing with blight, and the way to deal with blight is affordable or workforce housing. He went on to say Florida Statute 163.360 includes affordable housing directly, must be directly stated in a development plan; that is the reason he was doing this; he is not willing to speak to Cocoa Beach and tell them they should be using their general revenue for affordable housing; he would not want them to call the County and tell it to use its general revenue; and the County has used ARPA funds for it, but the County is not putting any general revenue towards it.

Commissioner Pritchett stated the big scheme on that is they could make changes and maybe some density issues and those types of things that could help builders construct faster and have more of an ability to make profit and still build their projects; there is still a lot on the table with this; she does not disagree with some of these CRAs and they are coming to the table; however, she is just thinking there are many good opportunities and she thinks the Board just needs to come to the table with a bunch of them. She continued to say there is not going to be one fix-all but she likes Commissioner Tobia's ideas; she thinks the County should communicate with the cities about coming up with a plan that they are all in agreement as a County of how to make it more profitable to builders to come in and build these types of products; she thinks density is a big issue; she thinks it needs to be a little more dense as far as affordable apartments; a lot of people are coming here and cannot afford apartments, so make the apartments smaller, so people have places to live; and the goal is for people to have a safe place to live that they can afford. She added she thinks there needs to be separation of affordable housing to workforce housing; they need to be two different types of animals moving forward; there are a lot of funds for affordable housing, such as section eight; there are all kinds of funds coming in for that; there probably needs to be more; workforce housing is a little bit of a dilemma; and she is still waiting for a defined definition on that. She noted she cannot thank Chair Zonka enough for her leadership and trying to get funding on this, but she thinks the definition is going to help her greatly; she believes that Commissioner Tobia has done a great job with this as well, with the CRAs, and she knows the responses have been different, but they have smaller budgets and they already have projects; she thinks the overall thought is to look at the cities; and she knows he does not want to come after typically raising taxes to do these types of things, but if people are not placed in housing, everyone's taxes are going to be off the charts anyway. She stated this is a growing problem and it is politically correct to deal with it; and she thinks coming up with the best solution is going to take a team effort.

Commissioner Smith stated he will weigh in a little bit on the affordable workplace housing; that is a tough dilemma because there are people out there working for what he would consider pretty good salaries, \$50,000 to \$80,000 per year, yet they cannot afford to live in a decent apartment because apartments are \$1,500 to \$2,000 a month which is ridiculous; \$2,000 per month is \$24,000 per year, and his first house cost \$30,000; it is a tough issue; he would like to

give kudos to Commissioner Tobia for tackling this issue because it is very difficult; it is difficult for the County and the cities; and it is extremely difficult for the employees and the workers in this County.

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

Commissioner Smith stated he would like to ask the County Attorney, Morris Richardson, since he pulled the motion for the towing ordinance, what the Board has to do to move forward on that.

Morris Richardson, County Attorney, stated that was an item seeking legislative intent and permission to advertise the towing ordinance; and to go forward on an ordinance, the County would have to advertise then have a hearing on the ordinance and an adoption hearing.

Chair Zonka pointed out Commissioner Smith would not be there for the second meeting, if it passed for legislative intent.

Commissioner Smith stated he would answer any questions while he is here; and he would like to move forward with that.

Commissioner Pritchett inquired if she can still make changes, even if the Board is doing legislative intent; she was surprised that Commissioner Smith pulled it because he worked so hard on it; and she asked how the time period works for that because she would love it to be completed under Commissioner Smith's term.

Attorney Richardson inquired if Commissioner Pritchett is asking to bring legislative intent at the next meeting with a draft ordinance.

Commissioner Smith asked if that can be done at this meeting.

Attorney Richardson noted the Board could, technically there is no advertising requirement; if there was an ordinance that was part of the Agenda and had a title that could be advertised; sometimes the Board has done that in the past, legislative intent without having advertised an entire ordinance; and if the Board wanted to direct that it be advertised and be brought back at the next meeting, it could certainly do that, for a hearing.

Commissioner Smith stated he will make the motion to do that.

Commissioner Tobia stated this is where he is at on this; he never wants to shy away from an issue and he thinks this is a valid issue, one that deserves to be vetted; he appreciates all the time that Commissioner Smith's office has spent with this on all the stakeholders; he appreciates all the time the County Attorney has spent on this, but generally the way this Board handles things, it spends the time discussing it at permission to advertise; this would be different than the way the Board normally does things; he is not necessarily against doing it this way; and he asked if there is a way to do the permission to advertise as well as vetting all in one meeting, as this moves forward. He noted he does not want to handle this uniquely; it seems as though the Board is trying to sneak one past the goalie; he knows that was not the intent of Commissioner Smith, but why wait two weeks for the permission to advertise the public hearing; and he asked is there any State statute or anything of that nature that prevents the Board from going this way in the future.

Attorney Richardson stated before the adoption hearing there needs to be a 10-day advertisement period; he is doing the math now to see if the Board could potentially bring

legislative intent back at the zoning meeting in November and still make it; he noted, it could not make the advertising time necessary if it came back at the November 3, Zoning meeting to then have it advertised for public hearing; it is 10 business days but then there is the lead time to get it in the paper; and the County would have to place the advertisement prior to the zoning meeting.

Chair Zonka commented she thinks the way the Board has done this in the past, and she is not saying she agrees with it, but it had to vote to waive the legislative intent because there have been things that came up that were more urgent or something that the Board was trying to get done quickly.

Commissioner Tobia stated he appreciates all the service Commissioner Smith has done as an elected official; he has not always agreed with him; if Commissioner Smith needs the pass on this one, he will give him the pass so the Board can debate it; hopefully it will not change too much; and he asked Commissioner Smith if it is his expectation that it will change too much from what was initially advertised.

Commissioner Smith commented no, he does not think it would and that is why he wants to do it while he is still in office so he can answer questions as to why the Board did certain things and why it did not do certain things; a lot of time has been invested in this, both by the Sheriff's Department and the County's Legal Department, in the last four or five months; he has really been a bystander kind of guiding where they went with this; having come from an industry that works somewhat with the towing companies, he had an interesting and independent perspective that the other Board Members would not have; and that is why he got involved in and kind of guided it. He mentioned the biggest thing for him was the self-enforcement of taking these companies off the rotation because he has looked at Lake County.

Commissioner Tobia interjected by saying he is with Commissioner Smith, but his argument was the formality of how the Board does it; he wants to do what Commissioner Smith is doing at this meeting and then it got pulled off; what they are doing is giving the public one less bite at the apple to interact with the Board; he is okay to do that, if it is alright with legal; he is willing to treat it specially because he knows how much time Commissioner Smith has put into this; and he wishes the Board was discussing it at this one, because it was on the Agenda and he was surprised when it was pulled off.

Commissioner Smith explained that the Sheriff came to him on Friday and asked to pull it because they had some meetings on Thursday with some municipalities and there were some issues that they wanted time to work out; he is assuming that has been done; and had he thought about it more when the request was made, he would have just said no that he would go forward and any changes that the Sheriff had, the Board could do, but he did not really consider the time frame until after the conversation and the time had passed on Friday that he could place it back on the Agenda.

Commissioner Tobia stated in reference to all the service Commissioner Smith has provided to the County, he certainly would give him the benefit of the doubt on this one; while he has not seen the final product, he has only seen the last one and there were some issues there, he would definitely give Commissioner Smith the benefit of permission to advertise.

Commissioner Smith stated he thinks it is pretty good.

Commissioner Tobia noted he is not saying that.

Commissioner Smith mentioned the Board can make some changes.

Chair Zonka advised in fairness the Board has discussed this for hours; it is not like it has never been a topic of discussion; and she knows it has changed significantly.

Commissioner Tobia repeated, significantly.

Chair Zonka continued by saying she thinks by advertising and getting the information out, as long as it is online where people have access to it, and as long as it is transparent, she does not have an issue.

Commissioner Tobia mentioned the issue is if it does change again.

Chair Zonka advised then Commissioner Smith will not get to vote on it if it is too significant.

Commissioner Tobia mentioned the problem would then become that the County would have to re-advertise, and he would lose it there.

Commissioner Smith asked why it would have to be re-advertised.

Chair Zonka explained if it changes too much.

Commissioner Tobia stated that is what the issue is.

Chair Zonka noted it is not her Item.

Commissioner Tobia stated he is giving the benefit of the doubt to Commissioner Smith on this one.

Commissioner Smith stated he thinks it will be good; and he is amenable to reasonable changes so he thinks the Board can do that.

Commissioner Tobia asked if what the County advertised if it will be what was in the Agenda Packet.

Attorney Richardson commented that would be his understanding to advertise that title to amend those particular chapters.

The Board waived legislative intent and granted permission to advertise an amendment to the Brevard County Code of Ordinances modifying Chapter 106, Brevard County Code, setting maximum rates for towing services, providing for a customer Bill of Rights, and establishing a wrecker operator rotation system; authorized reasonable changes; and ordered this item to be brought back at the November 3, 2022, Zoning meeting for discussion.

Result: Approved

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Smith, and Zonka

Commissioner Pritchett asked if this could be discussed at the Zoning meeting so the Board could have some conversation before it comes up for a vote at the next meeting.

Commissioner Smith responded affirmatively.

Commissioner Pritchett pointed out the Board could get its first run at it with the new product.

Commissioner Smith responded that is a good idea.

Chair Zonka mentioned she knows she has talked about this several years ago, and it is by ordinance that there is legislative intent; she asked if that is correct; and she inquired if it was done to make sure that other Commissioners wanted to go over an item, so Commissioners could not just place things on the Agenda, because it was a problem in the past.

Frank Abbate, County Manager advised that is what happened a number of years ago.

Chair Zonka asked if the County Manager remembers when, she is sure he remembers the Commissioner.

Commissioner Smith mentioned about 2015, somewhere in there.

Chair Zonka asked for clarification if it was in response to a Commissioner putting things on the Agenda that the other Commissioners did not want to discuss.

Commissioner Smith responded affirmatively.

Chair Zonka stated this is just for the record, if that is Mr. Abbate's impression.

Mr. Abbate stated what he recalls is it was because a variety of Commissioners would have individual asks, it was taking up staff's time, and there was no interest on other Board Members.

Chair Zonka stated she does not know of any other town or municipality that does the legislative intent, but the Board because it is advertised, and it is out in the public the time to discuss at a meeting; if a Commissioner is abusing that process then she could see the Board making modifications; but she would like this Board to revisit that because she thinks the Board could get things done more efficiently.

Commissioner Tobia asked if the Board could ask staff to come back with a change set; he would support that; and it would not have Commissioner Smith in this position.

Chair Zonka commented it is just to be more efficient; it gets things done more efficiently; she knows the Board is not going to engage staff any more than it normally would, if someone had an item; it is one of those things, it is kind of like the purchasing cards, go to the extreme on a situation because of one particular person; she just wants to go back to what is normal and consistent; and she probably should have asked to repeal this a couple years after being a Commissioner, but she does not know if it is a simple repeal. She asked if there are extra costs.

Mr. Abbate stated as the Board knows the County is going to be moving away from that because it is going to start doing it online at a certain point, hopefully right around January, for those that they can legally do that; it is not all-inclusive of everything; but everything that is going to be statutorily permitted, or that the Board has the opportunity to make the decision on to have staff advertise online on a website, they will be moving forward toward that.

Commissioner Tobia asked if the Board directed staff to bring it back, whether it is an appeal or a change of that.

Chair Zonka noted she thinks so; and she asked if everyone is okay with that and if the Board has to advertise to repeal that.

Attorney Richardson replied if it is required by ordinance the Board would have to do that to amend the ordinance; the Board may want to consider also what direction it wants to give staff when it comes to that, because even though it is on the County's website, ordinances still have to be advertised by title; therefore, it may make sense to have an initial step where the Board is giving its approval of the title that is going to be advertised prior to a hearing even if it is not a formal legislative intent.

Commissioner Tobia commented the Board should direct the County Attorney to look at that and bring it back to the next meeting as to how it can effectuate that change.

Chair Zonka stated it is just to be more consistent with other surrounding areas.

Attorney Richardson advised he understands the direction.

Upon consensus of the Board, the meeting adjourned at 11:04 a.m.

ATTEST:




RACHEL M. SADOFF, CLERK


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

As approved by Board January 24, 2023.

Kimberly Powell

From: Kimberly Powell
Sent: Friday, January 6, 2023 1:40 PM
To: Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson
Subject: 10-25-2022 Regular Kim Draft (1)
Attachments: 10-25-2022 Regular Kim Draft (1).rtf

Good Morning, all.

Please see the attached minutes for approval to be considered by the Board on January 24, 2023.

If you find an error please let me know prior to the meeting date.

Have a fantastic day,
Kim

Kimberly Powell
Clerk to the Board
(321) 637-2001
Kimberly.powell@brevardclerk.us