

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, March 22, 2022**

**9:00 AM**

**Regular**

**Commission Chambers**

**A. CALL TO ORDER 9:03 AM**

**Present:** Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Zonka

**C. PLEDGE OF ALLEGIANCE: Commissioner Kristine Zonka**

Chair Zonka led the assembly in the pledge of allegiance.

**E.1. Resolution, Re: Florida Surveyors & Mappers Week in Brevard County**

Commissioner Zonka read aloud, and the Board adopted Resolution No. 22-025, recognizing Florida Surveyors and Mappers Week in Brevard County.

Mike Sweeney, Brevard County Surveyor, expressed his thanks on behalf of all the surveyors in the County; he introduced the Senior Surveying and Mapping Supervisors, Sam Vanderwalker, Gil Crook, and Tony Patel, some of the best surveyors he has worked with a long time; he gave a call-out to his staff upstairs working in the offices and out in the swamps and everything else, Amber Holley, Larry Lytle, Rick Henning, Mark Cornell, Garrett Gordon, Brian Dolan, Brian Joyalle, Jared Aldrich, and David Labastida; while he has an audience, he wanted to say there is an opening for a Survey Field Tech One beginning position here; if anybody loves to work out in the field, fair and foul, and likes math and maps, please send in your application; and he would love to have them come join the family.

Commissioner Smith mentioned he had a very trying weekend; he wanted to address the passing of Roger Gangitano; he was well-known in the community, particularly in the Republican Party community; he passed fairly suddenly on Sunday; and he was very instrumental for both of his elections. He added if someone needed something done, they went to Roger; this was true in 2014 and in 2018; if he needed someone to answer phones, drive a car, or stuff an envelope, he was there; and he was just a terrific person that will be missed. He stated then on Friday, Pat Woodard passed; he does not have to tell anyone how much he will be missed but he had to tell a good story; he was in constant contact with his wife and every day they talked; Mr. Woodard went into hospice last Tuesday or Wednesday and he was sedated; and every morning she would tell me she thought today might be the day, or maybe tomorrow. He went on to say that Friday she told him today might be the day, as she said she could see some different signs and he is resting peacefully; he started texting people to tell them it was close and he had not gotten to the third text when Ms. Woodard called and said he had passed; she was happy because he was not in pain anymore; she told him that hospice had told her to say it was okay to go, so she whispered in his ear that her sister was coming tomorrow, the one he hates from Hawaii, and you know you do not want to be here when she shows up; and it was not five minutes later and he stopped breathing. He remarked two great gentleman and they are gone.

Chair Zonka stated she knows how much Mr. Woodard meant to Commissioner Smith and all of the Board members have their Pat Woodard stories; she had the pleasure of serving with him on Palm Bay City Council in 2007; they had a few battles but always respected on another; he had a big personality and was a good person; she knows how much he valued his friendship with Commissioner Smith; and he is going to be missed for sure.

Commissioner Pritchett commented she did not remember any County business without Pat Woodard; he served all the way up until he could not; he was a great person and did so much for the County; he used to keep Commissioner Smith in line before the meetings; what a wonderful person; and as a County, it will miss him being here.

Chair Zonka shared that she and her husband had called Mr. Woodard after he was given his diagnosis; she stated she does not think she has ever heard the man talk more rapidly than he did that night; he said it changed his whole perspective; he trusted in God and had a positive attitude; he wanted to tell people he loved them; he was an amazing person; and she will never forget that phone call and how happy he was to hear from us and to share his thoughts.

Commissioner Smith stated Mr. Woodard was upbeat right up until the very end; if someone spoke to him in the last days he was lucid, he would tell them how happy he was, how blessed he was and happy to go home to Jesus; and he was ready.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **E.2. Proclamation Recognizing April 2022 as Water Conservation Month**

Commissioner Smith read aloud, and the Board adopted Resolution No.22-026, recognizing April 2022 as Water Conservation Month.

Jim Cannon, Intergovernmental Coordinator for St. Johns River Water Management District, expressed his thanks to the Commission and to Commissioner Pritchett for agreeing to be the sponsor for this proclamation; he commented these proclamations are a great way to highlight the important vital issue of water conservation across, not just this region, but the entire State; this is just one tool to emphasize how important water conservation is; he reminded everyone that even the smallest step that is taken as an individual, at home, at work, or recreating; and that one step can make a difference if everyone does it.

**Result:** Adopted

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

## **F. ITEMS PULLED FROM CONSENT AGENDA**

Chair Zonka asked the Board for any items to pull from the Consent Agenda; and she has a card for F.1.

Commissioner Tobia stated he would like to vote no without comment for Item F.13.

Commissioner Lober stated he would like to vote no without comment for Items F.10. and F.11.

### **F.1. Florida Department of Environmental Protection Grant WG074: Brevard County Indian River Lagoon 100 Quick Connects to Sewer**

Virginia Barker, Natural Resources Management Director, announced this is a grant from the State of Florida to provide 50/50 matching funds for connecting 100 homes to sewer and abandoning their septic systems; the local match is already approved in the Save Our Indian River Lagoon (SOIRL) Project Plan; and the agenda item would authorize the Chair to execute the grant contract, authorize the County Manager to execute any future amendments and approve related Budget Change Requests.

Sandra Sullivan stated it is great to get all this money, as this is nearly \$1 million to go from septic to sewer; at the last SOIRL meeting for the monies that have already been received for this, it is a pitiful number of actual implementations that have occurred; there was some discussion about it and apparently, there has been only one postcard gone out to homeowners; a better job has to be done if the County is going to spend the money; and there was also discussion where before it was focused on, she thinks the number was 10 percent of septic systems are creating the bulk of the nutrient loading in the Lagoon from septic and those were the highest priority. She added now it is looking at replacing all septic in the County, but the Lagoon was the focus and prioritizing those septic systems that have the most impact; and if the County is not doing a good job of replacing those, that needs to be reassessed to get that back on track.

Chair Zonka asked Ms. Barker to talk about the efforts to convert people from septic to the County system.

Ms. Barker replied yes, and she advised it is not just to the County system, it is also to the municipal wastewater treatment plants and central sewer systems across the County; County used the State approved model to estimate the loading from each of the over 53,000 septic tanks that are in the Indian River Lagoon watershed in Brevard to identify the highest-priority sites; postcards were sent to those highest-priority sites; and there was low participation, so in this year's project plan that was approved by the Board in February, there was an increase in the cost-share that would be available and the County is trying to reach either those same or the next highest-priority sites and the cost-share that would be available to the second-priority sites would be based on how much load reduction is actually achieved. She added whether it is one house loading 40,000 pounds a year, or two houses loading 20,000 pounds each, the same benefit would reach the Indian River Lagoon.

The Board authorized the Chair to execute Grant Agreement WG074 with Florida Department of Environmental Protection (FDEP) for Brevard County Indian River Lagoon 100 Quick Connects to Sewer; 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, Lober, Tobia, Smith, and Zonka

**F.2. Approval Re: Transportation Impact Fee Technical Advisory Committee for Merritt Island/North Beaches Benefit District Project Funding Recommendations**

The Board approved the project funding recommendations in the amount of \$589,000 as prepared by the Technical Advisory Committee for the Merritt Island/North Beaches Benefit District on February 28, 2022; and authorized the Budget Office to execute any Budget Change Requests necessary for implementation of these recommendations.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.3. Acceptance, Re: Binding Development Plan with Michael and Malena Stewart**

The Board executed Binding Development Plan with Michael and Malena Stewart, for property located on a parcel of land being a portion of Block H of A. & B. Bruners re-subdivision of Blocks A, H, J, K, and parts of Blocks C & I of A.L. Bruners re-subdivision of Burchifield & Bruners Addition to Crescent Beach.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.4. Approval, Re: Donation of Temporary Construction Easement (TCE) from Rachel Mobile Home Park, LLC for the Aurora Road Sidewalk Project, Phase 1**

The Board accepted the donation of Temporary Construction Easement (TCE) from Rachel Mobile Home Park, LLC for the Aurora Road Sidewalk Project, Phase 1.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.5. Approval, Re: Performance Bond and Contract for Aripeka Subdivision, Village 2, Neighborhood 1, Phase 2 (Plat Name: Aripeka at Viera, Phase 2)**

The Board, in accordance with Sections 62-2841(i) and 62-2844(a), Brevard County Code, authorized the Chair to sign the Subdivision Infrastructure Contract for Aripeka Subdivision, Village 2, Neighborhood 1, Phase 2 (Plat Name: Aripeka at Viera, Phase 2) in substantial form as Exhibit A, upon staff receipt of the recorded deed to SFM Development, LLC; and adopted and authorized the Chair to sign Resolution 22-027, in substantial form as Exhibit B, releasing the current Contract with The Viera Company, and associated bond, after the execution of the new Contract with, and receipt of the necessary bond documents from SFM Development, LLC.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.6. Request Permission to Issue Invitation to Bids, Request for Proposals, and Requests for Qualifications (FY 2022) Funded by the Utility Services Department Operations and Maintenance Budget**

The Board granted Purchasing Services, on behalf of Utility Services Department, approval to perform the following actions regarding the attached list of commodities and services for Fiscal Year 2022:

- Solicit a competitive Invitation to Bid to the lowest most responsive and responsible bidder for the projects outlined in the Summary Explanation and Background i.e. projects 1, 4, and 5 as listed on the Agenda Report.
- Solicit a competitive Request for Proposals and Requests for Qualifications; approve the recommended selection and negotiation committees; and award contracts and/or purchase orders per the selection and negotiation committees' recommendations.
- Exercise renewal options upon evaluation of supplier performance and recommendation from Utility Services staff with the approval of Purchasing Services. This establishes that

continuance of the contract is favorable prior to renewal of the agreement.

- Authorize the Board of County Commissioners Chair to execute all contracts, contract renewals, contract amendments, and any necessary contract extensions that exceed \$100,000 in total aggregate value, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.7. Approval, Re: Contract with the School Board of Brevard County for the Summer Food Service Program**

The Board authorized the Chair to execute the Contract with the Brevard County School Board to provide a summer food service program at twelve summer camp sites in accordance with the Sponsor Contract between Board of County Commissioners and Florida Department of Agriculture and Consumer Services Division of Food, Nutrition, and Wellness.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.8. Approval, Re: Federal Transit Administration Fiscal Year 2022 Certifications and Assurances**

The Board approved and authorized the Chair to sign the Fiscal Year 2022 Certifications and Assurances for Federal Transit Administration (FTA) Grants; and authorized you to execute the Certifications and Assurances electronically.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.9. Approval, Re: Authorizing Resolution, Grant Application, Certifications and Assurances, Executive of Follow-Up Grant Agreement for FY2022/SFY2023 Space Coast Area Transit Section 5310 Formula Grant with the Florida Department of Transportation**

The Board approved the following actions for FY2022/SFY2023 Section 5310 Formula Grant for Enhanced Mobility of Seniors and Individuals with Disabilities with the Florida Department of Transportation (FDOT) in the amount of \$370,000:

- Authorize the Chair to sign the Authorizing Resolution No. 22-028, FDOT Certifications and Assurances, and Federal Form SF424: Application for Federal Assistance.
- The use of FDOT Toll Revenue Credits.
- The Transit Services Director to sign the Grant Application – Applicant Information, Applicant Eligibility, Grant Application Cover Letter, Transportation Plan Certification, Proposed Budget, Standard Lobbying Certification, Leasing Certification and the Certification of Equivalent Service.
- If necessary, the Transit Services Director to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approvals.

- Authorize the Transit Services Director to execute any additional follow-up documentation, resolution, and amendments necessary to secure these funds.
- Authorize the County Manager to execute any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.10. Authorization to Advertise Invitations to Bid for Wireless Co-location on Existing County-owned Towers that are Part of the 800MHz Radio System**

The Board authorized advertising via Invitations to Bid for future wireless co-location assignments on the County-owned towers dedicated to the 800MHz Public Safety Radio System, as new spaces become available during Fiscal Year 2022; authorized the County Manager, or his designee, to execute the licenses and any additional changes, documents, administrative or budget actions, as well as any amendments to the licenses, subject to approval by the County Attorney's Office and Risk Management; and directed the associated revenues to support the operation, maintenance, and enhancement of the 800MHz Public Safety Radio System.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**Nay:** Lober

**F.11. Authorization to Advertise Invitations to Bid for Wireless Co-locations on County-owned Properties/Towers Listed on the Wireless Telecommunications Facilities Master Plan**

The Board authorized advertising via Invitations to Bid for future wireless facilities development/co-locations on the County-owned properties/towers listed in the Board approved wireless Telecommunications Facilities Master Plan, as new requests are received during Fiscal Year 2022; authorized the County Manager or his designee to execute the licenses and any additional changes, documents, administrative or budget actions, as well as any amendments to the licenses, subject to approval by the County Attorney's Office and Risk Management; and authorized the County Manager to direct the associated revenues to the Emergency Operations Center Funding.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**Nay:** Lober

**F.12. Sheer Look Homes, Inc. Code Enforcement Liens**

The Board authorized the County Attorney's Office to file foreclosure action against Sheer Look Homes, Inc. based on Code Enforcement liens totaling \$10,054.26.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.13. Request for Executive Session: Rachel M. Sadoff v. Board of County Commissioners of Brevard County, Florida, et al, Case No. 05-2019-CA-058736**

The Board approved the cost of advertising for and the scheduling of, a private session on April 19, 2022, at the conclusion of the meeting of the Board of County Commissioners pursuant to section 286.011(8), Florida Statute, for the purpose of discussing litigation strategy and settlement negotiations in the case of Rachel M. Sadoff v. Board of County Commissioners of Brevard County, Florida, et al, Case No. 05-2019-CA-058736.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Smith, and Zonka

**Nay:** Tobia

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

On the recommendation of Commissioner Tobia, the Board acknowledged the reappointment of **Monique Miller** to the Marine Advisory Council. Said term of appointment expires December 31, 2023.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.15. District 5 Purchase Order Records**

The Board acknowledged receipt of purchase order records from District 5 Commission Office.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.16. District 1 Purchase Order Records**

The Board acknowledged receipt of purchase order records from District 1 Commission Office.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.17. Amended District 3 Purchasing Card Records**

The Board acknowledged receipt of the amended purchasing card records from District 3 Commission Office.

**Result:** Approved

**Mover:** Curt Smith



**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**F.18. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved

**Mover:** Curt Smith

**Seconders:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**H.1. Petition to Vacate, Re: Public Drainage Easement - 275 Camino Place -  
"Woodland Estates Section II" Plat Book 27, Pages 41 - Melbourne  
Beach - William J. Beauparlant**

Chair Zonka called for a public hearing to consider a petition to vacate a portion of a public drainage easement at 275 Camino Place – Woodland Estates Section II, Plat Book 27, page 41, Melbourne Beach, as petitioned by William J. Beauparlant.

Marc Bernath, Public Works Director, stated Item H.1. is a petition to vacate a public drainage easement at 275 Camino Place, Woodland Estates in District 3; he is requesting the Chair to sign the resolution; and the petitioner is requesting five feet of a 20-foot wide public drainage easement for the construction of a pool and there are no issues.

Chair Zonka asked Commissioner Tobia if there were any issues since this is in his district.

Commissioner Tobia replied he has no issues.

The Board adopted Resolution No. 2022-029, vacating a portion of a public drainage easement in plat "Woodland Estates Section II" Subdivision, Melbourne Beach, as petitioned by William J. Beauparlant. Said Resolution has been recorded in ORBK 9465, Pages 2649 through 2453.

**Result:** Adopted

**Mover:** John Tobia

**Seconders:** Curt Smith

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**I.1. District 2 Proposed Allocation of Available Funds**

Commissioner Lober stated he had a couple of changes as to what is on the Agenda, having spoken with staff and some of the Constitutional offices; with respect to number two on the Item, about staff education and/or training, he wanted to have another option in there to allow for the \$60,000 identified to be used for Brevard County Fire Rescue (BCFR) employees and Brevard County Sheriff's Office (BCSO) employees to go to the respective academies, provided they commit to work with either BCFR or BCSO for a period of time; he will work with Human Resources (HR), BCFR and BCSO to get the specifics in terms of all the requirements; and he just wanted it understood that the pool of funds could be used for that as well. He added there may be some level of local preference just to have a higher retention level in terms of the number of months; the other change is the last bullet point on the first page through the second page, he is going to strike that altogether; and everything else will remain the same.

Commissioner Pritchett stated for the second bullet point on the second page, she would be more comfortable if the Chair signs the contracts.

Commissioner Lober remarked that is fine and he would just strike that whole bullet point.

Commissioner Tobia stated he is sorry, this seems to contemplate two things; he would ask for a little more clarification on that; this has the remaining spending of the CARES Act money in total of \$481,000; the one that reads staff shall be authorized to execute any necessary Budget Change Requests (BCR) to effectuate the above; and he asked what 'the above' now refers to.

Commissioner Lober remarked everything above, which was not stricken.

Commissioner Tobia commented that it is just the \$481,000; and he asked how that will impact the last bullet point stating this motion is in keeping with BCC-43, as approved by the Board of County Commissioners (BOCC) on September 13, 2021 which states, in pertinent part, "Each District Office has discretion and approval over the line items within their budget."

Commissioner Lober replied it renders that one irrelevant; and if he wants it stricken, he can; but it makes no difference, as it does not authorize or preclude anything.

Commissioner Tobia responded he was wondering what the change would be.

Commissioner Lober remarked if he wanted to take it out, he really does not care because it has no impact with the first one that he mentioned striking.

Chair Zonka asked to be clear, he is not requesting the audit.

Commissioner Lober replied he is not even addressing it in this; it is not that he is requesting it or not requesting it; and this action has nothing to do with that.

Chair Zonka remarked okay, but this was part of this Item.

Commissioner Lober replied right, but it has been stricken.

Chair Zonka stated she just wanted it clear.

Commissioner Lober stated he would make the motion just so it is clear; he does not want there to be any ambiguity; the motion is to approve this as-is, with the only changes being with expanding the pool that is identified under number two, the \$60,000 pool to allow for BCFR and BCSO academy costs for a person that signs up with either such agency; he will work with HR and the respective agency to determine what requirements are put in place for that; he is striking the final bullet on the first page which runs onto the second page; he is also striking the second to last bullet on the second page which Commissioner Pritchett suggested; and otherwise it is unchanged.

Chair Zonka asked if the last two bullets were stricken also.

Commissioner Lober replied if the Board wants; and he asked Commissioner Tobia.

Commissioner Tobia remarked since the bullet point above has been stricken, he thinks for clarity it may be simpler to say "whereas the version of this Agenda Item presented on March 8th", everything from that bullet point down, is not needed.

Commissioner Lober interjected to say the BCR part is needed.

Commissioner Tobia responded okay, that is correct to effectuate the changes that could come, with the exception of 'staff shall be authorized to execute any...'

Commissioner Lober interjected for clarity's sake, he will reiterate the motion one last time; the changes that were referenced with respect to number two, the \$60,000 pool, that is contemplated as being changed as discussed; everything beginning with 'whereas the version of this agenda item presented' through the end of the Agenda Item, with the exception of the line addressing necessary BCR's, all the stuff that follows is stricken for purposes of the motion; and he asked if the Board was on the same page.

Chair Zonka asked if the Clerk understood.

The Clerk responded affirmatively.

Commissioner Tobia stated he thinks that this was a suggestion that came from his office a few weeks ago; it puts him in a tough position because he asked Commissioner Lober to bring this forward and he did; he had an issue with some of the mailing going out, not that he thought there was any mal intent, and it was taken out; it looks like this is going to be largely, if not exclusively, filtered directly through the County offices; and it looks like he took quite a bit of effort. He added he was going one direction before everything was stricken from this; he is having trouble finding issues; he wants to hear from the rest of the Board; and he is inclined to go from a no to a yes on this, right now.

Commissioner Pritchett stated she thinks this is a good outline now; she asked with the funds that are left, if the Board is able to designate those to Public Safety; she does not think it is a large amount; but it would be nice to get this tied up.

Commissioner Lober replied no, if she would look at the second to the last bullet point, in the original Agenda Item as it appears in Legistar, it all goes to Infrastructure.

Commissioner Pritchett remarked that she should have read that, perfect.

Commissioner Smith stated he just wanted to make sure and asked if this depletes all funds that Commissioner Lober has from CARES Act.

Commissioner Lober replied yes, that is the last item that he mentioned with respect to anything that is left over, if any, will go to Infrastructure; he mentioned the problem is he does not know exactly how much has been used out of some of the programs, as there could be things that are ongoing where he does not know the precise numbers instantaneously; but this is very close.

Chair Zonka asked who is setting the criteria for the education and training.

Commissioner Lober replied he would work with staff to set them.

Chair Zonka remarked she would prefer if staff set the criteria.

Commissioner Lober responded again, he would work with staff to set the criteria; and if that means she is a no vote, then be a no vote.

Chair Zonka remarked she is not trying to be a no vote, she is trying to understand what Commissioner Lober is asking for because there is a significant amount of money there and she wants to make sure that it goes toward a policy that is already in place, that covers staff training; and if he wanted to add additional, she wants to have that clarified.

Commissioner Lober asked what she would like to know specifically.

Chair Zonka asked if it was paying for certifications that are part of someone's job description or paying for education that is related to their job; and she noted it does not specify.

Commissioner Lober apologized and stated he thought it was extremely clear in the Agenda Item where it says education and/or training for skills usable within the department.

Chair Zonka mentioned there was education and skills that are paid for out of the office budgets that she would not have agreed on paying had it come back to the Board; and she would like to see that criteria or staff to develop it.

Commissioner Lober asked what she has seen that would be compliant with this policy that she has an issue with.

Chair Zonka replied she has an issue with him setting the criteria for the education and training; and she advised she prefers staff to manage that.

Commissioner Lober responded again, he is planning on working with staff; and if she needs to vote no, then vote no.

Commissioner Pritchett stated she knows what Commissioner Lober and Chair Zonka are saying; she asked if he could pull this part out and come back with what he is specifying; and she mentioned she thinks it makes it easier.

Commissioner Lober replied to let him see how the other votes line up first, because he just wants to get this done since it has come back twice now.

Commissioner Pritchett stated he has done a lot of good work; he has gotten everything very, very clear; and she just thinks if there is something he can think about for the next few minutes of how to clarify it.

Commissioner Lober replied he did not know what is unclear that she would like him to clarify; he has already mentioned there were a couple of concerns; number one, that the person would actually enlist with the Department, if it goes in that direction, as far as paying Academy costs; he mentioned local preference, if it is lawful, but these are things he has to work out with staff to determine how many of them he is actually able to implement; and he does not want the money that otherwise would have gone to this from other programs to now disappear and go to something different and have this replaced that is intended to supplement what is already in place, not to replace it so that money is freed up from these for something he would not necessarily approve of.

Commissioner Pritchett inquired if he wants this in addition to the funds that are already there.

Commissioner Lober replied right, that is what he is looking for.

Commissioner Pritchett stated she understands; and suggested to put that into it, that these are additional funds.

Commissioner Lober stated he is fine adding that, although the motion contemplates that because he has put it out there at this point.

Commissioner Pritchett remarked it is just the only thing that he does not have in there that is totally clear; and she asked for a five-minute break so Commissioner Lober can reframe that.

Commissioner Lober replied yes, he will try to add a little more detail; and he does not know if it is going to cover what is being looked for or not.

\*The Board recessed at 9:41 a.m. and reconvened at 9:47 a.m.

Commissioner Lober stated he drafted something up real quick and he had Abigail Jorandby, County Attorney, take a look at it, and she is good with it; the motion is as it was before, however, the section that start with the number two will read as follows: staff education and/ or training for skills usable within department (coordinated through Human Resources). This shall not be used to reimburse any elected official, department director, or assistant department director. It shall not be available to any Commission office employee. No individual staff member may receive more than \$3,000 in reimbursement from this funding source. This pool of funding may also be used to supplement any existing funding to cover in-State tuition costs for those BCSO and/or BCFR recruits at Eastern Florida State College (EFSC). There may be a commitment requirement imposed by either BCFR and/or BCSO with respect to recipients of this funding. Absent a prohibition on local preference, this shall be restricted to residents of Brevard County and/or a physically-adjacent county. As with staff, this too shall be limited to a maximum reimbursement of \$3,000 per first responder; and he asked if the Board was good with that.

Chair Zonka replied she is good with it.

Commissioner Smith stated that is an awful lot of wording to say something that simple; that is a blessing; and he has told Commissioner Lober that he has a way with words before.

Commissioner Lober asked if that is good or bad.

The Board approved the reallocation of District 2's available funds as directed:

Of the roughly \$5 million originating from CARES Act funds delegated, by the Board of County Commissioners (BOCC), to District 2 to allocate, roughly \$481,000 remains available. This amount is derived from a combination of an intentional set-aside for future allocation and programs which ran under budget. The categories which ran most substantially under budget include indigent burials and "other feeding, housing, or employment nonprofits." The former has approximately \$151,000 available. The latter has roughly \$131,000 available. The set aside has roughly \$137,000 available. Other programs also ran under budget, including vaccine freezers for independent pharmacies which has approximately \$43,000 remaining available. This item primarily seeks to reallocate available funds from the above-referenced \$5M funding pool and assign those available funds as follows:

1. \$416,000: Infrastructure projects (coordinated through Utilities and/or Public Works)
  - a. As additionally detailed in below bullet points, County Budget may initially split this allocation with \$208,000 going to Utilities and \$208,000 going to Public Works.
2. \$60,000: Staff education and/or training for skills usable within department (coordinated through Human Resources). This shall not be used to reimburse any elected official, department director, or assistant department director. It shall not be available to any Commission office employee. No individual staff member may receive more than \$3,000 in reimbursement from this funding source.

This pool of funding may also be used to supplement any existing funding to cover in-State tuition costs for those Brevard County Sheriff's Office (BCSO) and/or Brevard County Fire Rescue (BCFR) recruits at Eastern Florida State College (EFSC). There may be a commitment requirement imposed by either BCFR and/or BCSO with respect to recipients of this funding. Absent a prohibition on local preference, this shall be restricted to residents of Brevard County and/or a physically adjacent county. As with staff, this, too, shall be limited to a maximum reimbursement of \$3,000 per first responder.

3. \$5,000: Indigent burials (coordinated through Housing and Human Services).

- The above allocations shall be the only authorized allocations from funds remaining available out of the \$5M pool discussed above.
- County Budget may allocate funding amongst the following departments:
  - Item 1: Utilities and Public Works
  - Item 2: Human Resources
  - Item 3: Housing and Human Services
- Should items (2) and/or (3) fall under anticipated budget, County Budget may reallocate any remaining available funds from these five items toward item (1): Infrastructure projects, increasing the total allocated from the initial allocation of \$416,000.
  - Any such reallocation shall be to either Utilities and/or Public Works.
  - In no event shall funds allocated exceed available funding.
- In consultation with County Budget, as dollar figures are approximate, should there be any differential, that differential shall be applied towards (1): Infrastructure.
- Staff shall be authorized to execute any necessary Budget Change Requests to effectuate the above.

**Result:** Approved

**Mover:** Bryan Lober

**Second:** John Tobia

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**J.1. Legislative Intent and Permission to Advertise an Amendment to the Brevard County Code of Ordinances Modifying Section 74, Article VI Brevard County Code, Pertaining to Restrictions for Sexual Offenders and Sexual Predators**

Abigail Jorandby, County Attorney, stated this is legislative intent and permission to advertise an amendment to Section 74 of the Brevard County Code pertaining to sexual offenders and sexual predators; this is just legislative intent; a proposed draft ordinance will be brought back; and this is in relation to providing for an exemption for County government buildings for the limited purposes of conducting County business and accessing government services.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

**J.2. Legislative Intent and Permission to Advertise Proposed Amendments to Section 106-1, Brevard County Code, Pertaining to the Safe Use of Public Streets, and Creation of a New Article in Chapter 106 Entitled: "Article V. - Pedestrian Safety Ordinance" Providing for Restrictions on Individuals Standing, Sitting, or Remaining within Certain Areas Located Along the On and Off Ramps of Interstate 95 and Arterial and Collector Roads within Brevard County**

Abigail Jorandby, County Attorney, stated this is also legislative intent and permission to advertise proposed amendments to Section 106-1; this is safe use of public streets; this is for pedestrian safety ordinance; this is just for legislative intent and permission to advertise; the proposed ordinance will prohibit either individuals from making physical contact with any vehicle, any lane of traffic, stopped at a traffic control device or an intersection, or exchanging any physical item with an operator/occupant of a vehicle, within any lane of traffic, stopped at a traffic control device or an intersection; and essentially, defines roadways, medians, obstruction of traffic, pedestrians and the like, in order to fully inform the public as to prohibited conduct which would be specifically stopping, standing, or sitting in that area and conducting this behavior with motor vehicles. She added there are penalties to this provision, but this is legislative intent and permission to advertise; and the actual ordinance would be brought back for the Board's consideration.

Hannah Durocher stated she is six months pregnant and she has been homeless on and off, throughout, in the Melbourne area, living in hotels when the mutual aid group could help her; she has gone to Daily Bread, Salvation Army, and all throughout the County trying to find help; she works at night now; and she is thankful to the mutual aid group that has helped her to stay clean and fed. She added she did panhandle, but in the safest manner by standing on the side of the street and letting them decide if they wanted to help her; if the light is green, you do not go near them, obviously; she has been hassled by cops, told out of sight, out of mind, and pretty much told to go to a tent in the woods; and then later be kicked out and trespassed. She claimed the cops have actually directed her in which way to go, but she went the other way, though; other than that, the cops have left her alone on the side of the road because she does not attempt to go up to vehicles and ask for money; she noted she holds her sign which lets them know what is going on in her life; she has made some bad decisions but it is not like people would think; her car broke down in Kentucky and she ended up here; and she is stuck. She stated she now has two jobs; she works Door Dash because of a co-worker she made friends with; with her wife having a job, and him having a job, they are still struggling, as there is no low-income housing; she is on disability as well and still cannot find help; to her, panhandling was the only way she could find the clothes she needed for her job, the food she needed to keep her going, a motel room here and there to get washed up every couple of weeks; and everybody yelling at her making her feel horrible. She mentioned not being able to use a public restroom because she is homeless, or told to get off the property; it is a horrible situation, especially being pregnant; even just being a human and treated this way because she couldn't make it right off the bat; she started from nothing and is living at a hotel paying \$606 per week, when she makes \$634 every other week; unless she can get some low-income housing or some more funds for people who are actually trying to help themselves, the County will still see panhandling; and that is just to keep them alive and is barely working. She commented she understands the safety portion, but if she is doing it safely, she does not feel she should be given a hard time, as she is just trying to survive on what she is given.

Commissioner Lober stated he met with some folks yesterday at a church in Merritt Island who were bringing up the low-income housing topic; he spoke to Ian Golden, Housing and Human Services Director, yesterday about a couple of items that were discussed at that meeting; one was in respect to impact fees and what could be done as far as encouraging developers to build more low-income housing; he believes the County already has a waiver for the transportation impact fees, or a portion thereof; but he does not know to what degree other impact fees may be lessened or waived to facilitate that. He mentioned he has Mr. Golden looking into that now; his other thought was that the County owns a ton of vacant land and he knows a lot of it could be auctioned to make some money and get it back on the tax rolls; if there is land that is not tremendously valuable, especially if it is consistent and compatible with low-income housing, he thinks it is something to keep in mind; he thinks there may be a stigma

that low-income housing ruins a community and he does not think that is the case; and he thinks people should keep their minds open as far as what can be done to facilitate building low-income housing projects.

Commissioner Smith stated he agrees with Commissioner Lober; he has seen developers that have come to his office and he thinks some of these housing projects look good; when he hears stories like the speaker's, it is heart-wrenching; he would like to see the Board do something, if possible, to help these people; this was in no way intended to punish anyone, as it is strictly a safety issue; it is a shame that there is collateral damage pursuing this; but he thinks, in the light of trying to keep people safe, he thinks this is necessary.

Commissioner Pritchett expressed her thanks to the speaker for having the courage to come up and speak, as she knows that is not easy; she stated as the advertising is being done for this, she thinks it might need to figure out specific areas to be looked at because there are some dangerous areas; the intent is not to take away someone's ability to receive charity; and she knows that the speaker already knows about Section-8 and first housing and they are hard to get into. She mentioned talking about affordable housing, some of them are still \$1,500 a month; she does not know how to get a type of housing in where it is really actually affordable for people who make six or seven hundred dollar a week, so that will be a challenge; she thinks Commissioner Lober had a good idea; if the County were to do a grant for the property and the builders build it, maybe something could be worked out with them; maybe tax abatements with low-income housing; but this is definitely an issue and she is looking at it too. She added she prays that the speaker is able to find everything she needs to support herself and her children; this is a big subject; she is in favor of advertising this and the Board needs to think if there are some things that have undue consequences in it; but she thinks the flavor of this ordinance is good because there are safety issues as well.

Nathan Slusher stated Commissioner Pritchett just hit the point he wanted to speak about; in Section 106-203 of the prohibited acts, what he is worried about is unintended consequences; while he feels this was built for public safety around panhandling, if it was built to protect the Interstate 95 interchanges, which is where it could be very dangerous, and transportation planning authority can come here and show the statistics that the County has of people hit on Interstate 95; if on and off ramps are prohibited, then that is definitely a safety thing; but the way this is written, it prohibits a lot more than just panhandling on Interstate 95. He stated it prohibits firefighters from doing charity events at the intersections in District 1; it prohibits the protesters who are out on US Highway 1 handing out documents; it prohibits any kind of political advertising; and it prohibits far more than just panhandling. He added he wanted to encourage the Board, before it is advertised, to amend this so that it does not have unintended consequences; and if the County needs to protect Interstate 95, because that interchange is dangerous, then protect the Interstate 95 on and off ramps, as he thinks that is completely understandable.

Mari Peele, Vice Chairwoman of the Libertarian Party of Brevard County, stated when she read this on the Agenda, she saw safety, the ramps for Interstate 95, and was disappointed when she read it further into the details and felt that it was misleading; although there were statistics about safety, this was clearly about panhandling and addressed much more than Interstate 95; it even addressed sidewalks, not even directly where it was speaking to; her main issue with this is that, instead of working towards resolving the root causes of panhandling, which is clearly what this aims towards, it puts further burdens on Brevard residents which, to her, whether that person has a home here, or not, or a place that they can call a home, they are a resident here; and there are people in Brevard County that need help. She added instead of resolving root causes, which she has heard discussed here, but she is talking about the actual wording of what is being proposed; it puts burdens and aggravates the situations because it says giving up to a \$500 fine or six months in jail; so there is someone who is in need and they



are put in a position to choose between will they get their next meal, will they be able to pay for whatever housing they are in, or get more food for their family, or do they go ahead and break the law and do this; either way, they are going to be in need; and then they have a \$500 fine, which they would most likely not have the money to pay in the first place, or six months in jail, which would mean they would not have been able to work or earn more money. She stated that is aggravating the situation; and she requested this not be put up unless it is written in a way that helps with the root cause instead of putting burdens on people who are already in need.

Commissioner Lober asked Attorney Jorandby if the Board could advertise this somewhat broadly so that it can factor in and adjust some of the concerns that were brought up today; he commented what he would like to do is take a look at it and see what could be adjusted; and he is concerned that it does not get advertised so narrowly that he is not able to do that.

Attorney Jorandby replied absolutely, it can be addressed as far as the advertisement is concerned.

Commissioner Lober stated if it is advertised broadly, he would support it today.

Commissioner Tobia stated first of all, he wanted to thank Commissioner Smith for bringing this forward; that is twice now that he has come up with stuff that has required himself and his staff to do quite a bit of work, though he has been on the opposite side; he wanted him to know he really, really, appreciated that and wanted Commissioner Smith to know that when he comes up with something and he is in support, he will do just as much work to help him cross that line; he suspects he will not need it; but with that being said, he has a few, and he means quite a few issues with this that he would like addressed and maybe he can give some answers. He mentioned he understands this is just to publicize, however, he has shown his flexibility already on this on some changes that have come forward; he believes this ordinance has nothing to do with public safety, and is exclusively about panhandling; it is a shame that is being hidden behind that because, as he is sure the Board is well-aware of panhandling being protected under the first amendment; he does not want to say this is a war on the poor, but there are homeless veterans, and freedom of speech; and he thought Commissioner Lober would be concerned with the fourth amendment, which adds search and seizure on here. He added he has three primary areas of concern that he would like to hear the Board's opinion on whether it was meant to go down that path or maybe that is something Commissioner Smith could address; this is something he would have handled behind the scenes, but with Sunshine Law, he does not have that luxury; that is why everything is so much smoother in Tallahassee than it is here; and there are three basic categories: safety, cost, and unintended consequences. He stated he will begin with safety, and one can tell a lot about an ordinance in the whereas clause, as if it is mentioned over and over and over, it probably has nothing to do with that; there are some cherry-picked statistics that were used such as the Space Coast Transportation Planning Organization (SCTPO) report; and he asked if Commissioner Smith was aware that there is a more recent report that shows that the number of accidents have actually decreased since the one that he put up.

Commissioner Smith replied no, but that does not surprise him because it is a fluctuating number.

Commissioner Tobia reported it decreased by a large percentage, by more than 100 percent between the report that he had and the more updated 2020 report.

Commissioner Smith replied no, he was not.

Commissioner Tobia stated he is sure that Commissioner Smith is probably aware that Melbourne City Council passed an ordinance and coincidentally, struck panhandling, dealing with almost word for word the same here; this took place in June 2021, and if this is truly about safety, he is sure he looked at whether the traffic accidents increased or decreased, as he does not know the answer to this, so he is asking; and Melbourne has the same ordinance so he asked if this was effectual for decreasing the number of accidents.

Commissioner Smith remarked he did not know if that could be quantified because the point is...

Commissioner Tobia interjected it is quantified in the SCTPO, so it actually is quantified as severity, injury, and death.

Commissioner Smith responded that he is using such a small portion from June until now, which is nine months; and whatever numbers that would come from a nine-month study, he does not know, short of about a five-year study, if it can show the trends.

Commissioner Tobia stated okay, God creates a baby in nine months; he mentioned the City Attorney of Melbourne, in the City Manager's report dated June 8, 2021, says in 2019, the City Attorney's Office provided a recommendation to the Melbourne Police Department that it stop enforcing the 2014 panhandling ordinance and instead, rely upon and enforce existing State laws governing pedestrian traffic; again, it is very coincidental that this happens all at the same time, and he is sure it is just a coincidence; there are State laws that govern safety; and he would be more than willing to go over those, but he is sure Commissioner Smith probably looked at those prior to this. He stated Statute 316.2045 says a person may not willingly obstruct free, convenient, normal use of public streets, highways, and roads; he asked why is more needed when there is a City Attorney saying that this is the way to go; and he asked if he had contemplated what ability law enforcement has to effectuate the State Statutes that prohibit actions that are not safe in roadways.

Commissioner Smith replied he has and he also conferred with the Sheriff; he remarked the concern is for the intersections that are extremely heavily traveled, like Ellis Road, Wickham Road, Pineda Causeway, among others, not just the Interstate 95 ramps; there are already a lot of accidents at these intersections, and there is a lot here in the County; this is not taking people's ability to panhandle away; they are out there trying to supplement the income that they are already making; and he wants to make sure that they are safe, and not running the risk of injury to themselves or drivers. He added these people can still go into parking lots and ask for help there or pick the roads and corners that are less traveled; he is looking at main arteries here; people do move and people do not pay attention; look at all the wrecks that are at these busy intersections; these drivers have a hard enough time just negotiating red, yellow, and green lights; and that is the impotence here, as he is trying to save lives.

Commissioner Tobia stated for any people who do not have homes, he understands the intent of what Commissioner Smith just said, but asked that they do not follow that; and there are multiple State Statutes that deal with trespassing where that is expressly prohibited.

Commissioner Smith remarked sidewalks, public sidewalks at the entrance of a...

Commissioner Tobia stated he just wants to make sure, as that is private property; and they have the ability to maintain certain types of behavior.

Commissioner Smith stated he is not suggesting that anyone go on private property.

Commissioner Tobia stated the second one here is the one that really got to him, which is cost.

(audio cut out)

Commissioner Smith responded whatever, that is part of their job.

Commissioner Tobia stated he is assuming that most of the folks that were panhandling would be indigent and would need a Public Defender; and he asked if he had reached out to the Public Defender's Office to find out the cost on taxpayers for the defense of this.

Commissioner Smith replied no.

Commissioner Tobia asked what about the cost associated with the judicial process, as it is constantly heard that judges are overworked; and he advised the Clerk of the Court has said that there are issues scheduling.

Commissioner Smith responded he understands the question and he is sure it is a valid question, but at the same time he is thinking that when a person is at a stop sign and realize they are supposed to stop because that is what is required, they stop; he is sure that the word will get out in the community that a person is not supposed to stand on an island in an intersection and panhandle or hand out political literature, as it is not a safe thing to do; and he does not know that he has an answer for that.

Commissioner Tobia stated for 2019-2020, it appears it is an average of \$66.48 to keep an inmate in prison; as a misdemeanor, this would allow for up to 60 days, which is roughly \$3,900; when other factors are added in, it could be \$4,000-\$5,000 very easily; and he asked if this is really the wisest use of taxpayer money to enforce this at that cost.

Commissioner Smith responded again, his concern is safety and if one life is saved, he asked what that is worth.

Commissioner Tobia remarked when he asked about the nine-month period in which his ordinance had gone into effect in Melbourne, he got the response that he had not looked at it; if it was truly safety, would not the response have been yes, there has been a certain amount of decrease; but the answer he got was no; and if it truly was safety, he asked why would he not give Melbourne a bit of time to see if dealing with panhandling, or public safety, was taken care of and then try to craft an ordinance that did what worked for them.

Commissioner Smith interjected and stated he did not dive into it deeply but he did talk to several people in Melbourne and they considered this to be a step forward in safety.

Commissioner Tobia replied great, and remarked he had also spoken with the Sheriff; and he asked if he had spoken with the Public Defender or the State Attorney, two other integral parts of this; if the Sheriff arrests, then it is the State Attorney that would have an additional burden, along with the Public Defender.

Commissioner Smith replied no.

Commissioner Tobia stated finally, this was mentioned up here and he did not get protests, but he did get some fun ones here and he addressed them; some of them were taken care of with an edit; he has some pictures to show and he described the first one showing a firefighter handing a boot to a driver; he stated Section 106-203 would prohibit this activity taking place or make it a misdemeanor; by the way, he spoke with some folks at muscular dystrophy as well as St. Baldricks, which he knows is near and dear to Commissioner Smith's heart; and he asked if it was his intent to make this a misdemeanor punishable by jail time and a fine.

Commissioner Smith replied if it saves a life, yes.

Commissioner Tobia asked if he was aware of any firefighters having been killed handing over a boot.

Commissioner Smith replied no.

Commissioner Tobia stated the next one is interesting; a robot is seen handing candy to a child; this was probably the Brevard County Sheriff's Office, probably on a non-arterial road; the change would fix this, which is good because he does not know whether BCSO would arrest either the robot or the officer controlling the robot; but that is fixed so robots are safe now.

Commissioner Smith commented this child does not look like he or she is in a seat belt either so how safe is that.

Commissioner Tobia remarked or a booster seat; that is Thad Altman, so good call; another picture shows COVID relief efforts of donations, food supplies, and testing; he asked if Commissioner Smith was aware that during the pandemic, food was handed out in front of his office on Palm Bay Road; and he asked Commissioner Smith if his intent was to make this activity a misdemeanor punishable by up to 60 days in jail and a \$500 fine.

Commissioner Smith remarked his intent is to save lives, period; Commissioner Tobia can show all the pictures he wants, but the answer is always going to be the same; it comes down to safety; and if he can guarantee him that these folks are going to be safe and not injured, or the drivers will not run into the back of someone because someone was stopping...

Commissioner Tobia asked for the next picture and stated this was taken care of but he just wanted to point out how poorly the document was drafted; and he noted this is a parade in Melbourne just before the changes were made and this activity would have been punishable by a \$500 fine and 30 days in jail.

Commissioner Smith asked if Commissioner Tobia is going to vote no.

Commissioner Tobia remarked there is more; and asked for another picture.

Commissioner Smith asked again if he was going to vote no, as he is wasting a lot of people's time here.

Commissioner Tobia responded by infringing on people's first amendment rights, and creating a war on poverty.

Commissioner Smith replied he is not infringing on anyone's rights; that is Commissioner Tobia's opinion, which he is entitled to; and for him to vote no.

Commissioner Tobia remarked it is not his opinion; and he stated he hated to do this but he is going to, Proverbs 14:31, whoever oppresses the poor shows contempt for their maker, but whoever is kind to the needy honors God.

Commissioner Smith exclaimed Amen.

Commissioner Tobia asked Amen; he stated do as I say, not as I do; and he asked for the next picture which was during the pandemic.

Commissioner Smith remarked well, that looks safe.

Commissioner Tobia stated there were drive-by birthday parties to make sure that COVID-19 was not transferred; and here is a picture.

Commissioner Smith asked if that was in a private driveway.

Commissioner Tobia stated here is the deal; the initial proposal...

Commissioner Smith interjected that it is not in there now.

Commissioner Tobia stated his point is that he can make it better; and he is slowly, slowly, slowly...; and he showed another picture.

Commissioner Smith suggested that Commissioner Tobia could constructively help make it better...

Commissioner Tobia exclaimed it appears as though he spent more time on it than Commissioner Smith did at this point.

Commissioner Smith replied perhaps.

Commissioner Tobia described the next picture saying certain churches provide necessity packages for people that include things like body warmers, soaps, and foods; the way this is written, this would become a misdemeanor; and he asked if that was the intent.

Commissioner Smith replied of course not.

Commissioner Tobia stated finally, this picture shows something very important to him, which was fixed already, the ice cream trucks; but what this did, and he has a concern with, and constituents would have concerns, is the panhandlers are generally on larger streets where the traffic is greater, and more opportunity; Commissioner Smith got rid of all public streets and just made it the more traveled ones; and he asked Commissioner Smith if he was concerned that this will move the panhandling from the larger public roads to the smaller residential streets.

Commissioner Smith replied well, if they want to, again, this purpose is for safety, and if they find they cannot do this on busy intersections anymore, then he is sure they will filter out to other intersections if it is lucrative enough; and if it is successful, they will do it, if it is not, they will not; and it is free enterprise.

Commissioner Tobia reiterated that this is all about safety; he stated let him just end here and then Commissioner Smith can sum it up; Benjamin Franklin once said those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety; it is amazing the sheer volume of quotes dealing with poverty that can be found in the bible; basically, the short of it is be nice to poor people; and he does not know that this does it. He added here is where he has another issue on this, it is hypocrisy; as a candidate for office, he asks people for money more times than he would like to admit; the bad thing is he asks for hundreds and thousands, capped at \$1,000 at a time; if they have a spouse, he can ask for \$2,000, and if they have kids, he can ask for even more; there is no way he can look at an individual up here who is six months pregnant, trying hard, that is asking for a couple bucks for a shower and a meal, and say it is okay for him to ask for thousands and it is not okay for that individual to ask for a couple bucks; she is an adult, can make decisions, and it sounds like she is doing this safely; and without updated evidence that this will actually work, it just does not seem like an equitable direction to go. He stated be nice to poor people and this one he does

not understand; he finds that the Board is extremely nice to rich people, as it gives Walmart millions of dollars, and Blue Origin millions of dollars, but there is a homeless person and the Board is saying they cannot go ask for a couple of bucks; if that is not hypocritical, he does not know what is; he thanked Commissioner Smith so much for bringing this up, as he loved delving deep into this; and he could go into the legal arguments, because this has been dealt with on the Supreme Court, but he is not an attorney and did not want to waste time on anything. He went on to say be nice to poor people, or just do not be mean to poor people; you do not have to give them a buck but at least, give them the opportunity; he thanked the speaker for taking the time to be there and putting a face on this that is not seen; apparently it will see less of it now because she will not have the opportunity; that is her government working hard for her; and he is going to be a no on this no matter how it is amended.

Commissioner Lober stated he wanted to talk about an item from earlier in the Agenda because it relates to this; the J.1. sex offender ordinance, literally everyone up here did what was politically convenient at the time and the taxpayers are the ones who are going to be abused, as the County is going to end up paying the other side's legal costs; the ordinance that was adopted is going to be rendered null anyway; the bottom line is the Board ought to be raked over the coals for the vanity of pompousness in that decision; and he does not want the Board to make a similar decision with this. He added a few of the items that Commissioner Tobia brought up, he thinks there are easy solutions to; when he requested earlier that it look at advertising this particular item pretty broadly, it is so that some of the concerns identified can be corrected; as far as jail is concerned, he does not want to stick anyone in jail over this, as it is absolutely ridiculous; there is nothing that precludes the Board treating this as a civil citation, where there is a fine, but to waste the space in jail over something like this is just moronic; and if the possibility of jail time is removed and the fine element is left, in this State there is not an entitlement to council if there is no possibility of incarceration, so there is no Public Defender cost if the jail element is removed, which should not be there anyway. He stated the Board can carve out what is necessary to allow those things that are not wanted to be found as collateral damage as long as it does not start getting to the point where it is regulating what type of speech is acceptable and what is not; to him, the focus should be on the specific locations and identifying where the real dangers are; he heard about highway on and off ramps, which is obvious; if it is talking about roads with high speed limits, maybe that is another area, or areas where there are common collisions; and he thinks the jail component should be removed and note the specific areas which it should apply to. He mentioned he thinks this is a good idea in the sense that there needs to be a balance for the safety of folks with no infringing on what people ought to be entitled to do; it is not a situation where it is either everywhere or nowhere, but more something like a dimmer switch; if it does not meet a particular criteria that is specified, then it is fine whether it is panhandling or fundraising; and he just does not want people to get hit by cars.

Commissioner Pritchett stated she thinks the Board just explored a lot of things that she does not believe are necessary for the intent of the ordinance; she thinks Commissioner Lober had a good idea a while ago to advertise it broadly because she knows what Commissioner Smith is doing; there are some places this could be really dangerous; and she thinks this is something the Board needs to look at because, constitutionally, she wants the people to be able to get blessed, but there are such high rates of speed to deal with, especially with population picking up. She noted she thinks the Board needs to figure out how to keep people safe and not take that away; the County continues with job creation and finding ways to keep companies moving in to keep the economy going; she has been there before and she would rather make money to take care of her family than be at the mercy of others, so she gets it; if jobs could be created and people can get employed and feeling good about themselves and pay their bills, that is a good route; and the space companies coming in have greatly helped the economy. She added if people did not live through the crash from a few years ago, it is such a blessing having new organizations come in and create jobs; she thinks if the Board does a broad advertisement,

then this could be worked on; there are some areas that might need to be looked at for higher accidents; it is kind of unfair to go back and use some data with others because during COVID-19, nobody left their house so accidents went down greatly; and she thinks this might be some ideas of what to look at, like the rate of speed, without hurting people that need to have the ability to receive charity.

Commissioner Smith mentioned that sometimes when the Board sits up here and hears people talking, they would love to interrupt, but it is their job to listen, because through listening, things are learned; he has learned quite a few things, and wanted to point out to Commissioner Tobia that Jesus spoke more about money in the bible than he did about prayer; he cannot remember the exact number but he thinks it spoke about money 500-600 times and talked about prayer about 200-300 times; and money is important to talk about. He added he would like to turn to Attorney Jorandby because there is an update that covers most of this; and he asked her to talk about that.

Attorney Jorandby stated there was an update to the ordinance and uploaded to the Agenda; specifically it is addressing the arterial and collector streets, which are the more high-volume streets as defined; it is looking at those streets from the vantage point of volume of traffic, the trip length, as well as the operating speeds; she was looking at the higher speeds specifically, like Interstate 95 and the like, as well as she put in additional exceptions; and she excepted-out anyone who had a special event permit, which would impact parades and also addressing the areas that are exclusively residential districts to remove those from this ordinance specifically. She added she has been taking notes on this discussion; this is just legislative intent permission to advertise; she can incorporate a lot of those comments into the ordinance; one thing about the studies that were used is that more recent studies are going to reflect that decrease in traffic during COVID-19, so she is using the more relevant studies that show what happened before COVID-19, when there were a lot of accidents at intersections; and she was trying to make the studies relevant to what would happen now that COVID-19 is over and more people and more volume of traffic is being seen. She stated those studies were being used to show the intent was for safe streets and trying to prohibit the impacts of people entering into the traffic areas; if someone wanted to do a food drive or the like, it can be done at the church or facility; it is not the intent to prohibit the behavior, just in the traffic areas; and she has listened, taken notes and she will advertise broadly so that when it comes back, the Board should see the changes.

Commissioner Smith remarked very good; he likes Commissioner Lober's suggestion with regard to jail time being removed; and he made a motion to move forward with the legislative intent.

The Board granted legislative intent and permission to advertise proposed ordinance amending Section 106-1, Brevard County Code, adding a new article in the Brevard County Code creating a pedestrian safety ordinance in order to provide for restrictions on individuals standing, sitting, or remaining within certain areas located along the on and off ramps of Interstate 95 and arterial and collector roads within Brevard County; and providing for definitions.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Bryan Lober

**Ayes:** Pritchett, Lober, and Smith

**Nay:** Tobia, and Zonka

### **J.3. Motion for Audit of 2020 SOIRL Funds by Professional Auditor**

Commissioner Lober stated he thinks there was some discussion in the recent past, at least with the advisory board; and he wanted to see if there is an update on the status of the 2020 Save Our Indian River Lagoon (SOIRL) fund audit.

Frank Abbate, County Manager, stated when it came to his attention that the 2020 SOIRL audit was not available, he followed up with RSM, the County's Internal Auditors, and asked them to look into that issue and give him a status; RSM has performed at least part of that audit but has not completed it or sent it to the County Manager's or Natural Resources Management Office for the review process, which is part of the Administrative Order on Internal Audits; it has not gone forward to the Audit Committee or to the Board; he was advised that they have been working on that because they looked at what was done, which was an internal quality control, and saw that more needed to be done on that; and he mentioned they are present if the Board has any specific questions. He added as part of the next Audit Committee meeting, which a variety of audits will be brought to the committee, in accordance with the Internal Audit Administrative Order, he and appropriate staff will be presented with the various draft audits that they have prepared, which will include the 2020 SOIRL audit as part of that; it will be reviewed this coming Friday; he stated on April 20, 2022, is the next Internal Audit Committee meeting and the audit should be presented to them at that time; and once that is completed, it will be presented to the Board and made available online.

Commissioner Lober asked Mr. Abbate if he understood him correctly that it will make it back to the committee level in roughly a month.

Mr. Abbate replied yes, it should be in front of the Audit Committee by April 20, as he believes that is the next scheduled date.

Commissioner Lober asked at that point in time, if it is technically a public document, or does it have to come back to the Board.

Mr. Abbate replied at the time it is presented to the committee, it would be a final document, a public document, that would be shared with the committee members and then brought forward to the Board.

Commissioner Lober remarked as long as Mr. Abbate and RSM are on the same page as far as the timeline, he does not know that he needs to make a motion today; he just wanted to have some clarity because he has had a lot of folks reaching out to him specifically on this issue; and he just wanted to put it on as an Agenda Item so there is some level of formality in getting this information out there.

Commissioner Pritchett stated she thinks public trust is a bit damaged with all the conversations, but COVID-19 hit during that time period, and from her understanding, revenues were still being tested; it is hard to go to a 2021 audit without knowing 2020 was okay; she knows more testing on procurement and those types of things will be done; she stated this is the Internal Auditors; but there is also Cherry Bekaert, the External Auditors, that heavily audit this as well. She added between the two of them, because it is such a large revenue source, the more concentration goes to this than other areas; she does not have a lot of discomfort thinking something is off; the auditors do their job and help with those other things; they are told to make sure to check over this because it is such a large amount of money; she hopes they are checking with internal controls, which needs to be done, and making sure the funding is where it should be in Contracts; from what she has seen, it does not give her much



discomfort; and she is thinking that is what the report will reflect when this comes back. She stated she just wanted to say that for the matter of public trust; and she has no discomfort with the way the Lagoon funds have been managed.

Sandra Sullivan stated she did records requests for all the audits and the 2020 audit was not there, so she started digging in to the audit process to understand; she downloaded the contract form where, as she understands it, the County Manager works with RSM and the Audit Committee to give directions, so she did a records request for the directions that were provided to SOIRL; the contract also addresses Risk Assessment and in her background with large-scale accounting implementations, there would never be a person who is writing checks in the company be the person who is signing checks, as an example, because that would be representative of a risk; and looking at this, there have been concerns brought up recently suggesting maybe there are some conflicts of interest and that needs to be looked into. She added she would like to bring up the 2020 audits that were done, and in terms of COVID-19 affecting this, there were just as many audits done in 2020 by RSM as in previous years; the Director of Natural Resources Management is now only spending 10 percent of her time on Natural Resources and 90 percent of her time on SOIRL, and SOIRL is now paying for that; in her records request, she received 240 pages of communication between the Director and RSM, with one in the time frame to do with the 2020 audit; in the SOIRL meeting on Friday, it was stated by the auditors that the Director did not show up at this meeting that she had said she would be at; and they were asking her for a presentation. She pointed out when the person who is directing the direction of the SOIRL funds, and that person has also been authorized to pursue grants, and when the selection committee selects the top seven companies and the one that is ranked the fourth most-expensive gets the consulting contract, she starts to see some red flags of concern; when looking at previous audits, she found one from 2019 where conflicts of interest were found in the Tourist Development Council (TDC) which was addressed, so she did records requests for the financial disclosure forms for the SOIRL board and, apparently, there are none; and she noted it seems there are a number of issues. She indicated she also looked at purchase card transactions; that was addressed by them and there were transactions over \$1,000; and she would appreciate some feedback on this audit.

Commissioner Lober stated based on the input that he got from Mr. Abbate, and not seeing anyone from RSM flailing over there in disagreement, his thought is to not take action on this item today; he will put this off until the audit comes back, or if not, in a month or so; and the concerns that were brought up can be addressed at that time.

The Board discussed the status of the 2020 SOIRL funds by professional auditor, but took no action.

#### **J.4. Advisory Board Termination - (Intergovernmental Radio Communication Program 800 MHz Advisory Committee)**

Commissioner Tobia stated he would tell the history of this one because it is really exciting; in 2007 the Intergovernmental Radio Systems Advisory Committee was created to organize and monitor the upgrade of the County's intergovernmental radio system from four towers to nine; at the time of its inception, this committee was deemed essential, however, the project, or the ninth tower, was completed in 2019, yet the board lives on; the board has not met since 2019; and he discussed this with Matt Wallace, Public Safety Director, as well as John Scott, Brevard County Emergency Management Director and all concur that the board is no longer necessary. He went on to say the Memorandum of Understanding (MOU) in which this board was created, requires the approval from 18 cities as well as the Sheriff for termination; and he made a motion to authorize and direct staff to contact all necessary parties and request termination of the MOU.

Commissioner Lober asked whether Mr. Scott and Colonel Wallace had any concerns if this is disbanded, or would it be business as usual without this being in place.

Mr. Scott replied he had no concerns; it will be able to be handled in a Public Safety Answering Points (PSAP) meeting that occurs regularly so the dialogue and the forum will continue; and it is simply moving where that discussion takes place.

Commissioner Tobia stated for the next meeting, he will be bringing up for consideration the termination of the Emergency Medical Service Review Committee and the Emergency Medical Service Advisory Council; and he noted they are not one in the same.

The Board authorized and directed staff to contact all necessary parties and request the termination of the Memorandum of Understanding (MOU) for the IRCP 800 MHz Advisory Committee.

**Result:** Approved

**Mover:** John Tobia

**Seconded:** Bryan Lober

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

#### **J.5. Employee Fee Discount(s)**

Commissioner Tobia thanked the Board because it was with their help that it tasked staff to come up with a document that he thinks the Board has all looked at, dealing with County employee fee discounts; he advised he took the document and turned it into Policy; it should be noted that the County already has something called Recreation Partners who already receive a 50 percent discount; and the Recreation Partners are defined as "any sanctioned group that has a current Recreation Partner Agreement with the Brevard County Board of County Commissioners". He added the guidelines of the fee discount would be as follows: match the employee discount with that of the Recreation Partners, and limit the amount of annual benefits to \$500 per employee, and does not apply to any ancillary costs, which is staff time by hour, transportation, or any deposits; this does not include fines and Commissioners are exempt; it requires that a fiscal impact be tracked and this matter is brought back to the Board for a comprehensive review after one year; and the report from staff recommends a change to Resolution 16-152, specifically exhibit A "Parks and Recreation Department fee schedule" would need to take place in conjunction with the Board Policy, therefore it is proposed that the Board also approve the amendment to Resolution 16-152, to properly effectuate this course of action. He stated, in other words, he has to have two motions and he will answer any questions; the first motion is to approve the Board Policy regarding the fee discount; and the second motion is to approve the proposed amendments to Resolution 16-152, adding County Employees to category two of the fee schedule as discussed.

Commissioner Lober stated he liked the thought but will not be voting for it; his issue is with the fact that the County has had a number of increases that it has had to absorb internally and a lot of them have had to be passed along to the constituents; it is hard for him to raise anything for a constituent while it turns around and lowers costs for employees; he thinks if it did not have some of the items in the recent past he would support this; but he cannot with costs going up.

Commissioner Smith stated he shared Commissioner Lober's thoughts and he thinks they are valid points; he thinks that it is talking about such nominal numbers here that he thinks it is a good will gesture, more than anything; and he will be in favor of it.

Chair Zonka stated she likes the idea; she mentioned the County has enough trouble retaining employees because they are paid on the lower side; she does not want to say that to diminish

what they do because they do great work here; and she is just saying it is a small benefit and if it can be provided to County employees, she is for it.

Commissioner Pritchett stated Commissioner Tobia mentioned working towards maybe doing a five percent increase; and she asked if he was still working on that.

Commissioner Tobia replied yes; he thinks it is 5.38 percent to match the State increase; he stated he will have a plan to get it there as to how to get those dollars; he does not think it would be fair for him to just throw that out; that would be the delta between the proposed three percent and 5.38 percent; and it is a bit more complicated but it will be discussed a bit later because there are certain employees that need to get to \$15 per hour. He added those employees need to be taken out because the \$1.00 in effect is larger than the 5.38 percent; the delta really is not as large as what one would think; but he will have that coming up in the near future.

Commissioner Pritchett stated she would probably work more towards supporting that than this; it is one of those items that sound good but all of these are user fees, so it will directly affect the rest of the public; they are going to have to pay more; she would work more towards getting the staff rate up with the Cost of Living that is about to happen, as it is going on everywhere and it is pretty outstanding; and she will not be supporting this but she is looking forward to what Commissioner Tobia brings as far as getting the County into a competitive pace Statewide.

The Board executed and approved the proposed Board Policy – Employee Fee Discount(s).

**Result:** Approved

**Mover:** John Tobia

**Second:** Curt Smith

**Ayes:** Tobia, Smith, and Zonka

**Nay:** Pritchett, and Lober

#### **J.6. Board Policy - Tangible Personal Property (County Commission Offices)**

Commissioner Tobia stated this Item is about tangible property and to be clear, this is only covering County Commission offices; he is trying to take a closer look at tracking of tangible personal property owned by the County and in the custody of the County Commission offices; he thinks Commissioner Pritchett had begun the discussion and had done a lot of work; he wanted to get caught up with her and he thought this would get him there; and his office, with the input of Central Services and the County Attorney's Office drafted a Board Policy that applies to only County Commission offices, with the objective to lower capitalization thresholds for tangible personal property which is defined as "furniture, equipment, fixtures, and other tangible personal property of a non-consumable nature and a normal expected life of one year or more". He added the categories in the Board Policy are computers, furniture, equipment, and other fixed assets all defined within; to be clear, this does not include membership fees, continuing education, software, and approved contracts; the Board may want to look at that in the future, however, he did not have the where-for-all to put it in this Policy; this Policy requires tagging by County Asset Management if the tangible personal property is over the capitalization threshold of \$100 in each category; and the implementation of this Policy should not be cumbersome. He mentioned an example that the District 3 office has had two such items, a purchase in March 2017 for \$109.99 and another in November 2021 for \$416.23, both of which are currently exempt from the County Policy but under the new one would then need tagging; he reiterated this would only apply to County Commission offices as it would be extremely burdensome if done Countywide; and he made a motion to approve the new Policy.

Commissioner Lober stated it was mentioned that it only applies to items over \$100 and he does not know how many it will come across in a short period of time; Commission Tobia's motion, in the written portion, includes \$100 and he thinks either way there should be clarity as to what the motion is because what he said doesn't match what is written; the other thing, looking at Administrative Order 41, with computers over \$750 and other stuff over \$1,000 with the life expectancy mentioned, he does not care what it is set at, he just thinks it should be uniform across the entire organization; and his preference is to have whatever the amount is in place to match the Administrative Order or vice-versa. He added he would be curious as to what Central Services thinks would be required of them and how burdensome tagging things would be; even without the tagging requirements, he believes everything has been tagged under the threshold; and he stated the specific number is irrelevant to him and he just thinks it ought to be uniform.

Frank Abbate, County Attorney, remarked on the Administrative Order, staff is currently working on a revision to that to address issues related to a category that the State and other jurisdictions call attractive items; what items that would include will be in the draft of the revision that is being worked on with Central Services and the County Manager's office; it will be independent of what are currently established as the thresholds of \$1,000 or \$750, being computer equipment; this will be put into place at some time once the draft has been finalized; and as Commissioner Lober mentioned, there is going to be the issue of what additional work after the tagging occurs. He added the tagging is one issue and the second issue will be who is conducting the inventories and how often; Asset Management currently performs those inventories annually both for anything that qualifies under the current capital assets under the current Board Policy and Administrative Order for both the Board of County Commissioners, as well as the charter offices; then, any revisions that happen through this particular Policy, if adopted by the Board, or the Administrative Order which is going to expand what it is that is tagged and inventoried; in some areas the departments may do the inventories and certify that; and that is something being worked on internally to look at the best way to handle that.

Commissioner Tobia remarked that Commissioner Lober was correct in that he overlooked the items that would be exactly \$100 and the Policy is not congruent with what he said, as he said over \$100; what he should have said was \$100 or more; the other issue was the Countywide Policy and the formality of being on a level playing field; and he sees that a little bit differently in the Policy because right now that is an Administrative Order. He mentioned he sees that as a management function and will support Mr. Abbate in whatever direction he goes, as that is his function under the charter; Policy is something that governs the Board as Commissioners so that is why this is not an Administrative Order, it is a Policy; and he understands the similarities.

Commissioner Lober asked Mr. Abbate when he thinks he will have the revisions ready because if they are a good fit for the entire organization, he may put a motion out to basically copy and paste it to make it a Commission Policy and incorporate the changes identically.

Mr. Abbate responded he has reviewed and came up with the language described here; there are a number of other changes being worked on by Kathy Wall, Central Services Director, because it is a rather comprehensive policy; there have been at least a couple of versions so far but he does not have a target date of when it will be done; but they are trying to do it as quickly as possible.

Ms. Wall added that they are supposed to have the revisions finished by Thursday; and she should be looking at them on Thursday.

Commissioner Lober stated he would wait and see what develops.

Mr. Abbate stated he has been speaking to Asset Management so the issue of how the inventory will be done can be address; he mentioned it has not been brought to the Directors yet because if there will be additional burdens to the departments, he wants to make sure they all understand that; and if there are any unintended consequences, it will be taken care of before the Administrative Order is put in place.

Commissioner Pritchett stated she is good with this; she went back and thought through the things that her office has done and might have one or two as well; she does not think it is an extra load other than the computers which are done through Information Technologies (IT) and they always come and check them as well once a year; as far as the Administrative Order, a lot of the items on the dais are over \$100 and they would have to come in and tag and do all these and no one will want to walk off with a timer; she thinks the attractive word was very ingenious, as some things are more attractive to disappear than others; and she stated this has her support and she wished she would have gotten to it first.

Chair Zonka stated she was going to support it; she thinks there are three items that are already through Asset Management; and she likes this and thinks that everybody needs to be accountable for what has been purchased for their offices.

The Board executed and approved Board Policy – Tangible Personal Property (County Commissioner Offices).

**Result:** Approved

**Mover:** John Tobia

**Second:** Curt Smith

**Ayes:** Pritchett, Tobia, Smith, and Zonka

**Nay:** Lober

## **K. PUBLIC COMMENTS**

Sandra Sullivan stated she would like to thank Commissioner Pritchett for bringing up the perception of a decline in trust of the Save Our Indian River Lagoon (SOIRL) tax and why she and others have gotten here and started doing records requests; last year there was a Marine Resource Council (MRC) report card that came out and in that report card it talked about in 2009, the seagrass looked as good as it did in 1943 aerials; in 2010 it started declining; correlation, not causation, that they mentioned that this State had switched from mechanical harvesting of aquatic weeds to broadcast spraying of herbicides; and she asked what has happened. She stated that between this meeting and the last meeting the County got the MRC report card for this year; the report found that 96 percent of the seagrass in the Lagoon is now dead; the issue with that is life in the Lagoon is connected to that; seeing the manatees, the Unusual Mortality Event (UME), is just what is seen visually but it relates to declining fish populations, the shrimp, and the diversity, as it is the most diverse Lagoon; and that is what is being seen. She showed MRC's map showing the change and what is being seen is improving water quality but seagrass is still declining; what was said last year and this year is that something other than nutrient loading is resulting in the decline of the Lagoon; Doctor Duane De Freese, Indian River Lagoon Council Executive Director, wrote a letter to Courtney Barker on the Citizen's Oversight Committee (COC) and to Virginia Barker, Natural Resources Director, back in April of last year saying there is no data for herbicides, stating that the science is keeping him up at night and, she is just going to put it in her own words, that it is resulting in declining seagrass and the science is indicating it is feeding algae blooms; and it is highest in the manatees here in Brevard. She went on to say in fact, the Lagoon report found F minus minus grade for Brevard; Brevard has the worst water quality but there is a tax here; she asked what are some of the other counties doing; Martin County and Indian River County have bans on herbicides and do not spray it; Brevard County increased it by two and one-half fold; she put

two other folders and she is nearly out of time but the issue of conflicts of interest is something that really needs to be looked into because the County is spending \$3.8 million on two projects, consulting with Florida Institute of Technology on dredging; and there are COC members who are voting on dredging matters, not recusing themselves, and now it appears that there are not those forms.

Mari Peele stated she is requesting updated information that may have been indirectly discussed this morning by Frank Abbate, County Manager; on April 20, 2021, a fire assessment was passed as Item H.3.; this motion was amended to add a Brevard County Fire Rescue audit to the start of the next RSM audit cycle; upon reviewing BrevardFL.gov, she found the RSM audit plan for Fiscal Year 2020-2021 that was posted in November 2020, but she has not found a similar plan listed for Fiscal Year 2021-2022; and she is seeking confirmation on whether or not it has been indeed implemented as was passed in that motion of April 20, 2021. She added she had previously seen an update by email on this issue and did not get a response; possibly it was lost in the shuffle; and she felt a face-to-face request for an update might be more effective.

**L.2. Abigail Jorandby, County Attorney, Re: Board Report**

Abigail Jorandby, County Attorney, stated the legislative session has ended and she is evaluating a couple of bills; one particular bill regarding legal notices on publicly accessible websites, as well as the Local Business Protection Act which would provide recovery of loss of business damages if there was a County ordinance that impacted a business; her office is in the process of evaluating them; and if there are any changes she will bring them to the Board later.

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

Commissioner Pritchett asked Abigail Jorandby, County Attorney, if she needs to advertise so that Commissioner Tobia and Commissioner Lober can attend church on Sunday.

Attorney Jorandby replied there is no need to as long as there is no public comment or public discussion about business.

**L.4. Bryan Lober, Commissioner District 2, Re: Board Report**

Commissioner Lober remarked he wanted to add one thing based on the item Abigail Jorandby, County Attorney, just mentioned where the County could be on the hook for business damages based on the bill that is floating through; he thinks people may miss at first glance how serious that really is in terms of its potential negative impact on the County; in particular, if one thinks about all the efforts that have been undertaken over the past X number of years to get folks off of septic tanks and on sewers; the bottom line is there could be septic tank companies suing because the County reduced their revenue such that they are no longer able to make 85 percent of what they were previously making prior to any ordinance that would mandate people to connect to sewer; and he thinks it is something that may sound innocuous than it is, but it has the potential to hurt a lot of people in this County and to derail the plans to try to fix up the water quality in the Lagoon.

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

Commissioner Tobia stated he wanted to see where other folks up her were on this; he would like to request the County Attorney's office, in conjunction with the County Manager's office to come together to add and to clarify language for cumulative public record requests; he thinks that would make things a lot clearer, not only for the folks requesting the information, but also for those that are receiving it; also, there is a dirty rumor about staff which he thinks the Board

needs to come out and just talk about it; and he mentioned it was Jim Liesenfelt's birthday and he is the coolest adult boy scout out there. He added Mr. Liesenfelt is so cool, he has a wonderful Saturn; most people would take off on their birthday and here is a guy that is trying to blend in; and he thanked him for all he does for the Board and wished him a happy birthday.

**L.6. Curt Smith, Commissioner District 4, Vice Chair, Re: Board Report**

Commissioner Smith stated he hopes he does not bore the Board; seagrass is a big issue and as the representative on the Indian River Lagoon (IRL) Council, he would like to address it from his perspective; he thinks the elephant in the room for seagrass is the manatee; nobody is addressing the fact that there are too many manatees eating such a small amount of seagrass; and when the Fish and Wildlife Commission (FWC), both nationally and in the State, protected the bears, they came up with a study as to how much habitat is needed to keep the bears healthy. He mentioned when the bear population exceeds that, they have a hunt to decrease the population and the same with deer; everyone knows that would be difficult with manatees because everybody loves manatees; he thinks something has to be considered along those lines; he thinks it is an accumulation of a lot of different effects, but he thinks that manatees, unlike a cow that eats grass, the cow eats the grass and leaves the roots so it has a chance to grow again; and that does not happen with seagrass, as they pull the grass out by the roots. He added if there is a population of 1,000 manatees and the environment will only support 500, it makes sense that they are going to eat themselves out of house and home; he brings that up as his perspective; this has been discussed but not publicly; he understands both State and FWC are concerned with this and do not want to mention it in public; and nobody wants to see the manatees go away, but the reality is what the reality is. He went on to say he had a couple of things to highlight from the last Central Florida Expressway Authority (CFX) meeting; CFX is moving to eliminate toll takers for safety and to save money; it is happening anyway, as a cashless toll system saves CFX a lot of money; one of the ironic things is that when it goes cashless, Brinks trucks are not needed which will save about \$1 million a year; and he mentioned that about 80 percent of the tolls are cashless already and a good percentage of the cash tolls are toll-by-plate, which is interesting because it cost the individual more, as it adds a \$2 or more to the toll. He mentioned there was a survey of the people that continually pay by plate, and they do so not because they cannot pay with a credit card, but because they do not want to; they consider it an invasion of privacy; the other problem with tolls is that many of the coin machines are extinct and there are no parts any longer; and CFX is working toward making the Unipass, that works in 18 states, nationwide, which will be interesting but not in the near future. He added that at the IRL meeting he learned that the IRL will receive \$909,800 annually for the next five years from the Bipartisan Infrastructure bill and there has been an increase in additional funding for 2023 of \$50,000 from the Federal appropriations from the Environmental Protection Agency; and the IRL council is currently administering 37 different projects. He stated he is sponsoring a trip on Brightline for some of the staff and movers and shakers of the County; he was not able to invite his fellow Commissioners because of the Sunshine Law, but there will be members from the Sheriff's office, Fire Rescue, and Chambers of Commerce; the bus to West Palm and the Brightline trip are donated; and the trip will be to Miami to meet Brightline executives and discuss the latest developments; and he worked closely with Abigail Jorandby, County Attorney, on this and staff is going to pay their own way for the bus and Brightline as well as himself and his wife, as for the others, they will be complimentary from the bus company and Brightline.

**L.7. Kristine Zonka, Commissioner District 5, Chair, Re: Board Report**

Chair Zonka stated speaking of Brightline, the Florida Department of Transportation (FDOT) and Brightline are applying for a grant through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant and they are looking for a rail safety project that will involve all counties and will help with dynamic envelope striping, which will help at the intersections, and additional signage; it is going to be above and beyond what they have

already agreed to install; and they have asked for a letter of support from the Board. She added she understands this is brought on at the last minute, but it does not cost anything and anything to improve those intersections, which she knows there is concern about; and she wanted to present it to the Board for their support, but if not, she is happy to sign it alone.

Commissioner Smith made a motion to produce the letter; and this is not going to cost the taxpayers anything.

Chair Zonka stated one does not have to be a fan of Brightline, but at the same time...

Commissioner Smith interjected one has to be a fan of safety and the Board is concerned about the constituents; when talking about 32 trains a day, this is real; and this is going to impact this County.

Chair Zonka stated the Transportation Planning Organization (TPO) and Palm Bay have approved it and it is on Cocoa, Melbourne, and Rockledge's Agendas; she was going to ask them to be here but she did not know how long this meeting would be and if the Commission would have questions; and she reiterated she had no problem signing it herself if other Commissioners do not feel comfortable.

The Board authorized Chair Zonka to send a Letter of Support to the United States Department of Transportation (USDOT) for expressing strong support of the Florida East Coast Corridor Trespassing Mitigation Project for RAISE grant funding.

**Result:** Approved

**Mover:** Curt Smith

**Second:** Rita Pritchett

**Ayes:** Pritchett, Lober, Tobia, Smith, and Zonka

Chair Zonka expressed kudos to Fire Chief Tom Neidert and the Brevard County Fire Fighter group for raising \$25,000 of the \$110,000 that St. Baldricks raised; the event was this weekend and she wished she could have been there, as she would have loved to shave his head herself; he puts his heart and soul into that and she knows many of the members work really hard to raise money; and she is really proud of them every year and proud that they are a part of Brevard County.

Commissioner Smith stated Chair Zonka has already given Fire Chief Tom Neidert a lot of credit, but you cannot give him enough credit; he has worked so hard and raised so much money; he had his head shaved five or six years ago for this project; and this guy has a heart about as big as this room.

Chair Zonka added if people only knew the things Fire Chief Tom Neidert does outside of his role in Brevard County, even out of the country, just to help other people; and she thinks he is awesome and she is glad to call him her friend.

Upon consensus of the Board, the meeting adjourned at 11:21 a.m.



ATTEST:



RACHEL M. SADOFF, CLERK



KRISTINE ZONKA, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by Board July 12, 2022.