

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, August 22, 2023**

**9:00 AM**

**Regular**

**Commission Chambers**

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

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Steele led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the July 11 and July 25, 2023, Board of County Commissioner meeting minutes.

**Result:** Approved

**Mover:** Jason Steele

**Secunder:** John Tobia

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

**E.1. Resolution Proclaiming the Month of August 2023 as Florida Water Professionals Month**

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-073, proclaiming the month of August 2023 as Florida Water Professionals Month.

Russ Carson stated on behalf of the 5,200 members of his association and thousands of other water professionals, he wanted to express his appreciation for the Resolution. He mentioned too often they are not thought about because when people go to the sink to get water it is there, when people shower the waste water goes on to the treatment plant, then the reclamation system, and storm water is conveyed to the proper places; it is when it does not happen that people tend to think about the water professionals and it is usually not the most endearing thought pattern; therefore, it is very gratifying to the water professionals to be recognized when things are going well. He thanked the Board for the recognition in the past, now, and in the future. He noted the water professionals strive hard to meet the demands and the challenges of the current residents, the visitors, and those that move to Brevard County every year; and it is going to be a huge challenge, but with the Board's leadership and support, and the water professionals efforts, they will be able to meet it.

**Result:** Adopted

**Mover:** Rob Feltner

**Secunder:** Jason Steele

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

**E.2. Resolution Acknowledging September as Hunger Action Month 2023**

Commissioner Feltner read aloud, and the Board adopted Resolution No. 23-74, acknowledging September as Hunger Action Month 2023.

Stephanie Palacios, a member of the Second Harvest Food Bank, expressed her appreciation for the Resolution. She noted those 10 million meals that are being distributed in Brevard

County with the help of Greg Hansen, the Branch Manager, cannot be done without support from the community and from the Board; Brevard has 88 partnering agencies that are embedded in the community who are serving neighbors that are facing hunger every single day; Brevard County taking the initiative to declare September as Hunger Action Month is just one step in helping the neighbors in Brevard County ensure that they are being supported if they need a hand up; and they will continue to support them.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Jason Steele

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

**F.1. Execution of Grant Agreement for Brevard County Vulnerability Assessment - Florida Department of Environmental Protection Resiliency Grant 22PLN01 (Tropical Trail 520 to 528 Vulnerability Assessment - Expanded)**

The Board approved and authorized Natural Resources Management Director to execute the Grant Agreement, modifications, and amendments for Brevard County Vulnerability Assessment with FDEP, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; authorized execution of future grant amendments and modifications; approved legal venue as Leon County for the Grant Agreement; and approved all associated Budget Change Requests.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.2. Approval, Re: Transportation Impact Fee Technical Advisory Committee for the Central Mainland Benefit District Project Funding Recommendations**

The Board approved Brevard County Public Works project funding recommendations in the amount of \$114,000, as prepared by the Transportation Impact Fee Technical Advisory Committee, for the Central Mainland Benefit District on August 2, 2023; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing these appropriations.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.3. Approval, Re: Extension of 60 Days from the 120-Day Requirement to Record a Binding Development Plan in the Public Records**

The Board approved granting a 60-day extension to the 120-day requirement to have a BDP recorded, as provided in Section 62-1157, regarding the BDP approved on May 4, 2023, for Austin A. and Kailey R. Mahan.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.4. Acceptance, Re: Binding Development Plan with Ranger Storage, LLC**

The Board approved and executed an amendment to an existing Binding Development Plan with Ranger Storage, LLC.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.5. Acceptance, Re: Binding Development Plan with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust) (23Z00006)**

The Board approved a change of zoning classification from BU-1 (General Retail Commercial) to BU-2 (Retail, Warehousing, and Wholesale Commercial) with a Binding Development Plan (BDP) retaining all BU-1 uses and limiting the BU-2 use to a mini-warehouse with outdoor RV and boat storage limiting the storage of RV's and boats to behind the building.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.6. Acceptance, Re: Binding Development Plan with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust) (23Z00041)**

The Board executed Binding Development Plan (BDP) with Seminole Storage Units 2, LLC (f.k.a., David C. Ramage and Cynthia R. Ramage Trust) for property located on Lots 1 through 6, Block 20, plus the north one-half of the vacated streets on the south, Plat of Town of Pineda, according to the plat thereof, as recorded in Plat Book 1, Page 41, of the Public Records of Brevard County, Florida.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.7. Legislative Intent and Permission to Advertise, Re: Code Revisions to Inverted Siphons (Administrative Waivers)**

The Board granted legislative intent and permission to advertise an amendment to Article X, Environmental Protection and Conservation, Division 6 – Stormwater Management Criteria, Section 62-3756, Exhibit A, Subsection 4.6(J) relating to Inverted Siphons.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.8. Legislative Intent and Permission to Advertise, Re: Code Revisions to Pipe Materials (Polypropylene Pipe)**

The Board granted legislative intent and permission to advertise an amendment to Article X,

Environmental Protection and Conservation, Division 6 – Stormwater Management Criteria, Section 62-3756, Exhibit A, Subsection 4.6(d) relating to Pipe Materials.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.9. Approval, Re: Dedication of Reuse Water Main Easement and Sanitary Sewer Easement from The Viera Company for the Pangea Park Amenity Center Project**

The Board approved and accepted Reuse Water Main Easement and Sanitary Sewer Easement from The Viera Company for the Pangea Park Amenity Center Project.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.10. Approval, Re: Donation of Utility Easement from Windward Sebastian Marina Owner, LLC for the Benefit of Lift Station X-24 as Part of the Save Our Indian River Lagoon Micco Zone A Septic to Sewer Conversion Project**

The Board approved and accepted the donation of Utility Easement from Windward Sebastian Marina Owner, LLC for the benefit of Lift Station X-24 as part of the Save Our Indian River Lagoon Micco Zone A Septic to Sewer Conversion Project.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.11. Approval, Re: Dedication of Sidewalk Easement from OSG Storage Cocoa LLC, for the Grissom Parkway Storage Project**

The Board approved and accepted the dedication of Sidewalk Easement from OSG Storage Cocoa LLC for the Grissom Parkway Storage Project.

**Result:** Approved

**Mover:** Jason Steele

**Second:** John Tobia

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

**F.12. Approval, Re: Fiscal Year 2023 - 2024 Annual Agreement and Associated Health Department Fee Resolution Between the Brevard County Board of County Commissioners and the Brevard County Health Department**

The Board approved the draft Annual Agreement with the State of Florida, Department of Health, for the operation of the Brevard County Health Department for Fiscal Year 2023-2024; executed and adopted Resolution No. 23-075, establishing and revising certain fees and charges for the Brevard County Health Department and Environmental Services; approved the County contribution being adjusted annually each year based on the Consumer Price Index for All Urban Customers: Medical Care in U.S. City Average (CPIMEDSL) or three percent,

whichever is lower; authorized the County Manager to execute the Fiscal Year 2023-2024 Annual Agreement upon approval from the County Attorney's Office and Risk Management; authorized the County Manager to execute any future amendments or modifications to Fiscal Year 2023-2024 Annual Agreement upon approval of the County Attorney's Office and Risk Management; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Adopted

**Mover:** Jason Steele

**Seconder:** John Tobia

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

**F.13. Approval, Re: State Aid to Libraries FY 2023-2024, Grant Application with the Florida Department of State, Division of Library Services**

The Board approved and authorized the Chair to execute the State Aid to Libraries Grant Agreement Application, and Certification of Hours, Free Library Service, and Access to Materials; approved and authorized the Chair to execute any follow-up agreements, amendments, or modifications contingent upon approval of Risk Management and the County Attorney; and approved and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Jason Steele

**Seconder:** John Tobia

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

**F.14. Resolution and Lease Contract with the Scottsmoor Community Association, Inc., Re: Scottsmoor Meeting Hall**

The Board approved and adopted Resolution No. 23-076; approved and authorized the Chair to execute Lease Contract with Scottsmoor Community Association, Inc. for Scottsmoor Meeting Hall; and approved and authorized the Parks and Recreation Director to execute renewals and amendments upon County Attorney and Risk Management approval.

**Result:** Adopted

**Mover:** Jason Steele

**Seconder:** John Tobia

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

**F.15. Approval, Re: Budget Change Requests**

The Board reviewed and approved Budget Change Request.

**Result:** Approved

**Mover:** Jason Steele

**Seconder:** John Tobia

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

**F.16. Permission to Issue Annual Supply Bids, Proposals, and Request for Qualifications or Negotiate Competitive Agreements for the County Fiscal Year 2023-2024**

The Board approved and authorized Purchase Services to coordinate the following procurement actions included in the County's Adopted FY 2023-2024 Operating and Capital Budget:

- Solicit competitive bids, quotes, and negotiate competitive agreements, and award to the lowest, responsible, and most qualified vendor(s);
- Solicit competitive proposals and requests for qualifications, establish selection and negotiation committees approved by the County Manager, and award to the highest ranked proposer(s);
- Exercise renewal options upon evaluation of the supplier's performance and recommendation from the user Department or Office; and
- Approval for the County Manager to award and execute contracts, contract renewals, contract amendments, contract extensions, and purchase orders subject to the review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** Approved

**Mover:** Jason Steele

**Secunder:** John Tobia

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

**F.17. Permission to Procure Products or Services on the Vendor of Record for the County's Fiscal Year 2023-2024**

The Board authorized Purchasing Services to coordinate the procurement actions included in the County's Adopted FY 2023-2024 Operating and Capital Budget:

- Approved the use of the attached listing of Vendor of Record for the County's Fiscal Year 2023 - 2024 as these products or services have been determined to be the sole or single source;
- Approved the use of the State Contract(s), Cooperative Contracts, and other agency contracts, when market research dictates that utilizing such is in the best interest of the County;
- Approved the competitive procurement when it is in the best interest of the County for the approved Vendor or Record or Cooperative Purchasing programs; and
- Approved the issuance of purchase orders, and authorized the County Manager to execute contracts, contract renewals, contract amendments, and any necessary contract extensions, subject to the review and approval of the County Attorney's Office, Risk Management, and Purchasing Services.

**Result:** Approved

**Mover:** Jason Steele

**Secunder:** John Tobia

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

**F.18. Resolution to Amend the Ad Valorem Tax Abatement Program Guidelines**

The Board approved and adopted Resolution No. 23-077, amending the guidelines for the Brevard County Ad Valorem Tax Abatement Program as recommended by the Economic Development Commission of Florida's Space Coast's Ad Valorem Tax Abatement Council.

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

**F.19. Permission to Advertise for Public Hearing on Ordinance to Repeal the Economic Development Ad Valorem Tax Exemption for Midwest Dental Arts, Inc.**

The Board granted permission to advertise for a public hearing to consider adopting an ordinance repealing the Economic Development Ad Valorem Tax Exemption for Midwest Dental Arts, Inc.

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

**F.20. Legislative Intent and Permission to Advertise an Ordinance amending Chapter 78 - Parks and Recreation, Article III - Use of Parks, Section 78-82 - Permits of the Brevard County Code of Ordinances**

The Board approved the statement of legislative intent set forth on the Agenda Report; directed staff to prepare an ordinance amending Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits" of the Brevard County Code of Ordinances; and approved scheduling and advertising the ordinance for public hearing.

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

**F.21. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

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

**G.1. Petition to Vacate, Re: Public Utility & Drainage Easement - 4550 Lime Street - "Canaveral Groves Replat Unit 2" Plat Book 13, Page 139 - Cocoa - David A. Baggaley**

Chair Pritchett called for a public hearing to consider a petition to vacate a public utility and drainage easement at 4550 Lime Street, Cocoa.

Marc Bernath, Public Works Director, is a petition to vacate a public utility and drainage easement at 4550 Lime Street, Mr. Baggaley; it is located in District 1, Cocoa; it is a petition for a portion of 7.50 wide public utility and drainage easement to allow for an existing single-family home to remain and to be removed as an encroachment; and there are no issues.

There being no comments or objections, the Board adopted Resolution No. 23-078, vacating



part of a public utility and drainage easement at 4550 Lime Street, Cocoa.

**Result:** Adopted

**Mover:** Rob Feltner

**Secunder:** Jason Steele

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

**G.2. Resolutions, Re: Adoption of Solid Waste Special Assessments, Fees and Charges and Ratification, Confirmation and Certification of the Solid Waste Special Assessment Rolls**

Chair Pritchett called for a public hearing to consider adoption of Solid Waste special assessments, fees and charges and ratification, confirmation and certification of the Solid Waste Special Assessment Rolls.

Tom Mulligan, Solid Waste Management Director, stated this is a request for the Board to adopt three resolutions, the Annual Solid Waste Disposal Resolution, the Solid Waste Collection Resolution, and also the Special Rates and Gate Charges Resolution; he is also requesting that the Board ratify, confirm, and certify the Annual Disposal Collection, Recycling Special Assessment Rolls to the Brevard County Tax Collector.

There being no comments or objections, the Board adopted Resolution No. 23-079, the Annual Solid Waste Disposal Special Assessment Rate Resolution, reflecting and incremental increase to the annual billing unit for residential properties of \$4.35, and for commercial properties of \$12.55 for FY 2023-2024; adopted Resolution No. 23-080, the Solid Waste Collection and Recycling Special Assessment Rate Resolution and Special Rates and Charges for Improved Non-Residential Property and Compensation Rates which reflect a three percent increase; adopted Resolution No. 23-081, the Schedule of Special Rates and Gate Charges Resolution that ties the Municipal Sludge rate to CPI-Garbage and Trash; and adopted Resolution No. 23-082, ratifying, confirming, and certifying the Annual Disposal, Collection and Recycling Special Assessment Rolls to the Brevard County Tax Collector.

**Result:** Adopted

**Mover:** Tom Goodson

**Secunder:** Jason Steele

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

**G.3. Resolution Establishing User Fees for FY 2023-2024 for the Melbourne-Tillman Water Control District**

Chair Pritchett called for a public hearing to consider a resolution establishing user fees for Fiscal Year 2023-2024 for the Melbourne-Tillman Water Control District.

Jill Hayes, Budget Office Director, stated this is a resolution for the Melbourne-Tillman Water Control District Fees; and this resolution was approved unanimously by the Commissioners in attendance at the public hearing held within the district boundaries on August 10, 2023.

There being no comments or objections, the Board executed and adopted Resolution No. 23-083, approving user fees for the Melbourne-Tillman Water Control District for FY 2023-2024.

**Result:** Adopted

**Mover:** John Tobia

**Secunder:** Jason Steele

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

**H.1. Approval, Re: Tourist Development Council's Recommended Funding for Brevard Cultural Alliance Professional Services Contract for FY 2023-24**

Peter Cranis, Tourism Development Office Director, stated this is the Brevard Cultural Alliance (BCA) Professional Services Contract coming back from the previous meeting for discussion and review.

John Emery stated he has lived there since 1954; he remembers A1A when it was a two-lane road and one could lie down and take a nap on it; a crazy old coot named Wickham wanted to build a road out in West Melbourne; he graduated from Satellite High School in 1968, Rollins College in 1974, and founded Preston Studios in 1976; for those not familiar with his work, if anyone has been to Holy Trinity Episcopal Church, they would have seen his work across the front of the church; if anyone has been to the Henegar Center for the Arts, they would have walked through his work at the front doors there; also Savannah's Golf Club; and he can go on to many parts, Preston Studios does stained glass. He mentioned not many people in Brevard County had a Countess from Denmark come stay with them; the reason the Countess from Denmark came to stay with him is because his work hangs in Palace Ledreborg in Denmark, and Castle Thallous in Scotland; two years ago he was down in Tortola, Scotland installing his stained glass in a home in the British Virgin Islands; people can see his work in Ames, Iowa, San Francisco and Nova Scotia; his work is around; and he was just published in January for the 15th time in Glass Art magazine, which goes to 40 countries worldwide. He added his reputation in stained glass is noted; his work is in hundreds of homes in Brevard County; if one has been on Lansing Island they would have seen his work in the front doors of the Lansing Island Clubhouse; and that is who he is. He continued by saying, to say he has been offended by what he has been reading in the newspaper about the County's attitude towards the visual arts, is to put it mildly; there are many aspects that bother him; and he has three kids by three different women, but he married his partner.

Theresa Grimison stated she is President and Chief Executive Officer (CEO) of the Community Foundation for Brevard; the Board may have seen a bumper sticker that says, earth without art is just eh, a bare and meaningless place; she knows that the Board knows of the genius, Leonardo Da Vinci who best explained that art and science are separate but intertwining paths that lead to the same place; here in Brevard County the people truly benefit from the healthy presence of math, science, technology, and related industries; and to retain those businesses, and more importantly, the workforces and the families that empower them, the Board must continue to invest in the arts. She continued by saying as the Board considers Brevard Cultural Alliance's funding and Contract for Services for Fiscal Year 2023/2024, please keep in mind that they are a singular flywheel organization for arts and culture here in the community and a crucial part of the vitality and continued economic growth; they contribute to the tourist industry, they bring arts education to the public schools, and they energize the communities and neighborhoods like nothing else; investment and BCA contributes to a return of \$123 million in annual spending and contributes to \$65 million in Brevard's annual Gross Domestic Product(GDP); she would urge the Board to continue to support BCA and these investments in the community; Brevard County must be able to compete with places like Austin, Houston, and Denver, places that have vibrant and really engaging art scenes; she would shudder to think that Brevard could become a Beaumont, the fictional town in the movie Footloose where they burned books and banned dancing; people want the joy; and they need the arts, creativity, and innovation.

Heather Elko stated as one of the 450,000 registered voting heads in beds full time, she is here to tell the Board that she has been losing sleep since she learned of its sudden decision to cut the arts and cultural grants; she has lost sleep out of fear because the Board's decision is as brutal and unexpected as a sucker punch; in its ill-considered vote, it has broken people's hearts and shaken their trust in the Board; one says a person can catch more flies with honey than with vinegar, however, in the past eight years of observing the current County Commission, minus the new Commissioners, she has not noticed that any catching of flies is possible; subservience of this podium may get a nod or a smile from on high, but more direct comment may catch a verbal reprimand; and as a Brevard voter for 42 years, she has never seen such unabashed exercise of power and disregard of citizens. She went on to say to the new Commissioners, she would beg of them to not continue on this path and to not wield their power like a sword, to not punish the earnest and diligent members of this community; she asked what would arts and culture be without poetry; and she mentioned she thought she would bring a poem to share with the Board. She read, "Every Who down in Whoville liked Christmas a lot, but the Grinch who lived just north of Whoville did not. Maybe the Grinch is not our Commission, but rather some other elected official who enjoys hurting people he doesn't like. As he imagines our response to the axing of the arts and culture grants, he gloats. They are just waking up, I know what they will do, the Who's down in Whoville will all cry, Boohoo. But he can't do this nefarious work by himself, so he straps reindeer antlers on our Commission and commands them to carry off the presents of the grants." She asked will there be a happy ending to this poem, will the Commission realize the terrible harm they have done and turn the sleigh around and bring back the arts and culture grants. She noted this is what she is asking the Board to do.

Marion Pellicano-Ambrose stated she is the President of Green Gables, at historic Riverview Village in Melbourne Florida, and an active member of Museums of Brevard, the MOB; she would like to urge the Board to provide funding for the Brevard Cultural Alliance; BCA is an amazing organization that serves all of the County's cultural and arts community; Green Gables has been greatly supported, encouraged, and well advised by BCA; and she believes they should receive the recognition and funding that they so greatly deserve. She commented it was a great disappointment to learn that funding was cut for other entities such as Green Gables that protect and preserve the culture and heritage of the community, passing along the State's unique character, history, and traditions to the future generations; cutting the much needed funding was a heartbreaking blow to everyone who dedicates themselves to the culture, history, and arts in Brevard County; she hopes the Board will reconsider and follow the wishes of the people, the taxpayers who voted to support culture and the arts with these vital grants; and she thanked the Board for allowing her to speak.

Martha Pessaro stated she is the event coordinator for the Native Rhythms Festival that happens every November honoring Native American Heritage Month; she is also the recording secretary for the Museums of Brevard; she is here to ask the Board to consider the importance of the Brevard Cultural Alliance in doing the due diligence to see that the cultural events and organizations are supported throughout history; there is a long history of Brevard Cultural Alliance being a supporter of everything that this beautiful community has been able to bring forward; and she would like to give thanks to those people. She noted there is going to be a lot of talk about the funding and the money impacts, but when it comes down to it, it is the people, the artists, the painters, the singers, the songwriters, the musicians, the conductors, the docents in all the museums, the students who attend the educational programs, but most of all the people who arrive from many different areas to attend and take part in these events and the ongoing wonderful opportunities that are given to the people through the cultural organizations headed by the BCA.

Jason Brown stated he is the Pastor of the Suntree Grace Brethren Church right here in the

community; he really has no concern with the cultural arts; in fact, he serves a God who created all, a very creative God; he believes the Board needs to be in support of the arts in the community; he wanted to take a moment to encourage the Board and to thank the Board, who has a very difficult job that no one would want to trade places with; he understands the need; and his comments are for Items H.1. and H.2., so he will combine them. He continued by saying there is a dramatic increase in the need for the beaches, welcoming many tourists to the free State of Florida; he asked the Board to hold on to its convictions; the Board will hear a great many views, some in opposition to its decisions; he wants to ask the Board to remain true to its convictions; some of the opposition will be related to money being sent to Space Coast Pride, but everyone knows what was demonstrated last year was not good for families; and it was not good for local businesses in Melbourne. He went on to say there was a reason no one wants to do business with Budweiser any longer, and such event puts every local and small business in a very precarious position; he will be at Space Coast Pride in September, not to endorse its ideology but to just simply be with people, to talk with people, and to share with the people the good news of Christ; his heart hurts deeply for those struggling in life with gay or transgender belief systems; he knows it is not a happy one, but that being said, the Board should hang on to its convictions and remember the day Bud Light died; and to continue to lead in whatever is true and noble and whatever is just and lovely.

Ron Ecken stated he is the President of the Cape Canaveral Lighthouse Foundation; since the lighthouse is on Space Force Station, they are not allowed to charge admission; they have to depend on grants and donations to do their job; they had over 6,000 out-of-County visitors to the lighthouse last year; and that allowed them to qualify for a \$25,000 grant. He mentioned they were looking forward to spending half of that grant money for out-of-County advertising because there are a lot of people in the Central Florida area that do not realize Brevard County has this lighthouse and they would love for them to come and visit; like any small non-profit they cannot justify spending over 10 percent of their money advertising; this grant would have given them the will power to spend more money, like all the other cultural non-profits, provide a center for people to either visit the area or extend their stay; two weeks ago they celebrated National Lighthouse Day at the lighthouse; they had 100 visitors come in for free; and he talked to a family of five from Asheville, North Carolina, who extended their stay in Brevard County by a day to visit the lighthouse. He added that is what they want, people to come and visit. He mentioned they certainly support giving money to the lifeguards and deploying more lifeguards because without the lifeguards Brevard County will not be getting visitors either, however, he thinks there are other ways to fund those lifeguards, there has to be other funds.

Lynne Brezina stated she has been with BCA for 28 years; she has supported arts and culture, the cultural organizations, and the visual arts; it is such a fabric of Brevard County, the history, the historical homes, the playhouses, everything; her main function there is the BCA exhibit program in which she exhibits artwork throughout the County; this year 64 percent of the sales came from out-of-town purchasers; it shows that people who are coming into the community are enjoying the arts and what they see; she is sure they also go to other venues; and she mentioned she did not prepare any fancy speeches, this is the first time she has ever spoken at a Board Meeting. She noted she is really passionate about arts and culture in the community; and she hopes that the Board will continue to support it.

Justin Cercone stated he is the President of Space Coast Pride; speaking as a representative of Space Coast Pride, he would like to extend its appreciation to the BCA and its cultural committee for their support in fostering the regions diverse cultural scene over the years and unanimously recommending his organization, along with 25 others, for the cultural grant program; the sudden discontinuation of the cultural growth grants program reverberates beyond his organization, impacting the very heart of art and culture in Brevard County; the decision resonates with his group on a profound level; it is important to know that these grant

guidelines were approved by the Board of County Commissioners, who later revoked them; and this raises questions about the reasons behind the abrupt change of course. He went on to say furthermore, it is hard to fathom that in a mere minute to a unanimous vote stripped away funds that were designated by taxpayers for the community's cultural growth; in the same span of time, a long-standing program was dismantled and the message sent was one that seemed to trivialize the significance of these beloved organizations; he stands united with 25 esteemed organizations and events including cherished institutions like Cocoa Village Playhouse, Titusville Playhouse Henegar Performing Arts Center, Maxwell C. King Center of the Performing Arts, Surfside Playhouse, Brevard Symphony Orchestra, and so many more; and the absence of these cultural cornerstones comes from the grants recipient list and signifies the loss, not just for them, but for the entire community. He stated amidst this challenge Space Coast Pride remains resolute in its commitment to celebrate and nurture culture in all its forms; the Pride Fest stands as a testament to its resilience uniting individuals from all walks of life; and this setback will not discourage them, they are determined to continue contributing to the cultural fabric of the community.

Chair Pritchett stated she does not want anybody clapping or booing, it just ruins the ability for people to speak freely; and they are not going to do it or she will call breaks.

Rachel Ruberte stated she is there to encourage the Board in its initial thought to support life through the lifeguarding program; while she agrees that there is a need for arts, she does not agree that there is a need to support public displays of sexual preference in any means; the Board should be in support of protecting children; and if that is through lifeguarding then that is what it is; and she would suggest the Board go with its initial decision.

Paul Roub stated he is a long-term Brevard resident and a parent of four children who are very heavily involved in the arts, both in schools and in a number of the institutions and programs who are apparently losing grant money; look at who is supporting the Board; look at who had the Board's back; look who is happy about this; people are afraid of beer cans, churches that really should have their tax exempt status investigated, and Florida's esteemed Governor; the bullies do not need the Board's support, they are already running the State; and there is certainly a moment now in this State where playing to the worst, the smallest, playing to people's fears is profitable and elect-able, or appoint-able as the case may be, but these moments pass. He commented look forward to being in a newsreel like people burning Beatles records and so on, the blooper reel of history; this is not a good look; that is him being cute, however, it is not a good look because this is harmful; these organizations have some other sources of funding, but they are all scrambling trying to figure out how they are going to make up the shortfall; in many of these cases, services that are being provided to lower income children are going to be impacted, the people who cannot pay for those things are going to be impacted; and it was a good job coming up with the lifeguards as a cover story, he would guess there was not something with puppies in the name that the Board could pretend suddenly needed money. He asked if this funding suddenly comes back in October, after Pride has passed, who is going to tell all those lifeguards that they are fired; he stated he has a feeling the money will still exist; and he asked for the Board to do better.

Amy Roub stated all these amazing professional people trying to explain to the Board why the arts are important is so ridiculous; she asked if the Board feels good or proud about this; she commented how dare the Board go after the gays and drag queens; nine months ago she was not paying attention to the School Board either; and she asked the Board to call up the Chair and ask him how that is going. She continued on by saying Jason Steele, unelected power; and she noted Commissioner Steele and herself happened to be in the same nail salon in Satellite Beach a while ago.

Chair Pritchett advised Ms. Roub that she needs to direct her comments to the Chair.

Ms. Roub stated this guy was getting a pedicure and she was getting a fill, and he was bragging how he was appointed by Florida's dictator Governor; and she asked if he lives in the District he is serving or in Satellite Beach.

Chair Pritchett reiterated Ms. Roub needs to direct her comments at the Chair.

Ms. Roub stated Commissioner Steele served in the House the year she was born; she is 41; get out of here and let some younger ones in; but the millennial is over here and John is not doing a good job representing the millennials.

Chair Pritchett stated Ms. Roub needs to direct her comments to the Chair.

Ms. Roub stated tax the churches.

Kathy Ann Funk stated she moved to Brevard County in 2015; she grew up in an area that had a lot of support of the arts in Spokane, Washington; she has a background in it herself; her dad was a music director and she saw how that affected many kids, as music was a way that he reached them; they came out as upstanding citizens; she would like the Board to reconsider its support of the BCA; she has had some thought on what the role of government is in supporting culture, and as a citizen, she does not have access to how many folks are brought in, but she has a sense that when there is community and there are a lot of free activities for the community, community is helpful, community events are helpful for folks to feel they belong; it has been shown, she believes, that as people have connections, their health goes up, and their abilities to get economic prosperity goes up; and she is a participant in some of that and in some new activities that they are trying to do for the City of Cocoa, through her church. She continued on by saying she would like to think there is a role for government to support the cultural arts and this is a good way; she knows the cultural arts has some things that people think are outstanding or odd, they do not go with some people's views; she thought that before, as people have different monuments that are made, and people just do not understand what the art is; there are a breadth of things, but to her, that is part of the country, people are free to express themselves and to have those conversations; and people have to think about what to fund and not fund. She explained maybe some rules would be helpful as to what to do or not, but to simply take all of the arts and say the County is not going to have a role in funding those, to her is sad; her second point is the abruptness of it; it makes it very difficult for organizations to continue; if there is a financial issue, it would be much better to phase it out and let people address that, but give organizations a chance to try to find some other funding, develop tickets, or whatever else to make up the funding; and the last thing, she knows the Board wants to support the lifeguards, but she is not sure the County has the ability to hire all the lifeguards so that might not work. She added that is certainly a good cause, however she does not think it needs to come at the expense of the cultural arts; and she asked the Board to reconsider.

Mike LaFortune stated first he will start as a business person who appreciates living in a County with low taxes and limited government; he is very pro-private sector, so that is the ground rules for what he is going to do in the next two minutes; having said that, the last time he was before the Board he talked about how arts changed lives and how it changed the arc of his family's lives, how organizations in this room have made himself, and his son, the people they are today; his son is serving in Leon County today, volunteering with the food bank; arts drives tourism and outside investment; he traveled in the County last week to see a show at the Titusville Playhouse; and he spent money in the local restaurants, bought gas, and he appreciates what the art organizations do for vibrancy there. He continued by saying the arts is the private sector, this BCA contract is an example of public-private partnership; there is a

saying he learned from a colleague in Palm Bay, an investment advisor, "Our Capital flows where it is treated well"; if anyone were to look around the room at the arts organizations who are represented here, they know the value of a dollar, and they know how to spend that dollar wisely and in service of their mission; BCA's mission is to take those activities and compound them for the County; and the Space Coast is a destination, not just Satellite Beach where he lives, or Palm Bay or Titusville, where some of the Board Members live, but the entire County has the ability to achieve strategic objectives including driving tourism, and getting the people over there. He mentioned he has met some of the Board members at the Capitol; there are programs at the State level that are very efficient in utilizing small amounts of government revenue to apply for a larger objective in service of the State; here, the County BCA Contract is transparent and accountable; and it services the entire County in support of these arts organizations and using limited tax revenues to achieve the strategic objectives in tourism, as well as vibrancy, for the people who live here, the businesses who are considering a move here, and the families as well.

Dawn Matheson stated she was born and raised in Brevard County when there were more cows than people; first of all, she finds this par for the course; her children do not want to stay in Brevard County; they laugh about this saying it is totally typical; none of her nephews want to stay here; she actually did some research on Google Scholar last evening and there have been some really interesting studies about how the arts and art investments affect real estate values; and taking this away is like not wanting to pay for schools, but not wanting to be around dumb people either. She commented she does not want to go down to a place where everybody is ignorant, she wants to live in a society where there is some public art and a nice museum, because Viera is out in the middle of a swamp; it was swamp when she grew up; what is going to people keep in Brevard, to her, it is having museums, and this Board has already lost the art museum; when she was a child she had to be at that art museum so many times in its development and the Board just threw that all away; now the Board is talking about getting rid of this, and her children found it hilarious that the Board said it was going to put this into lifeguards, like that is completely transparent; no one believes that that is a justifiable reason to take all the money away. She stated she believes this was a poor decision on the Board's part and County investment; and no one in this room is in their 20s.

Chair Pritchett stated Ms. Matheson needs to address the Chair.

Ms. Matheson stated she is sorry, she is just looking at the average age of people in the room, and telling the Board what they are saying.

Martha Matheson stated that was her daughter and she did drag her to the art museum over and over and over again; she was one of the founding members and she has been in mourning ever since the Board did not support the art museum; 40 years ago the Board could support the art museum when half the people were there; half the people and the County could afford an art museum; that museum was not costing any more than it did 40 years ago, but the Board would not support it; and she was crushed about that. She went on to say she has been an art teacher for years; she has taught at elementary school, and she taught art; she had to work to get art added to the elementary school, but she was already teaching because her principal recognized the importance of art; she knows how many children love art and that is the only thing they look forward to when they come to school; and she knows the parents are looking for their children to have joy in their lives. She stated the arts add joy to people's lives and make their lives worth living; she asked the Board to keep providing money for the joy in the community; she noted she does not think a lot of people are going to move to Brevard County if the Board keeps moving in this direction; and she asked the Board to support the BCA.

Anthony Yantz stated he was not planning on attending today, but he did; he is not going to

sugar coat it, but the Board has launched a direct assault on the arts program in the name of keeping people safe at the beach; this sets the precedent that making a dollar is more important than making sure the children are well educated in the arts and representing the way they feel; this is asinine, it really is; in the face of keeping people safe at the beach, the Board is going to destroy people's opportunities for arts programs in Brevard County; in no realm does that make any sense; and he hopes the Board realizes that. He went on to say, if the Board does not realize that and it is being controlled by something else, then just say it out loud; that is it, just say what the true intentions are; it is not hard to speak one's mind; puppeteers is all he is seeing; and it is really pathetic.

Sandra Sullivan stated she would respectfully request the Board continue funding of the BCA; at the last meeting she was profoundly disappointed because there has been a lot of lack of transparency by this Commission on this issue; if the Board's intentions were to make a decision on canceling the Brevard cultural grants, then the Agenda Item should have been stated as such, then the people would have had a chance to weigh in and petition their government on what they feel is desired for Brevard County; she would also like to say that given the politics in Brevard, the Board should look at the Tourist Development Council (TDC) and see that even though Brevard is the second fastest growing County in the nation, the TDC numbers were down in the last quarter, and the hotels are down significantly from the TDC report that she looked at; and this is a fiscal decision that the Board is making. She went on to explain when companies look to come to Brevard County they look at what the County has as a total picture; as people want to relocate for the many jobs that will be here in the space industry, they look at what there is for culture, art, and the things that their families can do; her daughter was taking orchestra, which is also tied into her education; her kids were introduced to the symphony here; the Board is killing so many important programs that Brevard County has; and she requested the Board to rescind the vote that it took at the last meeting and at least open it up to a dialogue with the people.

Chair Pritchett mentioned the topic being discussed is the contract with Cultural Alliance Professional Services; three months ago the Board had this discussion about the cultural funds and she brought forth the packet to remove them at that time and the capital to pay for lifeguards; she advised the audience to go back three months ago and look at the meeting; she brought all the paperwork; she had said that she was going to bring it back after there was another Commissioner; and these comments have been going on for a while. She went on to say she wants to start off this portion of the meeting by asking SCGTV to start the video; after the video played she commented she is going to leave that there and let the Commissioners speak; she thinks she had brought fair warning last year about getting other types of funding moving out to the cities; she thinks even when she met with BCA that it was important to do; and one of the questions the Board is going to get to is if they have ascertained other funding sources from cities to help support them because last year she gave warning that this is probably something that was going to get moved.

Commissioner Steele stated he thinks there has been a lot of misconception on what had happened at the last meeting; if the one in the back is going to act up, he is going to ask the Sheriff to remove her/him; first of all, there is not one Commissioner that has any prejudice against Space Coast Pride; people can laugh if they wish, it is not funny, and that was not the reason the Board took the vote that it took last week; there are wants and there are needs; a lot of people want the cultural grants, and he for one, would like to see the cultural grants also; he is not giving up on cultural grants; however, what is needed is lifeguards. He noted there were 400 people having to be pulled out of the ocean in the last seven months and 14 deaths that were completely broadcast all over the United States; when the Board had an opportunity to be able to vote on this issue, for the first time it was said the TDC monies could possibly be used for lifeguards and it took that opportunity; he does not regret that; he would be more than



happy to talk to the families of those who have died; and tourism will be absolutely ruined if the Board does not make Brevard County beaches safe for tourists or its own residents. He went on to say moving onto the cultural grants, he loves Chair Pritchett, but they have a difference of opinion in regards to this particular issue; he is in major support of BCA today; at some point he will make a motion to approve this, but whether it goes anywhere is neither here nor there; he knows nobody feels good about what happened last week other than him, the County Commission, and potentially the wonderful people of Brevard County knowing that it can protect people on the beach; the want is he would love to have cultural grants; the need is the County needs lifeguards; and right now the County has an influx with TDC funds. He noted the County has major issues with a major lawsuit going on that could put a lot of these monies in major jeopardy; the Board does not really know where it is at with these funds; what it does know is that it needs to protect the beaches and the tourists coming in; and he reiterated he is in complete support of Brevard Cultural Alliance today.

Commissioner Goodson stated he feels like the last vote he took was a disservice to Brevard Cultural Alliance; what interests him the most is not being upset with the Chair; reverting this back to the cities, yet the cities are constantly asking the County for money; the Board is going to do lifeguards and pay for them for the city when it should do the lifeguards for unincorporated areas; he asked how much money that would save; he stated he does not like the idea of supporting lifeguards in cities; and all that being said, whether one likes one venue or another in this County, he regrets his vote, but there is never going to be a time when all are alike. He continued by saying there is never going to be a time when everyone goes to Baptist churches together and get rid of Catholic churches; he gets confused sometimes on what the public expects the Board to do; he is sorry about that because he is not the smartest pumpkin in the boat, and he does not think anyone else is either; he will not agree to fund lifeguards; and he would like to see the vote rescinded and for the Board to go back to the BCA to talk about and for the Board to get a better understanding. He advised the audience it does not have to clap for him, his wife does not do it at home and he does not expect it to be done there; and he reiterated he is not in agreement with using TDC money to fund lifeguards.

Commissioner Tobia stated he has a series of questions for the Chair of the BCA; he thanked the Chair of the BCA for coming to his office and meeting with him; he supports everyone who attended this meeting and gave their emotional appeal; he thinks it was clearly effective; what the Board is tasked with today is a contract for service that the BCA will be providing Brevard County; and the number is \$212,960, so he would like to go over the contract, not emotion, just simply the contract that the Board has before it. He went on to say some of the stuff he has discussed with her and he believes she had sent an update to all the Commissioners yesterday, therefore, there had been some changes; he is looking to get a value proposition for the contract that she is presenting the Board with; that is merely what he will be going over today, the contract for service with the BCA and the Board, no emotion, just numbers to see if the County is getting the \$212,000 worth; the grants were two weeks ago and if Commissioner Goodson decides to bring that back, by all means he is more than welcome to do that; but today, he just wants to focus in on the contract.

Kathy Engerran, Chair of the BCA, asked if she could provide one brief note in regard to the contract.

Commissioner Tobia advised he has a contract in front of him, the one that was provided; and he asked if there have been any changes to it.

Ms. Engerran replied no; and she stated she would just like to note that the contract is drawn up by County leadership and the Space Coast Office of Tourism, BCA does not generate this contract.

Commissioner Tobia pointed out there are services in the contract that BCA is providing.

Ms. Engerran responded affirmatively.

Commissioner Tobia stated he has to go over that whether the County drew it up or the BCA drew it up; the County is providing funds and getting services; he wants to discuss those services because those services were not discussed today; he thinks it is very important that the Board actually discuss the topic; and she was well prepared for this at the meeting they had. He noted he thinks it is a benefit to the people in the audience as well as the rest of the Board; the BCA is requesting \$212,160 which is a four percent increase from last year; and he asked if that is correct.

Ms. Engerran responded affirmatively.

Commissioner Tobia stated according to what he had discussed with her, she is proposing to do somewhere in the neighborhood of 10 percent less work; that 10 percent is what she described as her time for the cultural grants; and he asked if that is correct.

Ms. Engerran responded by saying yes.

Commissioner Tobia stated he would like to go over the contract tangibles, the things that can be touched and measured to see how they relate to tourism because this comes from tourism dollars; he advised her to feel free to answer any way she feels is appropriate; there are two cultural summits in there and that is on page three; last year's summit was on October 6, 2022; and according to the documents Ms. Engerran provided the Board, it had 160 attendees from throughout the County. He asked how that promotes tourism.

Ms. Engerran responded in the contract it is specified that they provide a minimum of two workshops or skill-building opportunities for the cultural community.

Commissioner Tobia stated he just chose the last one; on page two, scope of service says it will grow and promote tourism; and he asked at the two cultural summits there were 160 attendees who were from Brevard County, how does that promote tourism.

Ms. Engerran answered, in a specific way, the impacts of those workshops or the cultural summit toward promotion of tourism is minimal.

Commissioner Tobia went on to say Ms. Engerran also provides the Board a mid and end-year report; and he asked what benefit does the Board of County Commissioners get, as far as tourism, from the mid-year and end-year report.

Ms. Engerran responded they do.

Commissioner Tobia noted the Board got them, the BCA met that; he is just trying to find out because this comes from tourism under the scope of growth and promotion of tourism; and he asked how that report grows and promotes tourism.

Ms. Engerran advised the report itself does not.

Commissioner Tobia stated that is perfect, great; he wants to get to the intangibles; he discussed with her the intangibles; they have been updated; and he thinks it is very important to go over them. He commented the first one was the website; she stated based on the information submitted yesterday, the BCA website was visited 31,000 times since last October;

and he asked if that sounded correct.

Ms. Engerran stated yes, October 1, about 31,500.

Commissioner Tobia mentioned thankfully she also traced where those visits came from; and he inquired if she can recall how many of the 10 top cities that visited that website were from Brevard County, because she listed it out.

Ms. Engerran responded she did expand the numbers with some of the data provided yesterday.

Commissioner Tobia inquired again if she remembers how many there were.

Ms. Engerran stated top 20...

Commissioner Tobia stated he just looked at the top 10.

Ms. Engerran stated top 10, seven were Brevard.

Commissioner Tobia asked if 70 percent of the top 10 were from Brevard County.

Ms. Engerran responded the percentages and the number of cities is not necessarily the same, within the analytics the percentage of visitation...

Commissioner Tobia interjected by saying the top cities were overwhelmingly Brevard; and he asked if that is a fair assessment, seven out of 10.

Ms. Engerran responded affirmatively.

Commissioner Tobia pointed out these were the numbers that she provided the Board; he noted he did not catch this, but someone in his office caught it, and he does not know if she had it fixed, but there are a couple links on that website to the Brevard County websites that do not even work, the one to Tourism Development, as well as the one to Parks and Recreation; and he asked if she was aware.

Ms. Engerran apologized and advised she will immediately address that.

Commissioner Tobia mentioned he wants to talk about Facebook because she said Facebook was something that helps promote tourism and though it is not tangible it is a service that BCA provides the County with none-the-less; she said she has somewhere in the neighborhood of 8,200 followers on Facebook; he does not know if that is a large number, but after that her report says, predominantly based in Brevard County; and he asked if she can explain how having followers based predominantly in Brevard County helps tourism.

Ms. Engerran commented she would note that as far as their reach on Facebook, since October 1, that reach was 117,000; within Facebook analytics, one can only access the top 10 cities in the analytics for Facebook, therefore, anything beyond that is obviously quantifiable.

Commissioner Tobia noted he understands, but according to her own information, it was predominantly Brevard County; and he asked if that is correct.

Ms. Engerran responded in the affirmative.

Commissioner Tobia pointed out, it goes further down there where she said she changed the way the BCA was doing advertising; he thinks Ms. Engerran had on there, since the first half of this year, that their reach in Facebook was down 75.1 percent, and those are her numbers not his; and he asked if that sounds accurate.

Ms. Engerran explained it does fluctuate from month to month; the numbers that Commissioner Tobia may be accessing; they had a pretty large event at the zoo in May, therefore, from May there was a high level of activity and engagement reached to June; and then there was a dip, but that evens out over time.

Commissioner Tobia asked if she expects it to increase more than 75 percent when the zoo has another event; and he advised he does not know, he is only going off of what she presented the Board with.

Ms. Engerran commented it is hard to predict numbers into the future.

Commissioner Tobia stated he has down that the Instagram reach was down somewhere in the magnitude of 17 percent; and he asked if that is correct.

Ms. Engerran noted that may be reflective of the activity.

Commissioner Tobia stated it is not in the contract, but she mentioned it so he thinks it is worth mentioning to the rest of the Board as it makes this determination of whether or not the contract that she provides is actually going to help with tourism, because that is where the funds are coming from; the weekly newsletter, she said there were roughly 1,500 people who receive the newsletter; and he asked if that sounded correct.

Ms. Engerran replied yes.

Commissioner Tobia continued by saying the report Ms. Engerran provided to the Board says there is an open rate of between 28 and 31 percent; somewhere between 420 and 460 people actually click it to go through; and he asked of that 420 to 460, does she know how many of those are tourists or how many are Brevard County residents.

Ms. Engerran responded she does not.

Commissioner Tobia stated she had mentioned there is a click-through rate where people actually interact with it, it is somewhere between two and three percent; in other words, somewhere between 30 and 45 people actually read it or take suggestions, or whatever; and he asked, of those between 30 and 45 people that are being interacted with, does she know what percentage of those people are tourists.

Ms. Engerran advised she does not.

Commissioner Tobia commented he appreciates her; some of these may be difficult; he is going to open this up because he is just trying to find the nexus for the \$212,160 that the BCA is asking for; to put this in perspective, the BCA website had 31,473 total visits, so he asked the Tourist Development Office (TDO) how many they are looking at; and they had 4.3 million, therefore BCA is less than one percent. He continued by saying the Facebook reach was 117,000; he is looking at the TDO and they had a reach of 23.49 million; that is about 200 times the amount the BCA had; and when looking at this from a contractual perspective, he understands \$212,160, he asked how he is to justify, not for the good of culture, no one is arguing that culture is a good thing, but the Board has to look at the black and white contract of

this, and how does he justify the County is getting a return on its investment for tourism, not for culture because that is different.

Chair Pritchett stated there is not going to be any talking in the audience, this is direct conversation, or she will clear the room.

Commissioner Tobia noted he is just trying to place a value on Facebook; he does not know the analytics, how much a Facebook reach is worth, how much an Instagram post is worth, and had she done that where he can feel comfortable saying that the \$212,160 is justifiable, because with these numbers where she has as few as 30 to 45 people who actually interact, he does not know if the County is getting \$212,160 worth of value for tourism because that is where it comes from and that is in the scope of service; and he asked if she can justify that so he can add it up to see if it actually does reach that \$212,160.

Ms. Engerran mentioned the one thing she would suggest, should they be fortunate enough to be funded for the coming year, is they would most certainly work with Space Coast Office of Tourism to improve the metrics; and it was suggested in the materials that were provided to the Board via the Space Coast Office of Tourism, that funding they may receive for Fiscal Year 24, that a minimum of 10 percent be earmarked for out-of-County drive market, paid ads on social media to further their reach and improve impacts on tourism.

Commissioner Tobia commented he is with her but her reach is one-two hundredth of what their reach is, actually less than that by her own accord; he is just trying to understand; the Chair was very clear last year where her words were probation, and he understands sometimes the cities get stingy, it happens all the time, he does not blame her if she heard no; his question is how many cities in Brevard County did she put in a request or even do a public comment that she would like buy-in; he asked how many cities she met with; how many city council members did she meet with over the course of the last year and just say that she needed some buy-in, not the results where she did not get anything; and he reiterated his question is how many asks did she make over the course of the last 12 months.

Ms. Engerran replied she does not have a satisfactory answer for him.

Commissioner Tobia stated there is a number, she is the head of it; and he asked if she asked 10.

Ms. Engerran she responded they did not.

Commissioner Tobia inquired if she asked five.

Ms. Engerran she responded no.

Commissioner Tobia inquired if she asked one.

Ms. Engerran responded no, but they do have some existing relationships with cities, but not in that capacity.

Commissioner Tobia commented if they told her no, he gets that, he is told no all the time, but she has to put forth the effort; and he thanked her for showing up.

Chair Pritchett stated she really likes Ms. Engerran and she likes all the stuff that she does, and has done through the time period; she wants to make a statement to go along with what Commissioner Tobia said a little while ago, this is not an emotional decision; she knows it has a

lot of emotional impacts, but the Board's number one job is to have the overview of the finances; that is what the Board was elected to do, to watch over the dollars; there is always someone who is not going to like what the Board does and others who love what the Board does; what the Board is supposed to be doing is watching over the taxpayers' dollars and making sure the monies are spent the best way they can be spent; and no they are not perfect at it, but serving with these guys they seem pretty honest. She added Commissioner Tobia has been pretty strong on that. She went on to say picking up a term that was used a long time ago about picking winners and losers, if one does claw backs and claw forwards it can be panned out a little bit; this is a whole other thing, it is a little more subjective; she wants to make a statement as far as the funding, the BCA is mostly local, it is okay, it is Ms. Engerran's job and what she does; however, the County does not have unlimited sources of funds, if it did they would have everybody mad at them because they would be raising everybody's taxes so that everybody could have everything that they needed or wanted; and trying to even compare this with people dying on the beach is a no-go with her. She mentioned people's lives will always trump over everything else the Board does; that does not say that what Ms. Engerran is doing is not of value, it does have value; she has kids that play in the symphony; they are all into the arts and everything; they also support it by going to things; there are wonderful things in the community; she does like her and her group, but she really thinks the BCA needs to get other sources of income; and she thinks the County is probably half of that income right now.

Ms. Engerran advised it is about 40 percent.

Chair Pritchett mentioned she does not know where the other Commissioners are on this but in fairness this is not new, she did throw this out there three months ago that she was getting ready to move those cultural funds; she has been on the TDC Board for a while; she does not like the way they are doing them; she is not comfortable with how they are doing those things; she has not been comfortable with them for a long time; and she has been working very hard to move those funds off into something else. She stated it is not that she does not support the arts, she does; they spend a lot of money on it; what she would be willing to do, but she does not know where the other Commissioners are, is to provide a three month contract to help the BCA get an exit plan together because she does not want Ms. Engerran unemployed and all of the sudden without having some way to manage that; she does believe this has to move somewhere different; and she is a little disappointed that Ms. Engerran did not get with the cities a little bit. She noted in all fairness she always says everything early before she does stuff; she is not real good at throwing things out quickly, she is pretty good at warning people about things; that is where she is right now; she does not know where the rest of the Commission votes are; however, as far as her vote, she is not going to do another year contract.

Commissioner Goodson stated with the TDC money, zero to 10 percent could be given to cultural, that is what the people voted on; and he asked if that is correct.

Commissioner Tobia stated he can read the ballot language; it actually says nothing about how the money is to be expended; he read, "Referendum to approve County Ordinance Number 86-25, levying and imposing County-wide and tourist development tax, two percent for each dollar, major fraction of each dollar of the total consideration charged every person who rents, leases, or lets any living quarters or accommodation in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreational vehicle park, or condominium for a rental term of six months or less. Yes for the tourist development tax. No against the tourist development tax." He stated the way it was written is pretty clear; it is how it was collected, not how it was spent; how it was spent was through an Ordinance, so that is largely a determination of the Board; but this is what went before the voters and was passed.

Commissioner Goodson stated with that being said, the collection of these taxes, he assumes the people voted with some understanding that they would benefit from them; Cultural Alliance is a benefit, lifeguards is a benefit; and he definitely thinks if the Board is going to give them three months, that is the way he understands it, the Board funds so many other things that are surely questionable, the Board might really want to think about this before voting.

Commissioner Feltner thanked Ms. Engarren for attending; he stated if the Board is in debate, he does not regret his vote to fund lifeguards; it simply is what is the next best use of the same money; there is a problem in front of the Board, expanding lifeguard services on the beaches in the unincorporated part of Brevard, that is why it asked the cities to pay in the municipal government so the Board could expand services in the rest of Brevard County; as far as the last vote is concerned, he does not regret that; and he asked everyone to keep in mind the property taxpayers in Brevard County pay the lion's share of lifeguard services, therefore, getting to a place where tourism tax pays for lifeguards is a good thing for the future, because certainly there has been an uptick in incidents on the beaches, when the tourist are there.

Commissioner Goodson stated it tickles him that the Board has grilled Ms. Engerran about going to see the cities.

Ms. Engarren responded affirmatively.

Commissioner Goodson mentioned the Board had put out a request when he first got on the Board to the cities, 23 Community Redevelopment Agencies (CRAs) to respond on affordable housing; and he asked if Ms. Engarren knew how many the Board received.

Ms. Engarren replied she does not.

Commissioner Goodson commented he thinks the Board received one; that was the Board asking them to help the homeless; he asked that she please make every effort to go see them; and he asked that she get back to the Board and let it know out of 23 how many welcomed her in their door.

Chair Pritchett commented she has a quick note on that, Commissioner Tobia and Smith kind of shut down all the CRAs in the past little bit.

Commissioner Steele stated he has one last comment before the Board gets into a motion and debate; he thinks it would be devastating to do away with BCA and thought about the wonderful arts program that is in Brevard County; there is a certain percentage of people that absolutely love the arts; for this Board to say BCA only has three months to get out, he thinks it sends a very bad signal to the United States that are looking at Brevard County to come visit or potential jobs; and he thinks it is a mistake to do that. He went on to say he understood Chair Pritchett's comments in regards to probation, but he was not there; it sounds like Ms. Engarren could have done a little better job going to the cities and potentially raising money; but to just wipe out the BCA right now, he thinks is a major mistake; and he would pray that the Commission does not do that and that it would fund at least what it funded last year for another year and then see what happens. He continued by saying the Tourist Development Association is the one that gets the numbers in Brevard so the statistics, in regards to Facebook and all those other things, only matters if the tourists get here, then the BCA will be able to supplement what the people can do; he thinks there are some very valuable messages here; and he just does not want to see this happen today, where it gives the BCA three months or does away with them, period. He added that is where his vote is on this.

Commissioner Tobia stated he had not thought of giving them a quarter for a glide path

because he thinks the year that was given to them was a glide path; he was unaware of Commissioner Goodson's thoughts on that; and he would like to give his perspective and throw a wrench in this where he was not prepared to go, until listening to those two Commissioners. He noted he does not understand the BCA; he does not understand the administrative function of the BCA; he does not know how they bring, by their own metrics, anyone in; talking about the cultural arts, the grants there, there was no question that those organizations brought people in; the Board just decided that the money was more important for lifeguards than those; the BCA, by their own admission, does not bring in people; and he thinks expending money for the BCA is far worse than the actual cultural programs themselves. He went on to say the glide path for the BCA, a quarter of the amount they are requesting is, just doing the math would have been \$53,040; very rarely will people hear this come out of his mouth, but he is actually going to make a suggestion that would cost more than \$53,000, it would cost \$132,500; how he got to that \$132,500 is he would be okay with sending a hard line of \$132,500 back to the TDC to spend that money on grants to the programs that the Board heard from; he would like them to go through that process again and give them a year glide path to go to the cities and see if they can get some buy-in because the BCA did not; the Board gave them an opportunity and they decided to go in a completely different direction; and he thinks it is unfair to give them a second chance, but not give a second chance to the many organizations out there who quantifiably bring stuff back. He noted that would be his suggestion; it is \$70,000 more than giving the BCA a three-month extension; he would not issue that today, he would want the subcommittee to have a go at it with that; that is just a suggestion; he has a hard time furthering any money for the BCA seeing they are going to do less work, by their own account and ask for more money; that is where he is with that; and then when the Board is done with this, he has another wrinkle to put in by a bad motion that he made previously, but he wanted to see where that lands.

Commissioner Goodson mentioned, if he is not mistaken, the TDC has \$20 million; and he asked if that is correct.

Mr. Cranis stated it will probably be north of \$25 million this year.

Commissioner Goodson asked if last year was \$17 million.

Mr. Cranis advised last year was \$23.3 million.

Commissioner Goodson stated he is off on his numbers; but anyway, the numbers are definitely up.

Mr. Cranis responded affirmatively.

Commissioner Goodson mentioned at this time there are three new hotels being built in Cape Canaveral/Cocoa Beach.

Mr. Cranis replied in the affirmative.

Commissioner Goodson stated then tourism is doing really well; and he asked if Mr. Cranis agreed.

Mr. Cranis replied yes, they have had three straight years of major growth.

Commissioner Goodson stated of course he is not giving Mr. Cranis any credit for that.

Mr. Cranis jokingly replied, nobody does.



Commissioner Goodson stated he knows that, the Board kind of beats him pretty hard; and if the County is having these prominent times and doing so well, he asked why the Board is sitting there wasting his time on \$212,000 for the BCA. He asked the audience to please not clap; he is not trying to be rude or obnoxious, he is just trying to say any time the Board votes it does not always make the right decision and they may come out later in life, or down-the-road, and say they wished they would have changed that; he wants everybody to be respectful of what it is voting for today; and hopefully this will go on and everybody will be happy, and then if the Board puts guidelines on it to make them perform for next year.

Chair Pritchett noted the Board has had the privilege of doing this for seven years, so they are a little bit more used to trying to work through the numbers; she totally gets it; when she came on she wanted to do it and figure it out; she just knows the Board has to do some changes; she does not think that she would say, only \$212,000, in her household; that is a lot of funds; even in the Commission District offices they place a lot of caps on their funding; anyway, it is still a large amount of money and the County did have to help and jump in on this budget trying to get the safety of the beaches up; and those monies had to be pulled from other things. She noted there were a lot of people that died this summer and that is a big deal; and she knows Ms. Engerran knows that too, it would not be an argument with her.

Commissioner Feltner stated he would like to ask a quick question of the County Attorney, County Manager, or Mr. Cranis; for the future, trying to use Tourist Development Tax (TDT) for lifeguards, he asked if there is a way to segregate buckets, where cultural grants during one bucket and money for lifeguards is in another, or is it just one pot that is for marketing.

Morris Richardson, County Attorney, explained cultural grants right now, or historically, have been funded under a bucket for cultural, which is up to 10 percent of the first two pennies; marketing is contained in several different places, but within that same two pennies; it is a separate section and it is at least 25 percent for marketing; marketing has a floor and cultural has a ceiling; they are sort of naturally separate; they cannot fund lifeguard services by relying on the cultural provision; but if those are moved into marketing, which can happen as discussed in the next Item on the Agenda, it can use that marketing funding, he believes, to fund lifeguards. He noted maybe he is not exactly understanding the question, but he thinks the way the budget plan Ordinance is set up, it already sort of naturally divides those; however, there is a calculus where the Board can move or adjust how much funding goes into each of those things.

Commissioner Feltner asked for the future going forward, if there is a way to identify TDT just for lifeguards, and that it not affect other programs that are paid for from the tourism tax.

Attorney Richardson advised he believes that all falls within the discretion of the Board and how the Board directs those funds to be expended; for example, it could expend funds from the marketing fund without moving funds from cultural into marketing; but if it does so, it will impact the programmed marketing campaign.

Commissioner Feltner noted he understands.

Chair Pritchett stated on Commissioner Tobia's proposal, she would be apt to do that if it was moved into marketing and the marketing aspect would be used for cultural projects, to do marketing outside the County, as the Board figures out other parameters; she really does not think it would be good to put those in the same pot again, because there are no winners and losers; and the Board ends up in this situation.

Commissioner Tobia asked if that would be through reimbursement.

Chair Pritchett advised it would; it would do marketing and do the reimbursement that way; it would be another way to utilize those funds that way because everybody is saying they need so much more marketing; if the marketing is done right, more people come in and there is more money in the community; therefore, all these organizations end up with more funds.

Commissioner Tobia advised he would be amenable to that as long as it went through the proper process through the TDC; the Board gave them a hard cap; Chair Pritchett's suggestion was...

Chair Pritchett noted the Board can discuss that on the next Agenda Item.

Commissioner Tobia mentioned then it would be directly spent instead of going through an administrative organization.

Chair Pritchett stated the only thing she is struggling with him right now, is this was just brought up a couple weeks ago; and she inquired how long the contract is still good for with BCA.

Frank Abbate, County Manager, advised he believes it is October 1.

Chair Pritchett pointed out that is still a little bit of time; she really does love all that Ms. Engerran does; however, one year ago she had mentioned this, and in all fairness, it has been a long time coming; she is probably not going to support it; if somebody wanted to support an initial amount of money, but if it is all the way to October 1, it still gives a little bit of time to prepare; and that is where she is at right now.

Commissioner Steele moved to approve the BCA Contract for \$212,000.

Commissioner Goodson seconded it.

Motion fails 2:3 Tobia, Pritchett, Feltner.

The Board denied the motion to approve the BCA FY 2023-2024 contract.

**Result:** Denied

**Mover:** Jason Steele

**Secunder:** Tom Goodson

**Ayes:** Goodson, and Steele

**Nay:** Pritchett, Tobia, and Feltner

Commissioner Tobia stated he will move to deny the BCA 2023-2024 contract and direct staff to allocate the requested \$212,160 into the TDT marketing fund.

The Board approved the denial of the Brevard Cultural Alliance FY 2023-2024 contract; and directed staff to allocate the requested \$212,160 into the Tourist Development Tax Marketing Fund.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Rob Feltner

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

**Nay:** Goodson, and Steele

Commissioner Tobia stated he made a motion last time about the grant funds and it opened a little bit more of a door, therefore he wanted to bring that out; he certainly is not trying to pull a fast one by anyone; he inadvertently lumped the major event grant program with the cultural grants because it comes out of the same fund; he has never supported these major grant event funds either; and he certainly would not intend to do it again. He reiterated he certainly did not intend for the Board to lump those together; he should have been more clear in his motion; he does not know if there is support by the rest of the Board on that one way or another; he will not be supporting it, but he does not want to pull a fast one by anyone; there is about \$225,000 apparently that they will receive, \$75,000 for three different events; and he just wanted to throw it out there to see where the Board is and to give staff a little more direction as they move forward.

Chair Pritchett noted she actually thought it was all in the same package; she knows at the beginning of last year there was a long discussion over one of the air shows and she just got the eureka at the time that this would be so much better served if it was under marketing, it was direct reimbursement for marketing outside, and there were not these other things that the Board is trying to look at because even if the Board were to continue on this she would want to see everybody's full financial statements, salaries, and everything because there is so much money that the County is paying for these services; and she just considered that as part of it and she was hoping that the Board would drill something out of marketing as it discusses this later for people to get reimbursement for that type of marketing. She asked if there needs to be a motion.

Commissioner Tobia advised no motion, he just wanted to be transparent on that; he supports that idea; however, he wanted to be as transparent as possible when it came to that additional \$225,000 that will impact the motion that he will make on the lifeguard item coming up; and it will change the dollar figure by \$225,000.

## **H.2. Discussion and Board Direction, Re: The Use of Tourist Tax Revenues for Beach Lifeguard Services**

Frank Abbate, County Manager, stated this is a request by the Board as to how Tourist Tax Revenues could potentially be used by beach lifeguard services; the County Attorney did prepare and he has attached to this Agenda Item, an analysis that shows two potential options; and he will turn it over to the County Attorney for him to explain to the Board both the marketing and the capital grant components of the Tourist Development Tax (TDT) and how they could be used for lifeguard services should the Board so choose to fund that in part.

Morris Richardson, County Attorney, noted the Board expressed a desire to potentially use TDT revenues to fund lifeguard services and asked whether that could be accomplished and how; previously the Board had received an opinion based on a 1990 Attorney General Opinion (AGO) that TDT could not be used to fund lifeguard services, but that was specific to the beach fund; the beach fund specifically itemizes its purposes and what it can be used for; they all relate to physical aspects of the beach and things of that nature; it clearly cannot be used for lifeguards, but the AGO was limited to that specific use of TDT with a specific vision within the Statute; the AGO did not address the use of marketing TDT dollars for lifeguards; and in fact, subsequent to the AGO, that Statute was amended to make it clear that those dollars can be used to fund services, not just marketing but also services, as long as those services have as one of the primary uses, the attraction of tourist or promotion of tourism, and as long as there is some direct connection to tourism. He continued by saying the Board could certainly make findings that lifeguards services have as one of the purposes, the attraction or promotion of tourism; there has been a lot of discussion about the negative effects on tourism, of drownings, and the perception that Brevard County has unsafe beaches; if the Board made the proper

findings, in his opinion, there is an opportunity to use funds from the marketing fund, of the first two pennies, for the provision of lifeguard services; that would have to be done in conjunction with the Tourist Development Office (TDO) actually promoting those lifeguard services as part of the marketing; and the TDO Director, Peter Cranis, has discussed ways to emphasize safe beaches and lifeguards in some of the marketing and the creative campaign, therefore, the Board could certainly get there under the marketing provision for TDT dollars. He stated the second option relates to the capital fund and that would unlock the potential to use some TDT that are currently in capital for things like new lifeguard towers and associated equipment to start a new tower; the Board recently placed two new towers out there; he does not know if the Board has direction to place any more new towers as it has replaced two seasonal towers with full time towers; and it relocated those seasonal ones. He mentioned those options are outlined in the opinion; he thinks staff is just looking for direction as to how much, if any, revenues from TDT the Board would like to see put to use for lifeguards; and if the Board wants to explore that option, then he would bring back an appropriate resolution of findings to the next Board meeting.

Martha Pessaro stated she is talking as a citizen of Brevard County and is asking how in the Ordinances the County is making these changes; as she is reading through, she is looking at projected budgets for this year and next year; she is also looking at the process that must be followed in order to change any of these Ordinances; and she asked if the Board has duly followed those. She noted she is looking at Item G., the above stated plan which delineates the uses of the tax collection; Item G., states the above stated plan may not be substantially amended except by ordinance enacted by an affirmative vote of a majority, plus one additional member of the Board, the council shall from time-to-time make recommendations to the Board for the effective operation, and all the other special projects aligned therein; she does not believe the Board followed the correct procedure for making these changes of the reallocation of the funds; she would question how that was done; and she would like to see the proper methods followed.

Aaron Collins stated he is a member of the Tourist Development Cultural Committee; he also has the great fortune of being a member of several organizations who have greatly benefited from funding over the last decade from the cultural support grant program and its various iterations; one of the most purposeful things in his life is standing there today on behalf of the incredible arts organizations here in the community; he thanked each of the Board Members for taking the time to privately speak with him this past week and sharing their visions and thoughts, it was sincerely appreciated; he noted serving on the TDC cultural committee has been a great pleasure; the hard-working and dedicated committee spent many meetings and hours crafting a grant application, focusing solely on heads in beds and Return on Investment (ROI) to satisfy the directives set forth by the Board and the TDC; and they did that knowing that many of the smaller arts organizations who make the community better and enhance the quality of life would unfortunately be left by the wayside. He went on to say the grant application went through many meticulous revisions over many months; in a few short minutes, the Board voted unanimously to take away all of the money that Brevard County taxpayers voted on to promote the cultural activities; the arts are a major engine of economic development and tourism in this County generating \$131 million and contributed almost \$65 million in the local GDP in the past year; business leaders, developers, tourism officials, and community planners have joined with parents, educators, and civic leaders to promote public policies that strengthen the arts; they do so because they recognize the benefits that accrue to communities when the local government helps to foster a robust arts sector; people understand that the Board has to make difficult decisions; he does not think anyone would disagree that giving funding to lifeguards is crucial; and in closing he has four questions. He asked how this program can continue with the Board's guidance.

Derek Gores stated he is an artist, an Eau Gallie Arts District Board member and may be a community builder; the Board has a tough job, it has to keep society ticking along with the layers that are important; he believes that culture must be one of those things that is included; he knows the Board is maintaining roads and all those things, but culture has to be on that list; he wants to add a comment to the conversation that Kathy Engarren was having with Commissioner Tobia; the cultural symposium absolutely helps drive tourism; and he asked the audience to raise their hands if they learned something at that symposium.

Chair Pritchett reminded Mr. Gores he cannot poll the audience.

Mr. Gores stated he can raise his own hand; he himself, in the last year, has had three workshops of his art that were sold out and a third of the people who attended were from out-of-State, some from out of the country, to come take art lessons, et cetera; the Board's decision last week, was not only wrong, the Greeks and Romans looking at this would be shocked from eras ago, but it was also lazy; he has learned that the Board has more tools that it is not using; if there is critique of certain events that happened in the County, there is something called time, place, and manner restrictions; this has been solved before, the Board does not have to just use a blunt instrument; if the Board says it does not care about art, or does not have heart and soul, or if it comes down to money for them, remember the phrase, attracting and retaining the young tech talent that is so key to driving the economy, here culture is what attracts and retains that young tech talent; and when there are people from New York and California who might want to move here, culture is the only answer to that. He asked the Board to reconsider, and stated that it has to do much better.

Mark Marquette stated he is the community liaison for the American Space Museum; the Board President and another Board member are in attendance; he is also the President of 21 institutions that are non-profits that make up the Museums of Brevard, the MOB; the consequences of the Board's actions reverberate throughout the MOB as nine of the MOB-sters are taking a hit financially from this Commission, with most of that money needed for advertising; as a legal non-profit, the MOB offers 21 unique cultural attractions at Brevard County from the lighthouse to the eight homes of the most influential people who have ever lived in Brevard County; and this Commission has turned their backs on the MOB. He asked if the Board knew that every January in downtown Titusville, the American Space Museum honors the 17 astronauts who died in NASA's space tragedies of Apollo 1, Challenger, and Columbia; he commented thanks to this Commission, the museum has no advertising budget for that event or any of its events this year, to bring heads in hotel beds; there are several international visitors every day in their humble museum; the Board is turning its back on the memory of America's heroes; people call the National Space workers, national treasures; they were people's grandparents, fathers, mothers, brothers; Brevard County put America on the moon; and again, Brevard County is a mecca for the space workers of new companies wanting to go to the moon. He added the influence of the Artemis generation of young engineers and workers are not only seeking entertainment at the beaches and restaurants, but they also desire cultural stimulation in the cards, and that is what the MOB has to offer; he wishes he could change the Board's mind, but that is not how politics works; and he says as President, meet the MOB.

Dawn Matheson stated as someone who bursts into flames after about 15 minutes on the beach, she would like to know how much every one of those dollars of tourism going to the lifeguards, that brings in; she would like to know the metrics with that; she found a lot of scholarly papers on how the art affects real estate value and how art brings in tourism, but she did not do the research on how much money lifeguards actually give a return on a society; although she believes lifeguarding is great, she as a person, does not get to benefit from the lifeguarding because she cannot spend any kind of time on the beach; and she would like to

hear that before the Board takes that \$212,000 from the \$23 million and spend it on lifeguards.

Sandra Sullivan stated in May the discussion was about getting some funding from the cities because the County was funding lifeguards out of the General Fund; a legal opinion, she read the minutes last evening, they are not available on Legistar interesting enough; one cannot search Legistar for about 50 percent of the minutes, one has to go to the Clerk of Courts website, because the County is not prioritized for transparency, apparently; when one starts doing Google searches on lifeguards, on having lifeguards out of TDC, and she send the Board an email last evening with some links to some of those sights; in 2013, there were drownings in another County and they wanted to have lifeguards paid out of TDT and they could not; one of the State Representatives did a bill that failed, to try to change that; and she would suggest that this Board would be met with some legal issues. She noted in the May meeting, the County Attorney stated it could be used for replacing and fixing the towers, but not for the services; and it is kind of interesting that has changed. She continued by saying she finds it interesting that Cocoa Beach contract is up in September, next month, and the conversation in the May meeting was what happens if the cities do not want to pay their share; she wants the Board to be honest, what this is about is a City pushing back on it, saying it does not want to pay that; and what she would say is that most of the money, \$2.5 million but closer to \$3 million because of the Indialantic, is going to cities who are charging for parking and even beaches that the County has given to the cities to do away with the liability.

Commissioner Tobia stated he would like to thank the County Attorney's Office for providing the memo and the legal interpretation; there were a couple of layers and there had been some changes in Statute; this was quite a bit of work that had to be done; he has a few issues when it comes to the cost share of the cities; the attachment at the end of it he would certainly like to address and plans to address; he in fact, has an Agenda Item at the next meeting, the Budget meeting, dealing with the city cost share associated with those beaches, specifically the ones that do charge for parking; and he wants to be very clear, the motion he is about to make has nothing to do with that cost share, that is something the Board took a pretty hard line on and he hopes it stays that way, but everyone will find out at the next meeting when he brings it up. He advised the motion he has, the numbers have changed a little because of the \$225,000, and that is probably why the Board sees a different number than what was presented in the findings from the County Attorney's Office.

The Board discussed and directed staff to use \$934,654 in Tourist Development Tax revenues from the marketing fund for Countywide beach lifeguard services; directed the Tourism Development Office to include the promotion of beach lifeguard services as part of the marketing plan for the next Fiscal Year; and directed the County Attorney and staff to prepare a resolution setting forth appropriate findings for the Board's consideration at the September 5, 2023, Brevard County Board of County Commissioners meeting.

**Result:** Approved

**Mover:** John Tobia

**Second:** Jason Steele

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

**Nay:** Goodson

**\*The Board recessed at 10:57 a.m. and reconvened at 11:05 a.m.**

**I.1. Proposed Ordinance Amending Chapter 46 - Environment, Article IV - Noise, and Section 62-2271 - Noise, of the Brevard County Code of Ordinances, Relating to the Regulation of Noise**

Morris Richardson, County Attorney, stated the Board had given direction to make some revisions to the noise Ordinance which had not been substantially amended for over 20 years; the primary purpose of the amendments was there were reports from the Sheriff's Office that when they had tried to enforce the noise Ordinance as a misdemeanor Ordinance violation, the State Attorney was reluctant to bring cases under the existing Ordinance because it had what the State Attorney's Office (SAO) deemed to be a subjective standard, a standard that says loud and raucous noises are prohibited; loud and raucous can be in the ear of the beholder; that loud and raucous standard has been replaced with something called a plainly audible standard, which is a more objective measurement; it is a question whether a person of normal hearing can hear a noise at a certain distance from the property line from which the noise is emanating; he met with the SAO and the Sheriff's Office and they all say that is enforceable; the State has gone to that under Chapter 316, which regulates motor vehicles; they have a plainly audible standard that the courts have upheld; and most of the jurisdictions that have updated their noise ordinances in the last decade have moved to a plainly audible standard for their non-noise meter enforcement. He continued by saying on the noise meter and technical side, the Ordinance has long measured noises on what is known as the A-weighted decibel scale; it has thresholds in it based on time of day and the use of the property from which the noise is generated, maximum noise levels which cannot be exceeded; his direction was to try to capture some sounds that the A-weighted decibel scale is not really good at, things like bass sounds, more vibratory types of noises, the lower sound range, so he added the use of a C-weighted decibel scale which is better at capturing those noises; then another complaint that the Sheriff's Office and code officers articulated was that the old Ordinance was, in large part just because the age of the Ordinance, called out some antiquated technical standards and requirements for the devices so that it was not able to obtain sound meters that checked all of those boxes; and they had to constantly send the existing ones in for repair. He noted the Sheriff's Office only has one and they are very expensive to obtain; the Ordinance included things like a measurement cycle that required the sound to be measured over an average of a 15-minute period, and that has been reduced to a 30-second period, which is consistent with a lot of ordinances out there; he updated the technical requirements so that the meters that will be used will still be reliable, calibrated, more affordable, and more readily available; and those are the major changes in it. He mentioned he would be happy to discuss any specific questions.

Commissioner Tobia stated he passed out two suggested changes to the Ordinance; he has run both of the changes by the County Attorney's Office; he appreciates all the work they have done; this was a moving target as there were a couple iterations; he wants to go over those rather quickly; and one is not as substantive as the other. He went on to say the first one adds an additional whereas clause, owners of real property in Brevard County have basic rights, presumed innocent just to due process section, again, that is in the whereas clause; the second one is a little more substantive in nature and for a couple of reasons; he was interested in going back to the initial drafting of this, that is where the warnings were two instead of one; for example, the City of Sanford is similar to that; however, some citizens in his portion of the District, the South Beaches, brought some concerns with the language; he received an email yesterday and the County Attorney immediately was able to jump on that and add it to this one, that he thinks will ameliorate those; ironically enough, and those citizens are well-aware of it because the legislature saw it as the South Beach area is an area of State of Critical Concern, as was placed in there, they will be exempt from this until the State makes a decision to go in a different direction, so that language and the Board has the strike-through language, it changes it from one warning to two warnings; however, their concern was since there were two different

organizations that will be providing warnings, the Brevard County Sheriff's Office, as well as Code Enforcement, they were not sure how they would be working together, this would aggregate those. He explained if one, Brevard County Sheriff's Office issued a warning and Brevard County Code Enforcement issued a warning that would be counted as two; he commented this one, where it says the underlying, by any enforcement officer, according to the County Attorney, this makes sure that count is aggregated; that is the suggested change from number two, going back to the initial language, mirroring that as Sanford, as well as taking care of the concern of some residents in his District; those are his suggested changes; and with those suggested changes it will have his support. He stated he wanted to thank Commissioner Goodson for bringing this up and the County Attorney for doing the work to make sure this happens, as well as the citizens in his District who were very vocal concerning this, and he wanted to make sure they lived in a little more harmony than what they currently do.

Commissioner Feltner stated he also appreciates Commissioner Goodson for bringing this up; he thinks it is time to catch up the Ordinance to the current situation being dealt with; he asked the County Attorney to correct him if he is wrong; the Sheriff's Office and the County's Code Enforcement Officers are going to be the ones that could enforce this; if Brevard County Sheriff does not want to cite someone, they can write up an affidavit, give it to Code Enforcement, and the County can take it from there; and he asked if that is correct.

Attorney Richardson advised that is correct.

Commissioner Feltner inquired if the deputy would then attend a Code Enforcement hearing to speak on the issue when the homeowner or the property owner comes to challenge that.

Attorney Richardson replied the deputy might come to the Special Magistrate hearing, however, Special Magistrate hearings are not bound by the strict rules of evidence, so they can take a sworn affidavit; therefore, the deputy would not necessarily have to appear.

Elaine Taylor stated she has to do this quickly; she lived in Oceanside Village for 21 years and she truly loves where she lives; she is asking the Board to amend the County Noise Ordinance so that residents like her will not have to take their Homeowner Associations (HOA) and communities to court just to live peacefully in the sanctity of their own homes; two years ago their board, without a vote of the community, repurposed one of the tennis courts into two pickleball courts right across the street from her house; all she could hear inside the house was pop, pop, pop, pop, and screaming and swearing whether the shots were good or bad; she emailed the board and asked them to abate the pickleball court noise to no avail; her blood pressure has risen, even with medication, and she does not know what a good night's sleep is anymore; and she can no longer open her doors or windows in the morning or evening to let in the fresh air. She went on to say after failed mediation with the 2022 board, eventually she was offered and signed a settlement agreement to eliminate pickleball in the village; the result, a dead squirrel in the bushes closest to her front door, pickleballers honking their horns by her house, playing pickleball on the remaining tennis court to harass her, shaming her on social media telling her to move or go into a nursing home, combined with foul language and discourteous language from the board president; residents are afraid to complain, so she is the only one who dared to complain about pickleball; that is her saga; and the bottom line is no one should have to go through what she is experiencing. She mentioned if the noise Ordinance could properly reflect the actual noise issues caused by a sport activity that is so loud that it affects ones sanity, health, and welfare, it is therefore a nuisance; and many potential lawsuits can be provided. She noted she is suing for breach of contract and she is getting nowhere in the courts. She commented she did research on the federal Emergency Protection Agency (EPA) website and came across the name Dr. Clifford Bragdon, who is an expert in noise control; he lives right here in Melbourne, she has his resume and she is going to meet with him



because he is helping her with her court case.

Chair Pritchett commented she is sorry Ms. Taylor is going through that.

Ms. Taylor advised it is not just her, no one should, and this could happen to anybody.

Cheryl Hoffman stated she would like to thank Commissioner Goodson, Attorney Richardson, and Commissioner Tobia; Commissioner Tobia for listening to her and taking into account the problems people are having; and more importantly the entire Board for joining in to address them. She added the noise Ordinance is spectacular. She noted she has some questions, but she is happy to meet later to ask; they are more procedural because the group is probably going to come back to her for guidance and how to begin addressing the situation; if possible there are two points on page 17 that mention violation of a repeat violation; and she is curious if that is on the property or on the person making the noise.

Attorney Richardson responded by saying that is in the section that specifically relates to Code Enforcement and it is based on the property.

Ms. Hoffman responded that is perfect; and she asked if a renter is warned, if that goes against the property.

Attorney Richardson explained the way it would work if the Board adopts it as moved, if there are two warnings against a renter of a property, a vacation rental, two warnings and/or violations issued against a renter of the property, the County would send notices of that to the property owner and Code Enforcement could then proceed against the property owner with the notice of violation.

Ms. Hoffman advised that is how she understood it. She mentioned right below that on page 17, if they are deemed in compliance until it has been free of noise for 30 days, she asked what happens if they are not; and she asked what happens during that 30 days.

Attorney Richardson advised the way Code Enforcement/Special Magistrate works is when he finds a violation, he gives a time period to cure the violation; in the case of a noise violation, because noise is different, it is not like mowing the grass and one can see that it has been done within a time period, the property is not deemed to be in compliance until it has been violation free for a period of 30 days after the order.

Ms. Hoffman inquired if they are not in compliance what does that mean, if any, to the property owner; and asked are they allowed to continue to rent.

Chair Pritchett noted that is up to the Magistrate.

Ms. Hoffman responded ok.

Attorney Richardson mentioned there will be a fine determined by the magistrate which can be a lien on the property.

Ms. Hoffman noted she understands, at that point it sits with the magistrate.

The Board conducted the public hearing and adopted Ordinance No. 23-18, relating to noise regulation; providing for legislative findings and intent; repealing and replacing the provisions of Chapter 46 – Environment, Article IV. – Noise of the Brevard County Code of Ordinances; providing for definitions; providing a statement of public policy, purpose and application;

establishing maximum noise levels; prohibiting noise disturbances; providing for enforcement, penalties, and exceptions; repealing and replacing the provisions of Chapter 62 - Land Development Regulations, Article VI. - Zoning Regulations, Division 6. – Supplemental Regulations, Subdivision III. – Performance Standards, Section 62-2271. – Noise of the Brevard County Code of Ordinances; providing for conflicts; providing for severability; providing for codification; and providing an effective date; and amending Section 46-135(c)(1), the absentee owner was notified of at least two warnings issued by any enforcement officer for a violation of this article within the previous 12-month period. Notice of any previous warnings pursuant to the subsection shall be affected in writing by registered or certified mail.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

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

**I.2. Submittal to Florida Department of Environmental Protection (FDEP) Resilient Florida - Planning Grant for Port St John Regional Advanced Wastewater Treatment Plant**

Edward Fontanin, Utility Services Director, stated this request is for permission from the Board to apply for a grant with the Florida Department of Environmental Protection (FDEP); the grant is specific to continuation of a study related to the development of a regional wastewater treatment plant in the Port St. John area that would serve not only the Port St. John but also possibly the Cape Canaveral NASA Complex.

The Board approved the submittal to FDEP Resilient Florida for a planning grant for the Port St. John Regional Advance Wastewater Treatment Plant, and utilizing Brevard County Utility Services funds for grant matching funds.

**Result:** Approved

**Mover:** Jason Steele

**Second:** Tom Goodson

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

**I.3. Submittal to Florida Department of Environmental Protection (FDEP) Grant for Utility Services Projects**

Edward Fontanin, Utility Services Director, stated this request is seeking permission for Brevard County Utility Services to apply for grants to the Florida Department of Environmental Protection (FDEP); his office is seeking \$2.5 million from FDEP with the County matching \$2.5 million; and the projects to be submitted would be the replacement of two lift stations and the continuation of sewer manhole lining in the Merritt Island area.

The Board approved applying for FDEP grants for Utility Services Projects, and utilizing Brevard County Utility Services funds for grant matching funds.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Jason Steele

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

**J.2. Morris Richardson, County Attorney, Re: Board Report**

Morris Richardson, County Attorney, stated in the pending litigation between the County and Cocoa Beach hotel/motel regarding the Driftwood Project, he would ask the Board for permission to schedule an executive attorney-client session for the September 5, 2023, meeting; it is a 5:30 meeting, budget hearing; and he asked the Board to schedule that attorney-client session for 4:30 p.m.

The Board approved the cost of advertising for, and the scheduling of a special meeting for a private attorney-client session on September 5, 2023, at 4:30 p.m., pursuant to Section 286.011(8), Florida Statutes, for the purpose of discussing litigation strategy and settlement negotiation in the case of Cocoa Beach Motel, Inc. d/b/a/ Radisson Resort at the Port v. Brevard County and DAD 1300 N Atlantic Cocoa, LP, Case No. 05-2022-CA-041904-XXXX-XX.

**Result:** Approved

**Mover:** Jason Steele

**Secunder:** Tom Goodson

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

**J.5. Rob Feltner, Commissioner District 4, Re: Board Report**

Commissioner Feltner stated he has a couple things; first of all, talking about the noise ordinance, he thinks something this Board needs to contemplate, because he believes the vast majority of the problems are at night, is a couple nighttime Code Enforcement people; only responding, not necessarily driving around looking for noise, but responding; he knows there have been some issues where Code Enforcement people have been scheduled to come in the evening just so they can check a property and go out with the meters and all those sorts of things; he thinks that is something the Board should ponder. He went on to say his daughter is going to be induced on Thursday; it is a little early, and she has been having some trouble so she says she is really ready to go; and he asked that she be kept in their thoughts as she goes through that.

**J.6. Jason Steele, Commissioner District 5, Re: Board Report**

Commissioner Steele stated he had a really good meeting with Tad and Brian, Planning and Development, in regards to short-term rentals; they had a major presentation from a software company that can really provide some very exciting help for the County; he would like to ask staff to prepare a report on the County's enforcement of unpermitted resort dwellings; the report should identify opportunities for more effective enforcement, including but not limited to proactive enforcement, potential software improvements, special magistrate fine structures; the report should also discuss the due process challenges and potential fiscal opportunities and impacts associated with the enforcement of resort dwellings; and basically what they would be doing is taking a proactive approach on short-term rentals. He added he thinks it would be helpful; he has not had a chance to talk to the Property Appraiser, but potentially being able to find some of the people who are actually renting and clearing homestead exemptions when the property has been rented for longer than six months; that might be of assistance to the Property Appraiser; also with the tax Collector, she gets some money from some of the Airbnb companies, but this software actually shows every time it has been rented and how much it has been rented for; it really is exciting software; and he thinks if the Board would approve asking Planning and Development Director to move forward with providing the Board with a report, he would appreciate it.

Commissioner Feltner asked if there are places where this is in place today where the Board

could look at it.

Commissioner Steele advised there is, and that was one of Mr. Calkins questions; Cocoa Beach has one, and several counties have it, along with a couple cities in the State of Florida; the Board can arrange for a presentation to each Commissioner individually; and he thinks the Board will be surprised.

Commissioner Feltner stated he thinks one of the dilemmas, and he will say it again because he thinks he has said it at some other meetings, is the Tax Collector, who is collecting the short term rental tax, when it is remitted to the County from Airbnb, VRBO, Expedia, it basically comes as one check; it is not attached to a tax account number and that is very interesting, because if it was that would be very quick; it could be seen by tax account number who is remitting the short term rental tax, even if they are not supposed to be doing short term rental sales; but that is not available today. He added he thinks that is one of the big dilemmas.

Commissioner Steele mentioned it would be available under this program and it can tie right into the computer system and identified by tax account number.

Commissioner Feltner advised he is certainly interested and he looks forward to learning more about that.

Commissioner Tobia stated he wants to thank Commissioner Steele for bringing that up; he would imagine this would require a fair amount of time on staff in bringing that to the Boards attention; it is certainly much appreciated; he knows he gave Chair Pritchett a hard time for that; and he has a couple quick questions before he votes on this. He commented reactive to proactive, while it sounds good, he asked if Commissioner Steele is aware of Code Enforcement doing proactive enforcement on anything else or if this would be a complete paradigm shift of how Code Enforcement is done.

Commissioner Steele responded no, they did not really get to what that would be; what they were really trying to do is accomplish when there is a Code Enforcement violation, be able to pull up everything in the neighborhood and then if there were people that were in the neighborhood that were doing things that would potentially be a violation staff might send out a letter to them stating the County sees they are doing short term rentals and that they need to come in compliance and provide them what they need to do to be compliant; he thinks when Commissioner Tobia sees the presentation he will be very surprised.

Commissioner Tobia clarified this is new, the proactive approach; when there is a report he would like to see how this does not spread to people's lawns being too long; he is afraid that all of a sudden this will get...

Commissioner Steele interjected by saying this is short term rentals only, and that is what they are trying to assess.

Commissioner Tobia noted he did not have the benefit of meeting with that software company that provides those services; and he imagines that there is a cost associated or he asked if there is a contingency fee.

Commissioner Steele advised there is a cost and he is looking for a presentation on what the cost would be.

Commissioner Tobia advised there is a Policy that he is sure Commissioner Steele is aware of, BCC-21, which requires a competitive bid; and he asked if Commissioner Steele is aware of

other software companies that may provide a similar service.

Commissioner Steele stated no, but there may be some.

Commissioner Tobia mentioned that may be something to come into play, but he has no idea based on those parameters, the amount of time that would go into this; and he asked if Commissioner Steele knows how much staff time would be dedicated to this.

Commissioner Steele responded he does not and that was one of the reasons he wanted to get the study done, so the Board could figure those things out.

Commissioner Tobia noted he meant how much staff time would be dedicated to get the study done.

Commissioner Steele mentioned Mr. Calkins is not in attendance and he has no idea, but when they left the meeting they were very excited about the proposal and wanted to get it before the Board to get it approved so they can determine all of the unknowns that are being asked.

Commissioner Tobia jokingly stated he is very disappointed because when Mr. Prasad worked for him he never once got excited; but now that he works for the Board he is excited; and he asked how much staff time he thinks will be dedicated to this.

Billy Prasad, Planning and Development, stated based on his understanding of what is being asked, probably eight hours or so.

Commissioner Tobia advised Commissioner Steele that he will have his support.

Chair Pritchett asked if there needs to be a vote.

Commissioner Steele commented Mr. Calkins is right center lane and he does not want to get him out of the lane, so he would like a vote.

The Board directed Planning and Development Director to prepare a report on the County's enforcement of unpermitted resort dwellings with the report identifying the opportunity for a more effective enforcement, including, but not limited to, proactive enforcement, potential software improvements, special magistrate fine structures, discuss the due process challenges and potential fiscal opportunities, and impacts associated with the impacts of resort dwellings.

**Result:** Approved

**Mover:** Jason Steele

**Secunder:** Tom Goodson

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

#### **J.4 John Tobia, Commissioner District 3, Re: Board Report**

Commissioner Tobia stated today is National Eat a Peach Day; that is very creepy on the screen; if you look at what AI generated when one puts in National Eat a Peach, it looks like a peach is eating itself; be a little skeptical of AI; now a useless Florida fact day; Key West has more bars per capita than any other place in the country; that is a shout out to Mr. Denninghoff for his next vacation; and next is this day in Florida history. He continued by saying this day in 1992, Hurricane Andrew became a category five hurricane and soon after made landfall in South Florida, setting windspeed records of 175 miles per hour; be mindful of these things that happen; finally, County employee recognition; now they are playing games with him; Central

Services sent him an entire team, Mary Bowers, Sherry Collard, Heather Riley, Erica Curlew, Angela Boss, Melissa Pope, James Norris, and Tremisha Flood; they are Brevard County Purchasing Services staff; Purchasing Services has been honored with the Florida Association of Public Procurement Officers, the very prestigious PPO Award of Excellence in public procurement for 2023; and this award recognizes organizational excellence in procurement and acknowledges agencies that meet or exceed benchmarks of best practices in procurement profession. He went on to say this excellence in public procurement award program, that is an alliteration there, public procurement program measure innovation professionalism, e-procurement, productivity in leadership attributes, attribute of the procurement function, Brevard County Purchasing Services has truly distinguished itself within this State; this award is a testament to the hard work and dedication; Brevard County is one of only 24 agencies to receive this prestigious award; this is an accomplishment to cherish; and he expressed his congratulations on the well-deserved award.

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

#### **K. PUBLIC COMMENTS**

David Auiua stated he is there today on the same issue that occurred on May 5, 2023, and a number of issues that occurred previously, leading from 2009 where Brevard County Sheriff's Officer, badge number 0042, has responded; it turns out it is not just coincidence because it is numerous times; whenever he responds, he ends up with a plethora of more incidents that occur, such as on May 5, 2023, after getting a trespass warning regarding the horn beeping; the horn beeping came around in procession like a parade; it is his opinion, and facts that can be proven once the police records that he is still waiting on, it can be determined that this is going on with the same particular officer 0042; and he would like him to be re-stationed away from the West precinct. He noted he has since reached out to the Commander of the precinct, which was not a very polite conversation, which is also recorded; he reached out to staff services, internal affairs, everything that is a public accessible means, and to no avail; he is asking the Board to find resolution in a way to have this officer who has been, and he cannot prove it beyond a reasonable doubt without the records, but he does think once the Board sees them, it will be pretty clear this officer is corrupt; he is looking into litigation regarding this matter; and he wants this officer off of his beat so he does not have to worry about going outside. He noted each and every time this officer is dealing with him, the issues progress; Jackson Kia, there is another opportunity to look into that matter; it is ongoing and it has not stopped since 2009; and it is the same officer, so he thinks it needs to be looked into.

Sandra Sullivan stated at the last Commission meeting two weeks ago, a vote was taken and she has never seen anything like it in the past five years; to have a room full of people and take a vote intentionally before hearing the people, she was appalled; she wants to talk about that issue to do with the incorporation of Merritt Island and why this Commission would vote to accept a study that did not meet State Statutes, but states that it did; in a meeting following with the State Representative Tyler Sirois, he indicated it did not; in her meeting with Commissioner Feltner, it did not; showing a map, she stated this is in 1998, a map from the North Merritt Island Special District governed by State Statute; and as can be seen, the Federal lands are part of that jurisdiction. She went on to say in 2015, it was a very exciting project with Blue Origin and in there, as one can see from the paper she is holding, it says the grant money would come from North Brevard Economic Development Zone (NBEDZ) and generated by new commercial and residential construction by property tax revenue; that is not correct because it is actually federal lands, it does not generate that; more importantly, according to State Statute, they cannot, they are bound by their boundary, which was District 1; Commissioner Pritchett was on the City Council when that North Brevard Special District was created in 2011; in the following year in 2016, the map shows a boundary of North Merritt Island was added to

NBEDZ; and this is not legal.

Commissioner Tobia stated last but not least, the honorable Dana Blickley, Property Appraiser; before she gets to the podium, he will take a moment of personal privilege; her employees are certainly a part of the Brevard County family; he thinks an email was sent; if she would like any of her employees to be recognized, he would be more than willing to treat them the same way as the Boards; many, if not all of her employees, are hard-working folks and they certainly deserve that recognition; and he just wanted to throw that out there, if she is so inclined.

Dana Blickley, Brevard County Property Appraiser, stated she certainly appreciates that; she is there to pay the Board a compliment today; she knows it is very difficult to be up there; she can imagine there are positives and negatives on almost every vote that the Board makes, so she thinks what is most important is to treat the citizens with professionalism and courtesy because for a lot of them, it is very difficult and intimidating to get up in front of the Board on the dais; and she appreciates that. She continued by saying she wanted to commend the County Manager and the Board for the ELI Program; that is something that she takes part in as a Constitutional Office; she sends a lot of her employees, the emerging leaders or current leaders that are sharpening their skill set; her staff works a lot with County staff informally and formally throughout the year, but they do not get to know them personally or professionally, or find out about their relationships like when they attend the ELI Program; they get to know each other better and what makes them tick; and she appreciates that. She thanked the Board again.

Commissioner Tobia stated this is one of the things that he tried to get away from when he first got on the Board, but the County Manager convinced him that this was a great program and then he initially signed up everyone in his office for it, who then moved on to bigger and better things; he was certainly very wrong on that one to begin with; and it is great that it is benefiting the Constitutional Offices as well.

Ms. Blickley commented it certainly is.

Commissioner Tobia thanked Ms. Blickley for her input.

Commissioner Feltner asked how many graduates they have each year from the ELI Program.

Frank Abbate, County Manager, advised there is between 26 and 32 graduate each program; he thinks they are on ELI 19; they started in 2006; and there are well over 300-plus people in various Charter Offices, the Property Appraiser, Tax Collector, and the Sheriff have all participated for a number of years, as well as the School Board, and Eastern Florida State College; they even have people come down from Daytona; he greatly appreciates everyone's participation; and he can even say from years ago, someone who did not always have the greatest things to say about Brevard County Board of County Commissioner employees, Scott Ellis had his employees participate as well; the Clerk's Office has sent numerous employees over the years to that program; Rachel Sadoff, as the Clerk, has continued that; and he greatly appreciates the participation. He added Ms. Blickley mentioned the development of the relationships between the staff, and he thinks it is one of the greatest networking opportunities that he hears from people who are in the program; he can say there is no Director who works for the Board that does not go through it; and he makes everyone go through it.

Ms. Blickley noted Mr. Abbate is correct on that; while people know others professionally, and when one knows people professionally, they work with them and have communication throughout the year, it is much more enlightening when spending time with them in the ELI Program and to find out more about their relationship; and therefore, it is a very positive

program.

Upon consensus of the Board, the meeting adjourned at 11:42 a.m.

ATTEST:



RACHEL M. SADOFF, CLERK



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

As approved by the Board October 10, 2023.





## Kimberly Powell

---

**From:** Kimberly Powell  
**Sent:** Thursday, October 5, 2023 10:06 AM  
**To:** Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson  
**Subject:** 08-22-2023 Regular Draft Kim.docx  
**Attachments:** 08-22-2023 Regular Draft Kim.docx.rtf

Good Morning,

Please see the attached minutes to be considered by the Board on **October 10, 2023.**

If there are any changes, please let me know prior to that date.

Thank you and have a wonderful day,

Kim

*Kimberly Powell*

Clerk to the Board

(321) 637-2001

[Kimberly.powell@brevardclerk.us](mailto:Kimberly.powell@brevardclerk.us)