

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, October 24, 2023

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 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 September 7, 2023, and October 5, 2023, Zoning meeting minutes and the September 19, 2023, Final Budget meeting minutes.

Result: Approved

Mover: Jason Steele

Second: John Tobia

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

E.1. Resolution Recognizing Five Brevard County Inductees into the Florida Veterans Hall of Fame

Chair Pritchett read aloud, and the Board adopted Resolution No. 23-125, recognizing five Brevard County inductees to the Florida Veterans Hall of Fame.

A representative of the Florida Veterans expressed his appreciation for the Resolution and the recognition, but more importantly for the Board's support; he stated in his experience going back 10 years ago he stood in the same spot and began to ask for money and support for veterans; this Board has never let the veterans down; it is unbelievable for those veterans that live in Brevard County to have the support from the people, the Commissioners, the State, and Tourist Development to be in the process of creating the best Veterans Memorial Center and Park in the State and probably the Country; and that does not happen without the County Commission. He noted before reading a statement of how all the veterans feel, he wanted to say, everyone gets to where they are because of their families, and spouses, and they never stop serving because that is the reason for serving in the first place, to protect the Country, their families, their battle buddies, and the spouses that they honor today; and he read, "We, the Brevard County resident members of the Florida Veterans Hall of Fame, thank you for the recognition that this honorable council has given us by acknowledging our individual inductions into the Florida Veterans Hall of Fame, our military service, and to this great nation, and our continued dedication to civic duty. We now take this opportunity to express our most sincere gratitude to each and every one of you of the Board of County Commissioners for this high honor, and for your dedication in your own right to your public service for all of Brevard County residents. Now let us continue to work together with one goal in mind, that is to make Brevard County the number one place, for all people to live, raise a family, work, and enjoy the numerous amenities that Brevard County, Florida has to offer;" and he stated God Bless.

Result: Adopted

Mover: Rob Feltner

Second: Tom Goodson

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

E.2. Resolution Honoring Mayor Hal Rose

Commissioner Tobia read aloud, and the Board adopted Resolution No. 23-126, honoring Mayor Hal Rose.

Mayor Hal Rose expressed his appreciation for the Resolution; he stated the City has done well over the years in anybody's measure except for a couple of them say, "where are the cows, they all disappeared in our City"; this is a growing city and it is doing very well; he has worked with all five members of the Commission in some way or fashion, bugging them with emails, phone calls, sitting in their offices, or visiting with them in Tallahassee, and together they got things done; they continued to work together for the betterment of this community; they all have different leadership styles; he even remembers working with Joe Wickham before he was elected into office, and Mr. Wickham had his own leadership style; they got things done; and he is just very proud of the City. He mentioned this City went 45 years with zero property tax; in 2003 they started property tax with a six to one vote, he voted against that; this year they have rolled the taxes back all the way to \$1.99; and he wants to thank the Council members, leadership, and the City Manager for leading that charge. He reiterated the City is doing very well, and it will continue working with the Board for the betterment of the community.

Result: Adopted

Mover: John Tobia

Second: Jason Steele

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

E.3. Presentation: Duane DeFreese, Ph.D. Indian River Lagoon National Estuary Program Progress Update 2023 - Looking Ahead to 2024

Duane DeFreese, Ph.D., stated he present representing the Indian River Lagoon (IRL) Council, an Independent Special District of Florida, and the IRL National Estuary Program (NEP); when he came in Virginia Barker, Natural Resources Management Director, asked when the last time was that he was in chambers; he hates to say it, but it was pre-COVID, between COVID and Cancer; it is great to see everyone face-to-face; and he noted he is going to go quickly through the slides. He went on to say, they had just finished their eighth year; he wanted to provide a full update as quickly as possible on where they stand, where they are going, and to recognize that Commissioner Feltner serves the Board on his Council Board of Directors; the first question he gets asked everywhere he goes is, how does the Lagoon look; he is happy to say the last 24 months he has seen some of the best water quality that he has seen in a decade; however, that should not be taken for granted because it is a very tenuous moment that it is at. He continued by saying, looking at this slide, one can see the catastrophic collapse of seagrass from 2011 to 2020; on the middle graph, one can see where the Lagoon is as of a couple of months ago; it is really incredible, a surprising recovery of seagrass in Mosquito Lagoon, which is the lower right-hand picture; and it reminds him of the old days. He stated as one moves south, the patchiness and the rarity gets more and more; they are in the middle of a very big battle to return this system to what people remember; also this year there has been a fair number of harmful algae blooms; in this top picture it has been a better year for the tourism industry with nighttime bioluminescent tours; and thankfully, those algae blooms were sporadic, patchy, and intense at time, but definitely manageable. He added as he moves forward he just wants to remind everyone why it is so vulnerable; the County is narrow, thin, and there is very little flushing in the system; everything people do on land, whether it is septic tanks, sewer, or stormwater, it ultimately impacts a system; and one of the things that many of the citizens do not understand is that the system does not flow from north to south the way people think, it is wind driven, so when they manage, they are really managing in local East/West segments. He went on to say what happens in Brevard on the north end is different than the south end; it

creates a lot of confusion for the public and challenges those who are doing management in looking to figure out where to prioritize management; there is also a very heavy political presence with seven counties, and 1.6 million residents; and every agency one can imagine from local, state, and federal are engaged in the process. He noted he serves a National Estuary Program that is one of 28 in the nation; it is here because of authorization by the U.S. Congress, Section 320 of the Clean Water Act; it is one of four in the State of Florida and one of 28 in North America and Puerto Rico; they work together on a regular basis to talk, share data, and share successes and failures; most importantly, they are non-regulatory, consensus-building, and work with communities; and it is a federal program that has really delivered from the local level and up. He stated this is where they stand since 2015; he thanked the Board for the creation of the IRL Council and continuing the stable revenue share in the Interlocal Agreement; they have seen incremental increases almost every year at the federal level, which is largely due to strong bipartisan support in both the House and the Senate; they share leadership, responsibility, and investments, and they operate in a very unusual way; he has 100 volunteers in three committees and one sub-committee consisting of scientists, citizens, resource managers, and policy makers; all of the work moves through this management committee to the Board of Directors who make decisions; and they handle all of that now with a staff of eight, which is the largest they have ever been since its creation. He mentioned they will be moving quickly next year to update the 10-year Comprehensive Conservation Management Plan; he will be reaching out to County staff and Ms. Barker and her team to make sure that their plan aligns with their partners in the counties and the cities; this will take a good year, but the goal is to update the plan by 2025 and to put some new high metrics on the table for where to go in the next five years; in the heart of that plan, and this will not change, is that they have identified 32 vital signs for the IRL; not all get the same level of pressure and focus each year with this program, but they try to move forward throughout that wheel for clean water, habitat restoration, and some of the species that rely on clean water and habitat restoration; what makes them very unique is that they pay a lot of attention to community development, economic development, and economy; and that whole lower part is really all about community and how they work together. He stated there are a number of additional products that they put out, and this is just an example; all of their documents are online for anyone's use, including all of their annual reports, financial statements, audits, and they will continue to fill gaps where information is necessary throughout the entire Lagoon; one big difference these last couple of years has been the infrastructure and investment act at the federal level; they work as an association of national estuary programs early on the COVID epidemic to let Congress know that the NEPs were ready, willing, and able even though they are really small in comparison to other agencies, that they could take any monies that they delivered to them, and deliver a really good return on investment value; they heard their words and were allocated \$132 million as a line item in the bipartisan infrastructure law bill; that money is being used now in two different directions in their program; this \$909,800 annually for five years is building an infrastructure for seagrass restoration with five nurseries; and the remainder will be used for some of the communities that are small, rural, economically or infrastructurally challenged to bring up some of the smaller communities and provide some assistance in moving projects forward. He pointed out this is an example; there are five sites now in some stage of operation; pay close attention to that right-hand; if anybody in the public says planting seagrass is a waste of time, that is an out-planting at Florida Oceanographic Society, one year of growth; they will be doing this in selected areas; this is important to note, they are not planting their way to over 40,000 acres of lost sea grasses, they are only going to help accelerate nature because the goal is still water quality; what is being done in Brevard County is historic with the Save Our Indian River Lagoon (SOIRL) Program; and the other big historic moment was Governor Ron DeSantis's Executive Order 23-06, it created the IRL Protection Program and allocated with Legislative support, \$100 million for this year. He continued by saying Florida Department of Environmental Protection (FDEP) is now going

through numerous proposals for those dollars; he knows there were a number of proposals from this County; the IRL National Estuary Program stood down on that and said they would support the County, but will not chase those dollars as a state agency; that is where they are right now; and they are ready to help FDEP and the governor's office to move that program forward any way they need them to. He mentioned there is a new license plate that is being managed through their program; all the license plate fees stay within the County that those license plates are bought; if anybody is running up and down I-95, they will see a few billboards as they rollout a campaign; they have not seen a lot of money from this, but it does fund projects that are on the ground; and five percent can be used for marketing and there is no overhead or administrative fees. He went on to say, lastly, they provide free grant writing support to anybody who needs it; it is a line item that he places in the budget every year; they have three contracted professional grant writers; he thinks they have assisted in 10 proposals in just the last two months; this is first come, first served; they will provide that service to projects that will protect the Lagoon, until the money runs out; this is a full accounting of where the money has gone throughout the NEP, over the eight years of operation by County; there are 195 projects; they assemble all the projects that are being done by their partners that are not funded through their program; this year 301 projects and 870 over the last three years; therefore, they are working hard to make this happen. He thanked staff, the Board, and the citizens of Brevard County. He noted he gets to look at 28 National Estuary Programs and he does not know that there is a single County in the nation that is making the level of commitment that Brevard County is through the SOIRL Program with the very dedicated and hardworking staff.

Chair Pritchett asked for Dr. DeFreese to go to a specific slide in his presentation; she mentioned she thinks that would be something really good for the community to see; and it is an overall view of just the projects that have been completed, many this year.

Dr. DeFreese stated they release four Request for Proposals (RFP) every year in the fall; there are four active right now in water quality habitat restoration community-based restoration, science and monitoring; sometime in December or January they will release their small grants program; they realize that a lot of small NGO's teachers just cannot avail themselves of big competitive grants; anywhere from \$500 to \$5,000, easy entry; and they really like that program. He added it is amazing what a small grant can do to transform a small organization; then that very new RFP for the small local communities; and it will be sometime in 2024 once they set up a policy and a process.

Chair Pritchett mentioned that Dr. DeFreese's passion for all of these projects is wonderful, along with Ms. Barker; Brevard County has the two best people fighting for the Lagoon and she believes that in her heart with all the knowledge and the direction that they have for this; she also wants to note that this is the only place that she knows of that did a self-imposed tax to help clean up the Lagoon, so kudos to the citizens as well; she remembers when she was running her campaign, her campaign manager stated they just have to quit putting the bad stuff in and start getting the bad stuff out; she thought that sounded pretty simple; but basically, they do all those technical things to accomplish things; and she knew it would take a long time. She mentioned the people are starting to see some results, but they are nowhere near where they need to be; this is probably a lifetime generational project; Dr. DeFreese has been through a lot of challenges and he just stayed the course working on this project; and she cannot thank him enough.

Dr. DeFreese stated there is nothing more important to this community than clean water; bottom line is every business, every tourism industry, every home appraisal, if the Lagoon has dirty water, there are problems; and that is what they are working to resolve.

Commissioner Feltner thanked Dr. DeFreese for providing the Board with an update; he stated as the Commissioner on the NEP for Brevard County, he really thinks Dr. DeFreese and his staff are the organization that provides focus for the multiple counties, but Brevard County is leading the way in the Lagoon cleanup; and he appreciates what Dr. DeFreese does with the NEP.

Chair Pritchett thanked Dr. DeFreese for his time and stated that if he ever needs anything to let the Board know.

Dr. DeFreese advised for the Board to do the same.

Commissioner Steele stated he would like a moment of personal privilege; he has worked with Dr. DeFreese for probably 35 to 40 years now; there is no finer human being that he could have ever met in his entire life that has dedicated themselves to Brevard County like Dr. DeFreese has; the challenges that he has overcome have been unbelievable and yet that does not make him hesitate at all from being probably the most brilliant scientist that he knows on staff; and he just wants Dr. DeFreese to know how much he appreciates him. He continued on to say he talked to Kristine Zonka before he was appointed and she asked him what he was going to do about staff when he gets elected or appointed; he told her that is simple, she has the most brilliant staff he knows of; the person that led the staff there is Danielle Stern; and he wanted to recognize Danielle today as it is her birthday.

Chair Pritchett mentioned she wanted to do a quick shout out to former Commissioner Zonka who is in attendance today.

F.1. Cost Sharing Agreement 38968 with St. Johns River Water Management District (SJRWMD) Flamingo Drive - Basin 1280 B Denitrification Project

The Board executed and approved SJRWMD Cost-Sharing Agreement 38968; authorized execution of grant amendments and modifications by the County Manager or designee upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; authorized execution by the County Manager or designee of all competitively procured construction contracts, amendments, and change orders; and authorized associated Budget Change Requests.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.2. Completing an Expanded Brevard County Vulnerability Assessment Along Tropical Trail from Highways 520 to 528

Sandra Sullivan stated she just wanted to thank the Board for this project; this is a resiliency project to vertically locate critical stormwater infrastructure necessary to evaluate the extent of inundation in the Indian River Lagoon due to storm surge and sea level rise; as the Board knows, going over 520, an evaluation of the outfalls, which Florida Department of Transportation (FDOT) did a presentation recently actually showing the outfalls in the area of Satellite Beach and South Patrick Shores, including Hightower, these are very vulnerable to storm events and sea level rise; and she just wanted to commend the Board for the extension of this project and leveraging grant money to do it. She continued by saying, to that point, when there is a king tide, the 520 causeway can be flooded; this time of year in the fall, the rivers are always the highest, much higher than the rest of the year; it makes the area very vulnerable in

the time of a hurricane coming, should there be one; Tammy is out there and they do not know if she is going to hit the East coast or not; when hit with a hurricane in the fall, the rivers are very high; and she would guess the outfalls would be problematic. She showed a slide to the Board advising this is Merritt Island and a 10-year storm event, not a 100-year storm event; she stated as people can see, it is mostly under water; this is very important and this is the evacuation area of the barrier island; of course, being able to get off the barrier island is related to storm surge; it is under six to nine-plus feet of storm surge and so the evacuation of the barrier island is very important; and this data will be very helpful in prioritizing. She continued by saying another piece of fact about 520 is it was at 96 percent capacity and now at 99 percent capacity, therefore, getting people off right now at 99 percent capacity and add flooding to the that, pre-landfall on that causeway, how are they going to get people off the barrier island; this is a safety issues; and she just wanted to thank the Board because this is a very important study that it is doing.

The Board executed and approved the Task Order; authorized execution of future task orders, amendments, and modifications by the County Manager or designee; and authorized any necessary Budget Change Requests.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

**F.3. Final Plat Approval, Re: Crossmolina - Village 2, Neighborhood 7, Phase 1
Developer: The Viera Company**

The Board executed and granted final plat approval and Contract for Crossmolina – Village 2, Neighborhood 7, Phase 1 – Developer The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.4. Approval, Re: Dedication by 1) Warranty Deed for Tract L of North Island Villas and Bill of Sale Related to Lift Station R-13, and 2) Warranty Deed for Tract M for Right of Way from North Island Villas (FL) Owner IV LLC

The Board approved accepting the Warranty Deed for Tract L of North Island Villas and Bill of Sale related to Lift Station R-13; and approved accepting the Warranty Deed for Tract M for right-of-way from North Island Villas (FL) Owner IV LLC.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.5. Approval, Re: Dedication of Utility Easement from Quattro VFL Ford, LLC for Ford's Garage Viera Project

The Board accepted the Utility Easement from Quattro VFL Ford, LLC for Ford's Garage Viera Project.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.6. Approval, Re: Dedication by Warranty Deed for Tract E of Village 2 Center and Bill of Sale from The Viera Company for the Benefit of Lift Station W-44

The Board approved accepting the Warranty Deed for Tract E of Village 2 Center and Bill of Sale from The Viera Company for the benefit of Lift Station W-44.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.7. Board Approval: 2023-2024 Emergency Management Performance Grant Agreement with the Florida Division of Emergency Management

The Board approved and authorized the Chair to sign the 2023-2024 Emergency Management Performance Grant Agreement with the Florida Division of Emergency Management (FDEM), and all future Emergency Management Performance Grant agreements as approved by the County Attorney; and authorized the County Manager to submit and execute required Budget Change Requests, documents, amendments, or other administrative actions to the grant contract, subject to approval by the County Attorney's Office and Risk Management.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.8. Board Approval: 2023-2024 Emergency Management Preparedness & Assistance Grant Agreement with the Florida Division of Emergency Management

The Board approved and authorized the Chair to sign the 2023-2024 Emergency Management Preparedness and Assistance Grant Agreement with the Florida Division of Emergency Management (FDEM), and all future Emergency Management Preparedness and Assistance Grant agreements as approved by the County Attorney; and authorized the County Manager to submit and execute required Budget Change Requests (BCR), documents, amendments, or other administrative actions to the grant contract, subject to approval by the County Attorney's Office and Risk Management.

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

F.9. Board Authorization to Transfer Funds to Purchase Sutphen Pumpers (Fire Engines)

The Board approved to transfer \$271,720 from Capital Outlay Reserves to complete the purchase of two (2) Sutphen Custom Pumpers, amending its approved Fiscal Year 2023-2024 budget; and authorized the County Manager to approve all necessary Budget Change Requests (BCR) or other necessary administrative actions.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.10. Approval, Re: Budget Change Request

The Board approved the Budget Change Request (BCR), as submitted.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.11. Approval, Re: Amendment to Existing SAP Professional Services Agreement and Approval of Order Form for General Ledger Migration Project as Part of the SAP HANA Database Migration

The Board approved and authorized the Chair to execute the Amendment to existing Professional Services Agreement with SAP Public Services, Inc. (f/k/a SAP America Public Sector, Inc.) to incorporate contract provisions required by Florida law; approved SAP Order Form No. 30538658 for the SAP Finance Module General Ledger (GL) migration as an integral step of the technical SAP S/4 HANA migration project; and authorized the County Manager to execute the Amendment and Order Form, and any subsequent related order forms, agreements, task orders, change orders, modifications, and amendments.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.12. Appointment(s) / Reappointments

The Board appointed/ reappointed **Bill Vollmer** to serve on the TPO Citizens Advisory Committee, with said term of appointment to expire December 31, 2024; **Steve Burdett** to serve on the Citizens Budget Review Committee, with said term to expire December 31, 2025; **Robert L. Socks** to serve on the Investment Committee, with said term to expire December 31, 2025; **Gordon Schleffer** to serve on the Community Action Board, with said appointment to expire December 31, 2024; and **Kika Golan** to serve on the Employee Benefits and Insurance Advisory Committee, with said appointment to expire December 31, 2024.

Result: Approved

Mover: Tom Goodson

Seconders: Jason Steele

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

F.13. Bill Folder

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

Result: Approved

Mover: Tom Goodson

Second: Jason Steele

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

G.1. Public Hearing, Re: Amendment to Chapter 2, Article VI, Division 2, Section 2-176, Brevard County Code of Ordinances, "Administrative Fines; Costs of Repairs; Liens."

Chair Pritchett called for a public hearing on an amendment to Chapter 2 Article VI, Division 2, Section 2-176, Brevard County Code of Ordinances, "Administrative Fines; Costs of Repairs; and Liens.

Billy Prasad, Planning and Development Strategic Operations Manager, stated this is a public hearing to consider amending Chapter 2, Article VI, Division 2, Section 2-176, Brevard County Code in order to streamline a Code Enforcement process for foreclosures actions to recover money judgments to match the approval requirements found in State Statute; and the Board issued legislative intent and permission to advertise this amendment on September 19, 2023.

There being no comments or objections, the Board conducted a public hearing and adopted Ordinance No. 23-27, amending Chapter 2, Article VI, Division 2, Section 2-176, "Administrative Fines; Cost of Repairs; Liens" to remove the Board of County Commissioners as an entity authorizing foreclosures on Code Enforcement liens and suits to recover a money judgment; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Result: Adopted

Mover: Rob Feltner

Second: Jason Steele

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

G.2. Public Hearing, Re: Brevard County and the HOME Consortium's Citizen Participation Plan

Chair Pritchett called for a public hearing on Brevard County and the HOME Consortium's Citizen Participation Plan.

Ian Golden, Housing and Human Services Director, stated this is a public hearing for the Citizen Participation Plan; it is an update to an existing plan; it is a requirement by Housing and Urban Development (HUD) that there is a process in place to accept input from citizens into the different reports and plans to go to the departments federal funding; and the main update to this plan has been formatting and allowing for acceptance of public comments and posting on the County's website.

There being no comments or objections, the Board conducted the public hearing and approved the HOME Consortium's Citizen Participation Plan.

Result: Approved

Mover: Jason Steele

Second: John Tobia

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

G.3. Public Hearing, Re: The Brevard County and HOME Consortium's 2023-2028 Assessment of Fair Housing

Chair Pritchett called for a public hearing on Brevard County and the HOME Consortium's 2023-2028 assessment of fair housing.

Ian Golden, Housing and Human Services Director, stated this public hearing is for assessment of fair housing; it is another plan that is required by Housing and Urban Development (HUD) for funding; primarily this covers and looks at the different housing types within the County itself and looks at barriers; there are some activities included in this and actions having to deal with public outreach and education, creating affordable rental housing which his office already works towards, and aligning initiatives to increase opportunity for undisturbed residents which his office also continuously works towards; they received two comments during the public comment period; however, neither were actually tied to or related to the plan itself.

There being no further comments or objections, the Board conducted the public hearing and approved the County and HOME Consortium's 2023-2028 Assessment of Fair Housing.

Result: Approved

Mover: Jason Steele

Second: John Tobia

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

G.4. Public Hearing, Re: Amendment to Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions," Brevard County Code of Ordinances, to add a Definition of "Major Transit Stop," in Order to Comply with Chapter 2023-17, Laws of Florida (Live Local Act)

Chair Pritchett called for a public hearing on an amendment to Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions," Brevard County Code of Ordinances, to add a definition of "Major Transit Stop," in order to comply with Chapter 2023-17, Laws of Florida (Live Local Act).

Billy Prasad, Planning and Development Strategic Operations Manager, stated this is a public hearing to consider an amendment to Section 62-2, Brevard County Code, in order to add a definition of "Major Transit Stop"; this is being requested in order to comply with the Live Local Act which contemplates such definition being in the County's Land Development Code in order to carry out certain mandates relating to consideration of reduced parking requirements; the Board issued legislative intent and permission to advertise for this on September 12, 2023; specifically, language matching Option A in the Agenda Report was approved for legislative intent; and the Building and Construction Advisory Committee unanimously recommended approval of that language. He went on to say the Planning and Zoning Board recommended adopting a definition that would qualify all of Brevard County Transit operated bus stops as major transit stops; and that definition is listed as Option B in the Agenda Report.

Sandra Sullivan stated the Live Local Act, she calls the "you will own nothing and be happy law" because it is socialism; it gives a 75 percent discount to developers developing low-income and middle-income housing; of course, that is a greater problem; before the Board today is Option

A or Option B; Option A is to adopt the Florida Department of Transportation (FDOT) definition for "Major Transit Stop"; when searching the internet there are lots of legal opinions that are consistent with the FDOT definition; if the Board chooses to do the one that came before the Planning and Zoning Board, she would suggest this Board is encouraging socialism; and that would very much surprise her as this Board is elected Republicans. She pointed out she is attending all of the Charter Review meetings and has been at a lot of meetings that a lobbyist is pushing this bill, and somebody is going to have to pick up the tab; she noted if the Board selects the one that allows any bus stop to be a "Major Transit Stop" that does not meet any definition online, then what this Board is doing is it is facilitating development with more density on the barrier island where there are evacuation issues; and just as a side, most of the Board does not attend the Transportation and Planning Organization (TPO) meetings which is unfortunate, but they had a presentation by Eastern Central Regional Planning Council, where they described that it is going to get to a point where the roads cannot be widened to meet capacity needs because of the growth in Florida. She added the presentation was about moving people to urban centers to take people out of their cars and keep them in an isolated area; everything they talked about was 15-minute cities; she would not imagine herself saying that a year ago, and yet here it is in State documents talking about that; that is really what this SB102 is about; it is socialism; also the Board, by adopting a more generous definition, will be putting the people who live on the barrier island at risk for getting off of the barrier island; and it is socialism, an automatic 75 percent discount for middle-income housing, which means the real middle America, the people that the American dream of owning their own home and raising their family, are going to be the ones burdened with higher tax rates, because somebody has got to pay for the roads, somebody has to pay for the police and fire. She advised impact fees have not been updated in 20 to 32 years, and the Board is relying on property taxes to pay for infrastructure.

There being no further comments or objections, the Board conducted the public hearing and adopted Ordinance No. 23-28, amending Chapter 62, Article I, Section 62-2, "Rules of Construction and Definitions" to add a definition of "Major Transit Stop"; providing for conflicting provisions; providing for severability; providing for area encompassed; providing as effective date; and providing for inclusion in the Code of Ordinances of Brevard County, Florida.

Result: Adopted

Mover: John Tobia

Second: Rob Feltner

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

G.5. Petition to Vacate, Re: Public Right-of-Way - Aspinwall Avenue & Unnamed Right-of-Way - "Plan of Town of Pineda" Plat Book 1 Page 41 - Rockledge - IR TIKI LLC, Brevard County, and Ashma Luthra; Acceptance of Quit Claim and Warranty Deed, Re: Lot 13, Block 51, "Plan of Town of Pineda," Plat Book 1, Page 41, and Portions of Aspinwall Ave and Unnamed Rights-of-Ways Described as Parcel 101, Lying in "Plan of Town of Pineda," Plat Book 1, Page 41 - IR TIKI LLC, Brevard County, and Ashma Luthra

Chair Pritchett called for public hearing on a petition to vacate a public right-of-way, Aspinwall Avenue and unnamed right-of-way, "Plan or Town of Pineda" plat book 1, page 41, Rockledge, IR TIKI LLC, Brevard County and Ashma Luthra; and acceptance of a quit claim and warranty deed for lot 13, block 51, "Plan of Town of Pineda," plat book 1, page 41, and portions of Aspinwall Avenue and unnamed right-of-ways described in parcel 101, lying in "Plan of Town of Pineda," plat book 1, page 41, IR TIKI LLC, Brevard County and Ashma Luthra.

Marc Bernath, Public Works Director, stated this is a petition to vacate a public right-of-way on

Aspinwall Avenue and an unnamed right-of-way.

There being no comments or objections, the Board conducted a public hearing to consider vacating part of a public right-of-way, established by the plat "Plan of Town of Pineda", Plat Book 1, Page 41, in Section 18, Township 26 South, Range 37 East; executed and adopted Resolution 23-127; executed and adopted Resolution 23-128, pursuant to Section 125.38, Florida Statutes, granting a utility easement from the County to Florida Power and Light; accepted the utility easement required as a condition of the vacate; and authorized the Chair to sign any other related documents necessary to effectuate the vacating and acceptance of any associated deed to the County.

Result: Adopted

Mover: Tom Goodson

Second: Jason Steele

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

G.6. Approval, Re: Resolution, Exchange Agreement, and Lease Agreement from 890 N. Courtenay LLC for the Lift Station C17 Relocation and Reconstruction Project

Chair Pritchett called for public hearing on a resolution, exchange agreement, and lease agreement from 890 North Courtenay LLC for the Lift Station C17 Relocation and Reconstruction Project.

Marc Bernath, Public Works Director stated this is a resolution, exchange agreement, and lease agreement from 890 North Courtenay LLC for the Lift Station C17 Relocation and Reconstruction Project; and there are no issues.

There being no comments or objections, the Board executed and adopted Resolution No. 23-129, authorizing the exchange of County property and property interests for other real property and property interests owned by 890 N. Courtenay LLC; authorized the Chair to execute the Exchange Agreement and Lease Agreement for the Lift Station C17 Relocation and Reconstruction Project; and authorized the Chair to sign any necessary documents associated with this exchange.

Result: Adopted

Mover: Tom Goodson

Second: Rob Feltner

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

G.7. Ordinance Amending Chapter 14 - Animals, Article III - Animal Care Facilities of the Brevard County Code of Ordinances

Chair Pritchett called for a public hearing on an ordinance amending Chapter 14, animals, Article III, Animal Care Facilities of the Brevard County Code of Ordinances.

Morris Richardson, County Attorney, stated this is an ordinance that would amend Chapter 14 of the County Code to move the current inspection of animal care facilities which includes boarding facilities, kennels, grooming facilities, and things like that from under the Department of Health and into the Brevard County Sheriff's Office (BCSO), Animal Services Division; the Department of Health requested the change; and BCSO is supportive of it.

There being no comments or objections, the Board conducted a public hearing and adopted Ordinance No. 23-29, amending Chapter 14, Article III entitled "Animal Care Facilities";

amending Section 14-36, "Definitions"; amending Section 14-87, "Penalty"; amending Section 14-90, "Inspections"; amending Section 14-91, "Standards"; amending Section 14-116, "Required; Application; Terms"; repealing Section 14-117, "Renewal"; amending Section 14-118, "Denial or Revocation; Procedure upon Violation"; creating a new Section 14-119, "Violation Fee Schedule"; providing for conflicts, severability, codification, area encompassed, and an effective date; and for other purposes.

Result: Adopted

Mover: Rob Feltner

Seconders: Jason Steele

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

Chair Pritchett stated she has to tell former Commissioner Zonka that all the changes she is making over there is really streamlining everything; it is pretty remarkable and she is hearing a lot of good things; and all the people who work there like her too.

I.1. Board Approval, BCC-100, "Evaluation Procedures for Development Proposals Pursuant to the Live Local Act Which are Not Otherwise Permissible"

Tad Calkins, Planning and Development Director, stated this is a consideration for a policy for the evaluation procedures of development proposals pursuant to the Live Local Act; in March of 2023, Governor DeSantis signed that into law and it was to encourage and facilitate affordable housing; in there it contains several elements related to land use; and this policy is just to help staff establish a procedure for review and enforcement of those. He advised if the Board has any questions he would be happy to answer them.

Sandra Sullivan stated affordable housing for everyone, right; there are 1,000 people per day coming into Florida and there has to be somewhere to put them, that is what one of the State Representatives said the other day; as she said earlier, she calls this, "you own nothing and will be happy"; she never would have imagined saying that; SB102 is socialism; it is one thing to have it for low-income housing, it is another thing for it to be everyday middle class America housing; an Area median Income (AMI) of 120 for a family of four is almost \$98,000; this is going to give those developers a 75 percent discount on their property taxes; and somebody is going to have to make that up. She continued by saying in attending the affordable housing summit, it said if a proposed project satisfies the existing Land Development Regulation (LDR) and Comprehensive Plan, project must be administratively approved; looking at what Orlando did, Orlando said SB102 does not really do much for them because their LDR prohibits next to single family homes, which are only allowed four density units per acre; Brevard County, in its LDRs in Section 62 says, developments located in unincorporated Brevard County within any Coastal High Hazard area defined in the Comprehensive Plan, or on any barrier island, are not eligible for density bonus under this section; this Board is ignoring that and it is allowing it in more places than it should be; and according to the Affordable Housing Coalition, they say Section 7 does not specify whether the highest allowed density refers to by-right densities or whether it includes bonus densities. She mentioned there are Commissioners here that want to increase density on the barrier island; that happened when a vote was taken under Board Reports by Commissioner Tobia last year; and then the South Beaches moved to an area of critical concern. She noted right now there is a \$699 million deficit in capacity needs for transportation; she held a paper up, stating this is from the Board's 2024 budget; there is State Road 520 and in the County's plans there is a lot of workforce housing and affordable housing to go into Merritt Island, the barrier island; but that highway has gone from 93 percent to 99 percent capacity; and she inquired who is going to pay for that because this Board has not updated the impact fees for transportation in 23 years. She showed another picture to the Board stating that was 520 this week at 99 percent capacity; most of the Board does not show

up at Transportation Planning Organization (TPO) meetings to even know the issues.

Chair Pritchett inquired if Ms. Sullivan is running for office somewhere soon, in Merritt Island.

Ms. Sullivan advised she has been doing this for five years; and she has been consistent in coming and being a watchdog.

Chair Pritchett advised that was her only question.

Ms. Sullivan responded by saying no she is not running for office, it is because she cares about Brevard...

Chair Pritchett interjected saying Ms. Sullivan is done.

Commissioner Steele stated it is always interesting being on the County Commission; first of all he would like to let everybody in the audience know that Senate Bill 102 is a law; it is passed by the legislature, the Governor promoted it; the reason the Governor promoted it is short term rentals are over abundant in Brevard County, as a result they are everywhere that one can see; what that has done is it has increased the value of homes; and he is a property rights guy and he is all for that if they are in the right location, but what is going on is big corporations are coming in and buying blocks of housing and using them as short-term rentals. He continued by saying they are starting to get \$1,500 to \$2,000 a week and by the end of the month they have \$8,000 coming in; it does not take too much to figure out what they are getting in a year's time; what that does to the value is it skyrockets and as a result nobody can afford to buy a house any longer; the Governor got involved in this and said there needs to be an incentive for people to bring low moderate housing in specific areas; and that is why the bill was passed. He noted Mr. Calkins has no choice; he can do an ordinance, that is what is being done, and Mr. Calkins has done a great job with this; it is the law, and the Board cannot overturn the law. He added run for the Legislature and one can do that.

Chair Pritchett stated she thinks it is a good idea; the business she works in, people cannot even rent places right now; something has to be done; there is a voter-approved trust fund that is set up to try to get affordable housing; the community is in; and Brevard County is in on this project.

Commissioner Steele commented he just wanted to set the record straight on Senate Bill 102.

Chair Pritchett commented she did not even think about people coming in and renting places and that driving up the prices; Commissioner Steele is right; and it is an incredible day that the world is in trying to get people into homes.

Commissioner Goodson stated if one knows anything about the State of Florida and Senate Bill 102, great intentions, but there are going to be issues with it; those might go back to Tallahassee to be worked out, he would assume they would have to; he hopes for the best; but sometimes what one says and does ends up in a pile of rubble.

Chair Pritchett commented hopefully the Board will be able to maneuver through it with a little common sense going forward.

The Board approved BCC-100, "Evaluation Procedures for Development Proposals Pursuant to the Live Local Act Which are Not Otherwise Permissible."

Result: Approved

Mover: Jason Steele

Seconded: John Tobia

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

I.2. Acknowledgment of Receipt of Resort Dwelling Report and Seeking Board Direction Regarding Enforcement of Resort Dwellings and Related Matters

Billy Prasad, Planning and Development Strategic Operations Manager, state this is a request for acknowledgment of receipt of a report regarding resort dwellings and seeking related Board direction; on August 22, the Board requested staff to prepare a report regarding enforcement of unpermitted resort dwellings, specifically the Board directed staff to consider proactive Code Enforcement, use of software improvements, and fine structures; the report is attached to the agenda; also included are several options for Board consideration on providing direction; and these include procuring software to identify illicit resort dwellings, adopting a proactive enforcement model for resort dwellings for Code Enforcement and fire prevention, and adopting a registration program.

Chair Pritchett thanked Commissioner Steele for championing this.

Sandra Sullivan stated she would like to thank the Board for doing this particular bill; as was stated, the short-term rentals has become quite a problem in certain communities; for example, Cocoa Beach, and it is even destroying single-family communities and has taken a lot of property off of the market that would otherwise be rentals, supply and demand; this is a capitalist country; but for rules, really what the State needed to do was address this issue; there has been a 100 percent increase in the number of short-term rentals according to the Tourist Development Tax (TDT) data that came out in a meeting; therefore, she is appreciative of this. She noted she would also encourage an additional factor for the Board to consider; in her community there are a lot of illegal rentals and she has reported on a few herself; an investor will buy and rent as a short-term rental, it will get reported, Code Enforcement did a magnificent job and she cannot say enough about the staff there, they are really amazing, but that owner sells to another investor who then turns around and does exactly the same thing, and it is reported again; if there was a way to put on the Property Appraiser's site that a property is a short-term rental, because a friend of hers bought a home and in the listing it stated this could be used as a short term rental, so she bought it and found that she could not do that; and she respects the rules so she is not doing that, but some people do not respect the rules. She mentioned if there was a way, even if it was just in the unincorporated areas, to update the Property Appraiser's Office that a buyer buying a home can check those records whether it can be rented, it would help clear that up because there are a lot of people who do not know and will rent it, but they were just not aware.

Commissioner Steele stated he is going to mark this day down as one of the favorite days of his entire life because Sandra Sullivan and he agree on an issue; for the last three years he has fought as a lobbyist, and he is proud to be a lobbyist, the short-term rental in Brevard County and in the State of Florida; Airbnb has contributed millions of dollars to every legislator and every Senator that is in Tallahassee; what has happened with that is the State of Florida has come in and they preempted almost everything that one can imagine with short-term rentals; and as a result of that, one can place a short-term rental just about anywhere unless there is an ordinance in place prior to 2011. He mentioned the reason he is trying to get a handle on this is because he cannot stand people that are unfair and do not pay their fair share; he talked to a company called Decker Technology; he and a variety of other people were in a meeting and listened to them very carefully; he is not saying that Decker Technology is who the Board would pick, but this is what came out of that meeting and at some point in time

he would love for every Commissioner to hear that presentation; one thing he found out was that Decker Technology, every night, scans every newspaper, every Periodical, just everything that one could imagine, to determine who is putting out ads for rentals in the area; when they do that they can find out whether or not those are legal rentals or not legal rentals; and if they are an illegal rental they would automatically file a letter that goes to that particular person that states something like, "We've noticed that on October 28, or whatever the date, that you have advertised your property as a short-term rental, and you're not in compliance with the law of registration, or whatever the law might be in a specific area." He went on to say for how long they have been circumventing the tax that goes to the Tourist Development Council (TDC), for how long they have been fooling the Property Appraiser, for how long the Tax Collector has not been able to collect taxes, the County is in a big giant mess; he does not know the percentages but he can say one thing, he thinks everybody knows that the percentages are very high of unregistered, illegal short-term rentals; those people are breaking the law and taking money away from everyone; and he does not like that this is a County that is proactive in Code Enforcement, it just bothers him to have to go after people, but in this particular case he does not think the Board has a choice. He continued by saying he thinks the Board has to be proactive, it has to go forward to determine who is doing the short-term rentals illegally, and it has to make sure they are paying their fair share; this will not only help the TDC, it will help the Brevard County Property Appraiser, it will help the Tax Collector, and it will help everybody else; and it will put people in compliance with what the law is. He mentioned he is asking at some point in time for the County to be able to go out and do a Request for Proposal (RFP) to determine what kind of technology is needed to make sure the County can be proactive and in fact, go after the people who are breaking the law and put them in compliance with the law.

Commissioner Tobia stated he wants to begin by mentioning what a great job staff did on this report; he thinks overwhelmingly the work product, no matter where one stands on the issue, was done extremely well; he has one point with the fiscal impact and one other question; the person that spoke up here, it was a different person, one who had a beard, and he asked if this was an eight hour project or if this did in fact take longer than the eight hours.

Mr. Prasad admitted for himself, it took about 22 hours.

Commissioner Tobia noted he appreciates the optimism; it looked like it took a lot more than that; it was a very well done report and he appreciates that; he thinks the fiscal impact is off a little bit; the reason he thinks the fiscal impact is off a little bit is there is \$150,000 for Code Enforcement employees if the Board goes in that direction, there is roughly \$50,000 in software cost, \$70,000 in fire protection personnel, and here is where the difference is, \$50 was put in there to cover the cost of the software and multiply by that 1,245 estimate, which is merely an estimate; he thinks that is a little bit unreasonable being Rentalscape mentioned that the bulk of those were unlawful; in fact, roughly 1,000 of the 1,247; if they were to take that new lawful group of 237 and multiply that by the \$50, that does not get to \$50,000, it only gets to about \$11,800; and he thinks staff needs to add that \$35,000-plus in there, and therefore looking at a recurring cost of about \$260,000. He noted he thinks that is a more reasonable estimate; the Board and staff can disagree on Policy, but he thinks the numbers should be pretty close; there are lots of moving parts here and as the Board goes through that he just wants to lay his cards on the table so everyone would know where he is while it tries to cobble all of these things together; he thinks the report lays out the decision points, unfortunately they are not binary, therefore, there are many that are different; he will start off with what he does not support and give some reasons, then end up with what he would support; and the Board may not need his vote. He advised he is not going to support a new fee, whether it is \$50 to cover or the \$220 needed to cover that estimated \$50,000 software cost; he thinks that is unreasonable; he is not going to support new regulations; there would be the new imposing regulations on lawfully operating resort dwellings if the Board were to do this; there are certain ones permitted already

and this would and this would add new regulations on those; in all honesty, he thinks they are unreasonable regulations; an example would be, as mentioned on page seven of the report on background checks; and he thinks it is unreasonable to have the owner of the Airbnb do a background check on every tenant. He stated he does not know where those background checks would go, or if it would be a level one or two with fingerprinting; so there are a lot of issues with adding those new regulations; the Board has done a noise ordinance very recently; he thinks the Board has done some things to add protections out there; as Commissioner Steele mentioned, there is a lot of scanning that goes on here; that is very Orwellian and it scares him a little bit; and in fact it scares him a lot. He mentioned it is not just the scanning of Airbnb or Expedia, he has looked at news reports and they are scanning social media, Facebook, Tweets, and all this stuff; he does not want to be too much of a Luddite, which he learned from the captain of the Port, but this is a little bit scary; Elon Musk and 27,000 other technologists signed a letter warning of the security concerns and the inaccuracies of Artificial Intelligence (AI); AI systems have been built and they are biased regarding gender and ethnicity; AI systems lead to reductions in data privacy; and hackers can use AI to create more sophisticated attacks. He stated what he and his office did was look at some scenarios where AI was created and then bad things happened, and they found a bunch of them and he can provide some of them: Metropolis, 2001 Space Odyssey, Westworld, Blade Runner, War Games, the Terminator, D.A.R.Y.L., Short Circuit, RoboCop, Short Circuit 2, Terminator 2: Judgment Day, Austin Powers: International Man of Mystery, The Matrix, Resident Evil, The Matrix Reloaded, Terminator 3, The Matrix Revolution, IRobot, Stealth, Resident Evil, Meet the Robinson's, Wall-E, Terminator Salvation, Iron Man 2, TRON Legacy, The Avengers, Prometheus, Resident Evil, Retribution, Total recall, Iron Man 3, Oblivion, Interstellar, Transcendence, X Machine, Tomorrowland, Terminator Genesis (AKA Terminator 5), Resident Evil: The Final Chapter, Alien: Covenant, Blade Runner 2049, Terminator: Dark Fate, The

Matrix Resurrection, Megan, The Creator, Mission Impossible, Dead Reckoning, Part 2, and he can only assume that Mission Impossible, Dead Reckoning part 2 will also include that, but he is not positive; he knows this is a little bit of a stretch but his office needed a little fun; his point is, he is a little skeptical about AI going through personal, if they limited it just to Airbnb sites or Expedia he could be there, but he does not know how deep these things are going; and that being said, what he does support and where he is willing to go and where he has been willing to go. He continued by saying first of all, proactive reporting of homestead fraud to the Brevard County Property Appraiser moving forward; he thinks the Board needs to do that; he thinks retroactively reporting instances of fraud that are currently happening also have to be done; people that are not paying their fair share, that there is proof of, that needs to be taken care of; the second thing would be the creation of a portal that allows citizens to check whether it is legal or not to operate a resort dwelling on a specific piece of property; in fact he suggested this very thing February 11, 2020; anybody can go back and check the video; and at the time, the Board was unable to move forward due to the resources and aligning the various zoning codes. He stated at the time, there was a number of property owners calling his office and it was extremely difficult to figure out whether it was an allowable use in that particular zoning; his office had called the department and they had trouble looking at that; if staff has trouble figuring that out, he cannot imagine that citizens are not going through that same thing; and he would be more than willing to go through and support an RFP for some sort of software that staff and citizens can identify whether or not it is a permitted use. He added it would be much easier for reporting because if someone had a neighbor that was doing an Airbnb, he or she could plug it in and find out if it was a permitted use and therefore he or she would know if there was a need to report it; it would be a quick measure instead of leaving the onus on the County to do that; those are the two things right now that he would be willing to support; but as far as if it comes with a registration and uses AI to go searching through all these records, there is no way that he could support that; and that is where he is at. He noted he appreciates everyone's

opinion on this, but he just wanted to place his cards on the table as the Board moves forward.

Commissioner Steele mentioned he always appreciates Commissioner Tobia's research; he knew pretty much what was going to be said today from Commissioner Tobia; he has excellent research capabilities and he appreciates what he said; however, he does not know of any county or city that does not charge a registration fee for registering a short-term rental; \$50 is ridiculously low and it would put everybody in compliance with what the Board needs to do; the amount of money that is collected from the TDC tax and the additional things from the Property Appraiser's Office is going to put a lot more money into Brevard County coffers, and he does not know what that percentage is going to be; and it is going to stop people from breaking the law. He noted he does have a problem and does get what Commissioner Tobia is saying about AI; it bothers him too, but what bothers him more is people breaking the law and taking advantage of everyone when it comes to paying their fair share of what is supposed to be paid; the Board can take this RFP and place whatever it wants to in it; the information that comes to Brevard County can be kept privileged, the Board can take a look at it and not let it out any place else; the Board has got to get a handle on this, as the State of Florida is pre-empting everything that this Board is doing, any time the Board passes something for short-term rentals the State is right back in there because Airbnb is killing this County; and he is on a tantrum with the State of Florida on preempting local law. He commented they do it all the time and if the Board does not stop it, the County is going to be hurt very seriously; he appreciates Commissioner Tobia's logic and understanding; on the AI stuff, he gets that too; but it scares him more not to be able to collect the County's fair share of what is proper; and for those people who are not paying it, here is a heads-up, they need to know if they are doing something illegal, Brevard County is going to put them on notice that they need to comply with the law. He added he asked the Commission today to come up with a different RFP that keeps the AI confidential or do something that at least would alleviate some of the concerns that

Commissioner Tobia has; he mentioned if the County does not start charging a registration fee it is silly because everybody charges a registration fee; just since he has been on the Board, the craziness with Marco Polo porn pool parties, is nuts; it has got to stop; people have got to get in compliance with the law; and he is pleading with the Board today to do something proactive instead of being reactive. He noted that is his purpose for doing this today; he agrees with some of the same issues as Commissioner Tobia and he thanked him; and he commented how they are settled is up to the Commission.

Commissioner Feltner stated he does not think the software is going to be the be-all; it may help to identify some things, but he does not think it will be the final answer; the Property Appraiser went through a homestead audit and engaged with the County, the School Board, and some municipalities and they hired Tax Management Associates to identify properties; ultimately it was up to the Property Appraiser to investigate and determine if those properties were rented, or whatever the case was; they did that for one year; one could potentially have an agreement with one of these software companies simply for a year; and if it does not work out, then that is the end of it. He noted on the registration, he is less interested in more fees than he is to having a tax account number attached to the remittance of short-term rental tax; if the County could get that one thing, and the legislature has not made that provision yet, it would fix all of this because one would very simply see that a property is at least collecting and remitting short-term rental tax; however they are doing a short-term rental where they are not supposed to be doing it; he thinks some of those sorts of fixes would probably be more meaningful; and he reiterated that the software is something that could be tried for a year and maybe the next year decide not to do it.

Chair Pritchett asked Commissioner Goodson to chime in.

Commissioner Goodson advised both Commissioner Tobia and Commissioner Steele have good points; he agrees with Commissioner Feltner as well; try it for a year and if anyone does not like it, then do not do it again; he does not think if the Board is trying to correct people from breaking the law it is going to affect them in any fashion because if one is accustomed to breaking the law, he or she will just find another way to break the law; he is not a big fan of Airbnb's; they are permitted in the County but some of them operate outside of the permitted area; he would be upset if he owned a home nearby; does this Board need to do something, of course it does; and he thinks doing what Commissioner Feltner suggested and try it for a year to see what kind of results are received, and if it is not warranted again, then it could be dropped.

Chair Pritchett stated that is some wisdom being brought in; and she asked the County Attorney if there is an ability to use TDC funds to fund the software for the first year since it would generate TDC funds.

Morris Richardson, County Attorney, stated that is not something he had considered before; it is a good question; and he will look into that.

Chair Pritchett stated another question she had is if there is a way to place a fine or fee on people who are violating the law that way, that could help generate funds for this as well; she noted that was done before with the people who were abusing the grease going into the pipes; there was an extra fee placed on them; and she asked again, if people are breaking the law, if the Board is allowed to impose a fine to help cover some of these costs.

Attorney Richardson stated he will look at further options but typically the routes that the County has available to it through Code Enforcement process, under Chapter 162, which provides for fines up to \$1,000 per day for violations; or there is a general Ordinance violation which is punishable by up to \$500 or 60 days in jail; and those are the tools that are typically used for enforcement for ordinance violations.

Chair Pritchett advised she would support going out for an RFP to maybe let this run for a year and see if it makes a difference to help the community have a better life; as far as the AI, she gets that; if anyone has Siri or Alexa on their phone, everybody is running everything on people; she would recommend that people pay attention to the technology around people because it is already out there; she can be talking about something in the house and all of the sudden her phone starts popping up ads for things all day long; that is just a word of wisdom; and people should watch their children on these things as well, it is pretty scary. She mentioned she would support a motion if Commissioner Steele wants to make one, to go out for an RFP to do a trial for a year to see how it goes; she would also like to see if it is possible to use \$50,000 of the TDC funds because she thinks that would generate some income as well; she agrees with the tax receipts and those types of things, but it is hard to be proactive on this; if something could be set up so that people can get their taxes in line and the County is able to impose fees on those for breaking the law, that might not be a bad thing, even to put that out to the public that the County is starting to do that; and that is what she would support.

Commissioner Feltner stated, he just wanted to say before the Board started voting on a motion that he does not think any software is going to generate more short-term rental tax that they are not already receiving; Airbnb, VRBO, and Expedia finally conceded with the State and said they would collect the tax, and they would remit it to the County; what is not there is that it is remitted in one check to the Tax Collector and there is nothing to say that they collected it from any one property; and he does not think someone can book a property through any of those websites without the short-term rental tax being collected for the County. He noted that is why he does not think that will end up producing any more money for the TDC; he thinks it will

potentially identify the properties that are doing short-term rentals in areas where they should not be doing them; he also thinks that is something totally different; the other thing this Board has not talked about is the issue of whether Code Enforcement can be proactive in this; Brevard County Code Enforcement is strictly a reactive agency; and that has not been considered yet.

Commissioner Tobia stated to go a little further than what Commissioner Feltner said, he is not making this as a justification, but he thinks the County will probably see a substantial decrease in the amount of TDT collected; looking at the report, according to Rentalscape there are approximately over 1,245 short-term rentals within unincorporated Brevard County; these are just estimates; they say roughly 237 are lawful; in other words, it would be a decrease of about 80 percent; he thinks Peter Cranis, Tourist Development Office Director, would say it is about \$6 or \$7 million in revenue from these short-term rentals; to see a decrease of 80 percent, and the question is, and it was not in the report, if those families decide to move to hotels or if they decide to go to a place where there are short-term rentals outside of Brevard County and he does not think that can be answered; however, as far as generating more funds he thinks this will have the exact opposite effect and thinks the Board will see TDT numbers go down quite a bit.

Commissioner Steele mentioned he cannot imagine the funds will go down; that is an intangible thing at this point in time; no one knows what the percentages are; there are projections out there; but here is what Airbnb does, and what all the other people do on the short-term rentals when they send their money into the Tax Collector, just like Commissioner Feltner said, the send in a check and it does not list the number or the amount of monies that were collected by each and every one of these short-term rentals; it is impossible to check on this unless there is a registration of short-term rentals; and the Board has got to do this; it has got to register these people. He went on to say he understands what Commissioner Tobia is saying; there is no possible way in the world that is going to go down; the taxes cannot possibly go down; there are too many people out there that are doing short-term rentals; Decker Technology may not be the company that the County is going to use; the Board could sit down and have a workshop in regards to what it wants to place in the RFP to make it more palatable to the Commission; and he would almost agree with that in this particular point in time, if the Board comes to the consensus that it wants to do something. He reiterated maybe the Board could do some sort of workshop to figure that out. He noted the County is getting killed here; Airbnb is not being fair by saying this is what was collected; show the proof of what is collected; that is nonsense; the Board is just agreeing with everybody and the TDC gets short-funded probably almost every time; and all these other people are out there collecting lots and lots of money. He stated when they met with Decker Technology, they said not only do they have, and he is not promoting Decker Technology it was just one of the vendors that was looked at, they came up with how much they were being rented for, how long they had been rented for, and data that would be key to understanding what can be collected from them for the future; then they came up with a follow through that they did where they actually sent out letters to the people and tell them they noticed that their property was advertised on certain days, and ask if they are licensed to be a registered short-term rental person; he asked what is wrong with that; he noted here is what is going on, the County is getting bamboozled by lots and lots of people; anybody that does not understand that, he thinks is just neglecting their duty; and he is not specifically saying that to the Commission, but it is neglecting its duty to do what is fair to the general public which is to collect the taxes that are absolutely due to this County. He mentioned he can guarantee that the TDC will collect more money; it will not go down, he just cannot imagine that happening in his wildest dreams; and his motion would be to workshop this as soon as possible and come up with a proposal to do it for a year.

Frank Abbate, County Manager, stated he was going to suggest that what the Board might

want to consider based on the input from today, have staff bring back to the Board an RFP that has the scope of what would be included, and including the one-year trial period; staff will take into account everything the staff said and the Board can review it; and staff can bring it back at the next available Board meeting.

Chair Pritchett stated that sound s like a good plan.

Commissioner Feltner stated if the Board is successful in cleaning up the short-term rentals, the revenue would go down because there will not be the short-term rental tax from the ill-gotten rentals; and that is certainly a possibility.

Chair Pritchett inquired if that is on the illegal ones.

Commissioner Feltner responded affirmatively.

Chair Pritchett commented it is kind of bad having an illegal short-term rental.

Commissioner Feltner responded by saying he is just pointing it out; and he is certainly in favor of cleaning them up.

Chair Pritchett asked if there are any illegals putting in money.

Commissioner Feltner responded he thinks they are remitting the tax through Airbnb, VRBO, and Expedia if their properties are listed there.

Chair Pritchett repeated if they are listed.

Commissioner Feltner explained what he is saying is they are taking place in areas where they should not; interestingly enough, not beating up on those companies, but when one rents one of these, it does not give an address until someone states they want to rent it; sometimes the address is not provided until a few days before the renter is set to arrive; it will show that it is in a certain area, zip code, or municipality, but it does not give the address; he would suppose it is done that way so it is harder for local municipalities to track those down; but he would certainly be in favor of a workshop. He added he thinks that is the right way to go.

Commissioner Steele mentioned he thinks everybody on the Board has agreed that there is some sort of a problem; whatever the fix is or whatever the recipe is to fix it, the Board is going to do it; as a result if staff came back with their recommendation, the Board can hash it out at the next Commission meeting on some of the things that may please Commissioner Tobia, Commissioner Feltner, and everybody else, at least the Board will be moving forward in a positive fashion to fix a problem that is out there today; and he is in favor of what the County Manager has suggested.

Chair Pritchett stated she knows whenever people have tried to talk people into paying them under the table, they do not submit any taxes at all; that is the purpose of it; she is sure there are a few people who will find out that there is going to be penalties now and make some changes if the Board tries to get this corrected; in some areas it is really a problem; and if someone is residential with a bunch of kids and there are people coming in and out every weekend with large noise, it is not cool.

Commissioner Tobia stated he may lose this, but he is trying to avoid a workshop; he does not mind losing this, he will not fight it if he loses this, he just wants to give staff the best direction; there are a lot of data points on this stuff; to save staff time, he thinks the Board needs to

identify whether or not the Board is going to impose a fee, going to have new regulations, whether those regulations are going to be on the permitted use areas or where they are zoned correctly, and if the Board procures a software company whether they are going to proactively or reactively enforce; and he does not mind losing any of these, he just wants to provide direction to staff to make that RFP; and he may be missing some data points but those are the ones he has been listening to.

Chair Pritchett mentioned in that, staff would come back and see if there is an ability to use TDT to cover it or with the other; that would be the best fit she thinks the Board could do; her thought is to go ahead and give the software a shot and see what it brings back; it is hard to make decisions without good data, so she needs some data; and she is always about trying to get data together.

Commissioner Steele commented registration is an absolute positive for him, the Board needs to register these short-term rentals.

Chair Pritchett asked even if the Board covers the cost the first time to help get them registered.

Commissioner Steele noted the County needs to know who these people are.

Chair Pritchett mentioned she does not know why the Board did not follow through on this before, doing a portal where people could look up and see if they are having this trouble and if it is legal or not legal before they move forward with an idea; she does not know if that is in the mix with this; she does not remember if there was a cost on that before but it really is not a bad idea; and she would be in favor if the Board had staff go forward with bringing back these suggestions in an RFP and then the County Attorney can distinguish between how these fees can be paid with the registration. She noted she does not mind looking further into doing the portal that Commissioner Tobia talked about; and she apologized to him that it got dropped in the past because she thinks it is a really good idea.

Commissioner Feltner stated he just wanted to clarify one thing about the portal because he thinks it was mentioned a couple of times about the Property Appraiser, and it certainly would be helpful if one could go to the Property Appraiser's site, that being the one site where people can pull up a parcel and find that there; he thinks if the Board was just talking about the unincorporated portion of Brevard County, maybe the Property Appraiser would be amenable to that; but 16 other municipalities that have zoning changes, he knows from experience, it has been hard for them to keep up with each of their zoning meetings, changes, what is permissible, and where, so he thinks that would be a more lengthy conversation with the Property Appraiser.

Chair Pritchett announced she has no more lights and asked Commissioner Steele if he would like to make a motion.

Commissioner Steele stated he would like to move to ask staff to come up with an RFP in regards to the short-term rentals and becoming proactive in that; included in that is a registration fee and additional data that if the Board received any additional AI that it would be confidential to Brevard County government alone and not shared with cities or anybody else; if the cities want to do it they can do it on their own; not necessarily a workshop, but when it comes back to the next meeting, if there is something that has a spur in somebody's thumb it can be alleviated from the RFP then.

Chair Pritchett stated so the RFP is to hopefully ascertain a company that will run this data for

the Board; and she asked if that is correct.

Commissioner Steele pointed out he thinks the RFP is going to be sent out to whoever is in that business; and he asked Planning and Development Director Tad Calkins if that is correct.

Tad Calkins replied staff would post it and send it out to any companies that they are aware of.

Commissioner Steele once staff comes up with the RFP and what needs to be in it, after what all can be done, he thinks the Commission can say, AI is out or whatever; then move forward; and it can be placed on the Board to do whatever it needs to do to make it work.

Chair Pritchett inquired if the Clerk got all that in a motion; she stated she did not think so; and she noted they will try to clarify this one.

Commissioner Steele stated he moves that staff create an RFP to be delivered as soon as possible to the Board in regards to being proactive in short-term rentals; and he reiterated that should come back to the Board as soon as possible. He added in his opinion there needs to be a registration fee; staff knows right now after this whole conversation what needs to be a part of the RFP; one more time, have staff come up with an RFP that included some of the discussions that the Board had today; the Board will look at it at the next possible meeting and either edit it or send it on as is; and go forward with an RFP.

Chair Pritchett asked if that would work for a motion or if something was left out.

Mr. Abbate advised the Board will discuss at a future meeting as Commissioner Steele is pointing out, the cost associated with AI and being proactive, which is what was in the report; and he thinks that will be part of the discussion.

The Board acknowledged receipt of the Resort Dwelling Report; and directed staff to create a Request for Proposal (RFP) to be brought back at a future meeting.

Result: Approved

Mover: Jason Steele

Second: Tom Goodson

Ayes: Pritchett, Goodson, Feltner, and Steele

Nay: Tobia

Commissioner Tobia asked to make a motion to give staff the ability to report any instances of homestead fraud due to the operation of a resort dwelling to the Brevard County Property Appraiser; this shall include retroactive reporting of any past instances of fraud known to the County.

Commissioner Feltner inquired if the Board could modify it that it does not have to be short-term rental, because one cannot rent their homesteaded property.

Commissioner Tobia responded affirmatively.

Chair Pritchett inquired if the second holds.

Commissioner Steele advised it does.

The Board authorized staff to have the ability to report any instances of homestead fraud, not just short-term rentals, due to the operation of a resort dwelling to the Brevard County Property Appraiser, including any retroactive reporting of any past instances of fraud known to the County.

Result: Approved

Mover: John Tobia

Seconded: Jason Steele

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

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

Chair Pritchett commented it is such an interesting day in the Nation and she would like to send prayers out to all the people, military and first responders, who are dedicating themselves to help keep America in a good place; and she prays for safety for everybody moving forward and trying to keep people to be able to live free and enjoy their lives.

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

Commissioner Tobia stated first of all, he should have said this at the beginning because he did see the new Mayor as he was walking out, Pat Bentley, but at a special meeting on October 17, the West Melbourne City Council selected Councilman Pat Bentley to fill the role of Mayor for the remainder of the term; Mayor Bentley is a veteran of the United States Marine Corp and has a BS in business administration and management from Rollins College; he is retired from L3Harris after 39 years of dedicated service; he has diligently served on the West Melbourne City Council for more than 15 years; and he congratulated Mayor Bentley and noted he is the perfect person to drive the bus that is the City of West Melbourne. He added he will always sit at the table with Mayor Bentley. He mentioned secondly, he does not have handout but he does have a resolution voting log for 2023; kudos for Commissioner Steele who has plenty of space; there is one Commissioner who will go nameless that has 12; and he may be voting no on future ones.

Vice-vice Chair Tobia stated today is National Bologna Day; he did not know there was such a thing; useless Florida fact, Greater Miami is the only metropolitan area in the County with two national parks; home to the Everglades National Park and Biscayne Bay National Park; this day in Florida history, on this day in 1971, Disney World was in the middle of a 3-day grand opening celebration, in addition to dedicating several resorts, Disney World debuted the electrical water pageant, its predecessor to the Main Street Electrical Parade; and hosted its very first firework display called Fantasy in the Sky Spectacular. He continued by saying County Employee Recognition, and he imagine Carol is diligently listening to this in the office; He thanked her for taking the picture with Bob; Carol Richardson is the Administrative Assistant to himself in District 3; she has 20 years of dedicated service to the County; 11 years in Animal Services until it was shifted to the Sheriff's Office and nine years in Solid Waste; Carol started in his office two months ago and has done an absolutely fantastic job; while she has questionable taste in beer, she makes fantastic cookies for the office; she is great with constituents and makes everyone feel welcomed when they come in; she is a great addition to the team; and he looks forward to having her in District 3 for the remainder of his term. He added Carol has done a great job, she fits in, and she has been absolutely wonderful; he thanked Carol; and advised she did not know what that picture was for and his office surprised her, so she will never trust them again.

K. PUBLIC COMMENTS

Sandra Sullivan stated this is a fish kill in the Indian River Lagoon (IRL) here in Brevard County this year; it made headlines that the IRL saw fairly extensive fish kills this year; she just wants to go back to why she got involved with the IRL advocacy; in 2016, Brevard County had large fish kill and the tax passed; in 2017, there was Hurricane Irma which dumped more than 22 million gallons of treated sewage to the Lagoon; and her own community had numerous dumps of about a million gallons to the Lagoon. She noted she was very frustrated so she read the Lagoon plan, because what was being discussed at that time was the importance of infrastructure; there were pipes that were 60 years old with influx and infiltration (I&I); there was just a storm event recent weeks ago where the manhole covers in her community were overflowing with sewage as were other communities; infrastructure was very important to her; she went to meetings because when she read the first IRL Plan, she wondered where was the infrastructure; there was all this talk about infrastructure but where was the infrastructure; she was told this is not an infrastructure tax; in fact, when she came in she saw that the plan had 66 percent going to muck dredging; and Chair Pritchett said at that time, that the Board did not vote for the infrastructure tax, the County might get sued if it did that. She noted this what was voted for; she attended the next meeting after that and she said, to restore the IRL through financing, planning, constructing, maintaining, and operating capital improvements and capital maintenance projects; capital is infrastructure; the other day she was reading minutes back to 2016 and she just about had a heart attack; Scott Knox, County Attorney, stated that regarding adopting the IRL infrastructure surtax, and she was shocked; in the minutes, they go on and Commissioner Infantini is talking about, because the language of the Statute, that she does not believe that the use of the tax for muck dredging is legally permissible; the statutory language specifically states if bonding out of a revenue stream, the bond proceeds must be used on capital improvements; and maintaining and dredging the Lagoon is a maintenance project.

Upon consensus of the Board, the meeting adjourned at 10:48 A.M.

ATTEST:



RACHEL M. SADOFF, CLERK

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

As approved by the Board on December 5, 2023