

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, December 3, 2024

5:00 PM

Regular

Commission Chambers

If you wish to speak to any item on the agenda, including consent items, please fill out a speaker card before the item is considered by the Board. Persons addressing the Board shall have three minutes to complete his/her comments on any agenda item for which he/she has filled out a card. The Chair has the discretion to determine or alter time limits on any item which is not a quasi-judicial public hearing.

The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

Present: Commissioner District 1 Katie Delaney , Commissioner District 2 Tom Goodson, Commissioner District 3 Kim Adkinson, Commissioner District 4 Rob Feltner, and Commissioner District 5 Thad Altman

A. CALL TO ORDER 5:01 PM

C. PLEDGE OF ALLEGIANCE: Commissioner Katie Delaney, District 1

Commissioner Delaney led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: September 5, 2024 Zoning Meeting; October 3, 2024 Zoning Meeting

The Board approved the September 5, 2024, and October 3, 2024, Regular Meeting Minutes.

Result: APPROVED

Mover: Tom Goodson

Second: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

E.1. Resolution acknowledging Julianne Dattoli and Niko Vargas on their ice-skating achievements.

Chair Feltner read aloud, and the Board adopted Resolution No. 24-127, recognizing Julianne Dattoli and Niko Vargas on their Silver placement at the 2025 US Figure Skating Pairs Finals.

Result: ADOPTED

Mover: Thad Altman

Second: Tom Goodson

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

F.1. Approval RE: License Agreement with the School Board of Brevard County for Parking Buses at the Merritt Island County Service Complex - District 2

Commissioner Goodson asked staff if this is approved that the School Board would have all of the maintenance costs like fencing, lighting, and resurfacing of the parking lots.

Frank Abbate, County Manager, advised he does not believe they are currently paying for any of the electrical, but that is very minimal; and in the agreement should the School Board want any improvements or additional costs moving forward, the School Board would be responsible for those costs.

The Board approved and authorized the Chairman to execute the License Agreement; and authorized the County Manager to execute any contract-related documents associated with this action, subject to approval of the County Attorney's Office, Risk Management, and Purchasing Services.

Result: APPROVED

Mover: Katie Delaney

Secunder: Kim Adkinson

- F.2.** Approval, Re: Execute Non-Competitive Lease Agreement and Resolution to Lease County Owned Property for Bit and Spur Club of Central Brevard, Inc. Equestrian Activities (District 1)

The Board adopted Resolution No. 24-128, authorizing the non-competitive leasing of County-owned property; approved and authorized the Chairman to execute the Lease Agreement to lease County-owned property for Bit and Spur Club of Central Brevard, Inc. for equestrian activities; and authorized the Parks and Recreation Director to sign future agreements; amendments, and modifications, upon County Attorney and Risk Management approval.

Result: ADOPTED

Mover: Katie Delaney

Secunder: Kim Adkinson

- F.3.** FY 2023-2024 Merritt Island Public Library Tax District Board Annual Report

The Board acknowledged receipt of the FY 2023-2024 Merritt Island Public Library Tax District Annual Report.

Result: APPROVED

Mover: Katie Delaney

Secunder: Kim Adkinson

- F.4.** Approval of Changes to Board Policy 08 (BCC-08) and Board Policy 11 (BCC-11)

The Board approved changes to BCC-08 and BCC-11, to provide clarity and consistency.

Result: APPROVED

Mover: Katie Delaney

Secunder: Kim Adkinson

- F.5.** Appointment(s) / Reappointment(s)

The Board appointed/reappointed R. J. Durham to the Building and Construction Advisory Committee, with term expiring December 31, 2026; R. J. Durham to the Contractor's Licensing Board, with term expiring December 31, 2026; Dr. Teri Jones to the Economic Development Commission of the Space Coast, with term expiring December 31, 2025; Carol Mascellino to the Employee Benefits Insurance Advisory Committee, with term expiring December 31, 2025; George Kistner to the Historical Commission, with term expiring December 31, 2026; Jennifer Allgood to the South/Central Brevard Public Library Advisory Board, with term expiring December 31, 2026; Leann Chaney to the South/Central Brevard Public Library Advisory Board, with term expiring December 31, 2026; Nicholas F. Sanzone to the Marine Advisory Council, with term expiring December 31, 2026; Logan Luse to the Planning and Zoning Board, with term expiring December 31, 2026; Debbie Thomas to the Planning and Zoning Board, with term expiring December 31, 2026; Mark Wadsworth to the Planning and Zoning Board, with term expiring December 31, 2026; Michael P. Gindling to the Titusville-Cocoa Airport Authority, with term expiring August 6, 2027; Terri Friedlander to the Transportation Planning Organization (TPO) Citizens Advisory Committee, with term expiring December 31, 2025; and

Dani Vinci to the Transportation Planning Organization (TPO) Citizens Advisory Committee, with term expiring December 31, 2025

Result: APPROVED

Mover: Katie Delaney

Secunder: Kim Adkinson

F.6. Bill Folder

The Board approved the Bill Folder, as submitted.

Result: APPROVED

Mover: Katie Delaney

Secunder: Kim Adkinson

J.4. Carry forward FY 2023/2024 balance into FY 2024/2025 - Supervisor of Elections

Tim Bobanic, Supervisor of Elections, expressed his appreciation and the opportunity to come out and welcome the new Commissioners; and he mentioned the carry forward request from their prior fiscal year was not spent due to savings of having a single party presidential preference primary election. He stated that it saved significant costs that they had budgeted for as he mentioned in his last budget presentation; the voting equipment is 11 years old and the budget request would help purchase one-half of the machines needed; and adding the same amount to the next Fiscal Year's budget.

Chair Feltner asked if there were any questions for the Supervisor.

Commissioner Goodson stated he spent two months on an Election Canvassing Board; it was as much fun as a butt kicking; and some of the voters need to go back for penmanship or vote in person with a driver's license. He mentioned the importance of voting; and he thanked Mr. Bobanic for his service.

Mr. Bobanic thanked Commissioner Goodson for being on the Election Canvassing Board.

Commissioner Goodson stated the most important thing about an Election Canvassing Board is not having to endorse or give money.

Commissioner Delaney asked if the new machines were required due to a software update that the current machines are not compatible with.

Mr. Bobanic replied the current machines they use for early voting will not even run the current version of the software. He stated they were using loaned machines with higher model numbers.

Commissioner Delaney went on to say that the new machines are definitely a necessity.

Mr. Bobanic agreed they were definitely a necessity.

Commissioner Delaney thanked Mr. Bobanic.

Chair Feltner asked if there were any more questions for the Supervisor of Elections; and he asked if there was a motion.

The Board approved carrying forward the FY 2023/2024 balance of \$653,245.54 into FY

2024/2025.

Result: APPROVED

Mover: Tom Goodson

Second: Thad Altman

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

J.3. Approval; RE: Renaming of the Environmentally Endangered Lands Program Barrier Island Sanctuary - District 3.

Commissioner Adkinson stated this was for the renaming of the South Barrier Island area; and a couple people would like to speak about the topic.

Chair Feltner stated that was fine.

Blair Witherington stated he lives a few miles north of the Barrier Island Center; he thanked Commissioner Adkinson for sponsoring the motion to rename the Barrier Island Sanctuary; and he talked about his teacher Doc Ehrhart and how he learned so much from being his student in the 1980s. He went on to say that Doc Ehrhart was a historical figure who made an impact on the community and the landscape, the sea turtle nesting surveys that were detailed on the South Beaches, and took people out to see the nesting sea turtles including County Commissioners and representatives. He mentioned Commissioner Altman being one of the ones that went out to see the turtles; Doc Ehrhart would tell stories of the biological significance of sea turtle nesting and that some of the people that Doc Ehrhart took out cobbled together a refuge from private foundations, the county, the state, and the federal government and now they have a mosaic wildlife refuge; and he thanked the Board for having the opportunity to speak and being able to tell some of Doc Ehrhart's stories.

Vince Lamb stated he is excited to face the new Board and happy they are here; he served for about 15 years as a sea turtle volunteer and stated he had a lot of involvement with Doc Ehrhart; he had the highest magnitude of respect for his accomplishments and mentioned being able to go to the National Conservation Training Academy; the refuge would not be there if it were not for Doc Ehrhart's data; they were there partly because he is a board member of the Friends of the Carr Refuge which is associated with the Florida Fish and Wildlife Conservation Commission and the Archie Carr Refuge; and they were prepared to help organize a public event at the Barrier Island Center when the sign is unveiled.

Chair Feltner asked if there were any questions or discussion.

Commissioner Altman stated that he knew Doc Ehrhart and went on numerous walks and heard his stories; he was a larger than life figure and it is sad that he is gone; but he is happy that he can be remembered with the renaming of the Barrier Island Sanctuary.

Chair Feltner asked if there were any more comments.

Commissioner Adkinson stated that she grew up down that way, but never knew Doc Ehrhart; she is honored and privileged to have requested the renaming; Doc Ehrhart's 30-year legacy as a University of Central Florida (UCF) Marine Biology professor; he did extensive work with his students in conservation and research and he established the Archie Carr National Wildlife Refuge; the Refuge was designated to protect the most significant area for Loggerhead sea turtle nesting in the world; and most significant for Green Turtle nesting in North America. She thanked Doc Ehrhart for the Refuge being internationally recognized as one of the most important sea turtle nesting sites; she stated his career as a professor allowed him to mentor, teach and impact the lives of hundreds of people who still live there; her goal and vision for the

Barrier Island is to carry on conservation efforts for the future of their families and their children; and she would like to make a motion to approve the renaming of the Barrier Island Sanctuary to the Doc Ehrhart Sanctuary.

The Board approved renaming the Barrier Island Sanctuary to The Doc Ehrhart Sanctuary.

Result: APPROVED

Mover: Katie Delaney

Secunder: Thad Altman

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

I.2. Board Direction: Scheduling of Board Workshop for the Tourism Marketing Support Program

Chair Feltner stated that the prior Board decided this Board should workshop the issue and so they just need to pick a date. He asked if there were any questions; and if there were any comments on that.

Commissioner Adkinson stated that the dates that were suggested were 16th, 23rd, and 30th of January; and she asked that the 23rd be a date that they did not use, if possible.

Chair Feltner asked if there were any other date constraints; and he mentioned it would be in the interest of the Tourist Development Council (TDC) if the workshop was done as early as possible.

Peter Cranis, Tourism Development Director, stated yes, it would be best to get the workshop done as early as possible.

Chair Feltner stated that would be the 16th.

Mr. Cranis agreed, stating that is correct if that pleased the Board.

Chair Feltner asked if there was any other discussion.

Commissioner Delaney asked if the time was 1:00 p.m.

Chair Feltner asked Mr. Cranis if the time was in fact 1:00 p.m.

The Board directed staff to schedule a Board Workshop on Tourism Marketing Support Program for January 16, 2025, at 1:00 p.m.

Result: APPROVED

Mover: Tom Goodson

Secunder: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

G. PUBLIC COMMENTS (Individuals may not speak under both the first and second public comment sections.)

Lisa Cullen, Brevard County Tax Collector, stated last Fiscal Year they started looking at their budgets and part of their process when they have unused fees is to return them to the taxing authorities in the equitable amounts that were paid.

Dana Blickley, Brevard County Property Appraiser, mentioned the excess fees from the

Property Appraiser's office; she stated the check is higher than the Board would normally see due to the problems a lot of them are having with human capital; and that they average about eleven vacant funded positions all throughout the year, meaning that her staff of 100 worked that much harder to make sure that those gaps were filled. She noted the tax roll calendar is cyclical and unforgiving in the deadline, without an executive order from the Governor, she does not get an opportunity to take a little longer to do each function in order to facilitate this process...

Ms. Cullen mentioned that her office has taken on numerous rolls; concealed weapons licensing being a large part of that; they have also partnered with Department of Health with birth certificates and have taken over driver's licenses from the Department of Highway Safety and Motor Vehicles; she explained that for every service that is performed her office is allowed to charge a fee; that it is a statutory fee; and that is where her check came from for the Board. She went on to say it is a nice size check, \$ 5.6 million; she wanted to bring that to the forefront for the public; that is the end of her fiscal year; and the money has already been transferred to the Board.

Ms. Blickley stated that although the Property Appraisers check would not fund \$5.6 million with it, but there is some funds for cookies to be allocated to the Supervisor of Elections; and that would take care of Commissioner Goodson's need to keep his tummy full.

Chair Feltner reminded property owners that if they paid their taxes, in December and January and February they get a discount; and asked Ms. Cullen to explain the rest.

Ms. Cullen stated that in December the discount would be 3 percent, January would be 2 percent, February would be 1 percent; and in March the full amount is due; and taxes go delinquent April 1.

Chair Feltner added that the people who paid in November got 4 percent.

Ms. Cullen stated that they have collected 74 percent of the role and they are at \$888 million at this time.

Commissioner Goodson asked if they could pay property taxes quarterly like one would when paying IRS taxes.

Ms. Cullen advised people can; she would request that he or she sign up for an installment plan to receive four equal installments, the first two are based on the previous year and once the roll is received they do a true up; those last two payments will be based on the actual roll; and then he or she will receive the 4% discount in the installment plan.

Ms. Blickley stated unless a mid-year assessment is done on the property.

Commissioner Delaney asked about the fees that were given back to the County and where that money goes.

Frank Abbate, County Manager, replied that it would go into a cash forward; there is a mid-year supplement that would come before the Board in an agenda request; and then those funds would be allocated at that time.

Commissioner Delaney asked if the funds would go into the General Fund or would only some of the money go into the General Fund; and she requested more discussion on where those dollars go since it was not something that was necessarily budgeted for.

Mr. Abbate stated that some of it is in fact budgeted, it's projected in budgeting, not all of it this year because of the amount; there is a large part of it that had not been budgeted; and the Board will have the opportunity moving forward as he previously stated, the mid-year supplement happens around March and adjustments can be made at that point.

Commissioner Delaney stated she just wanted to bring it up because there are other things, like the firefighters, that the Board needs to keep the focus on and make sure it gets to a better place.

Chuck Sheridan welcomed the new Board and wished them good luck. He mentioned the monthly reports that the Board does because he would like to know what is brought to their office and the concerns that are mentioned.

John Dacko stated he would like to address the significant issues facing fire rescue; and how those problems signal a failing Fire Department; Fire Rescue currently has a condemned fire station, and because of that they have two other stations housing two to three extra personnel; that makes a total of seven to eight personnel in a firehouse that is only designed to hold five; Fire Rescue currently has between 10 to 15 people that are on mandatory overtime every shift; it has between 10 to 20 that are on regular overtime every shift; almost every shift there are 30 to 40 people on overtime; and extrapolate this out 365 days, the overtime budget would equate to over \$7 million per year. He advised that the dollar amount would pay for the contract that the union presented to the County negotiators, which would allow Fire Rescue to compete with the comparable wage package that the County presented to the Union; the monies would allow Fire Rescue to compete with Seminole County, Indian River County, and the municipalities in Brevard County; Fire Rescue has people in the department that have been continually failing at their jobs that are being promoted; and they have people who are successful and excel in their jobs that should have been promoted, that have been black balled and have now left the Fire Department. He went on to say because of the promotions and the loss of respective Chiefs, morale is at an all-time low which is a sign of a sick and failing Fire Department; they are not alone as there are other departments failing as well such as Parks and Recreation, Brevard County Sheriff's Office (BCSO), and Road and Bridge; much of the dysfunction could be attributed to Frank Abbate; his leadership has dismantled County departments and blocked necessary pay raises to retain and attract skilled personnel; years ago Mr. Abbate made a statement that perfectly illustrated his prospective, "Fire Rescue are no different than office secretaries in Viera"; the statement devalued the unique and emotionally taxing nature of Fire Rescue; Fire Rescue Personnel, like dispatchers, Animal Control officers, and Brevard County Sheriff's Office (BCSO) deputies face the worst of humanity daily; and they are not just employees, they are frontline responders whose roles demand resilience, sacrifice and strength that cannot be equated to office work. He continued by saying he does not have all the answers but he knows it will take substantial pay raises and systemic changes to rebuild these departments; if the Board wants to stop the mass exodus of talent and help restore the health of these critical services, it starts with the Board of County Commissioners; and he thanked the Board for its time and urged it to look deeper into issues for the betterment of the community. Marie Luke thanked the Board for letting her speak; she advised she had never been to a meeting before but felt compelled to speak; she heard there would be a discussion and perhaps a vote on making Brevard a sanctuary county; Brevard County has law abiding citizens, but the Board is considering this radical and unconstitutional move which would allow criminals and illegals to be protected from the consequences of their illegal acts therefore protecting the criminals as if they are the victims and the citizens as if they are the criminals; she has seen and heard many sad stories about what disastrous sanctuary cities have caused the citizens of the communities, the communities financially, to the police departments, to those

who have had their properties destroyed, taken over by criminals, to those children and woman who have been raped or murdered with no consequences; and she does not want to ever have a sanctuary anything here, all she ask is that he or she please follow the Constitution and the laws that he or she swore to uphold and protect to the lawful citizenry.

Christina Fleming welcomed the new Commissioners and the old Commissioners. She stated that as of today, the County has lost 105 Fire Rescue personnel, 94 of the field which would be added to the meeting minutes after she speaks; she mentioned there is a 20-year Lieutenant medic that is battling occupational cancer while working three jobs to pay for the treatment; and according to State statute Brevard County should be paying that; Brevard County Fire Rescue is in a pay freeze that is being used as cheap negotiation tactics; and the County Manager has been approached three times about a Memorandum of Understanding (MOU) for a raise and had said no, so the money is sitting in Payroll right now serving no purpose. She continued by saying she stands before the Board not only as a concerned citizen but also as someone who is deeply troubled by the ongoing mismanagement of the Fire Department, it is with frustration and disappointment that she address the issue, one that directly impacts the safety and wellbeing of the community; for months now there have been repeated claims from the County Manager, Public Safety Director, and others within the administration that they are unaware of the internal problems facing the Fire Department, yet the signs of mismanagement are undeniable; from staffing shortages to inadequate salaries, outdated equipment, and inefficient operations, the signs of neglect are all too clear; and to say that they are unaware is, frankly, a disservice to the hardworking men and women who risk their lives every day and to the residents that depend on their service. She asked how does BCFR accept the claim of ignorance, when the evidence of dysfunction is so glaring; She stated the issue is not about passing blame it is about accountability; the County Manager is charged with overseeing and ensuring the effective operation of every department in the this County; for the past several months, really years, BCFR has been hearing excuses and evasions, but to be clear leadership means taking responsibility, especially when things go wrong; the Fire Department deserves a leader who is not only aware of the challenges but is actively working to solve them; they deserve better than vague reassurances that things will improve, please trust us and Roll Tide while the problems continue to grow; and the public deserves transparency and the firefighters and first responders deserve the resources and support they need to do their job safely and effectively. She asked the Commission to take immediate action; she advised there needs to be real answers not more evasions, and a commitment to fixing the problems that are putting both the community and the first responders at risk; and that includes removing people from their positions.

- H.1.** Approval of an Amendment to Chapter 62, Article X, Division 6, Section 62-3751, Exhibit A - Stormwater Management Criteria; Subsections 4.6(d) and 4.6(j), Brevard County Code of Ordinances, to allow polypropylene pipe in the County right of way and provide for administrative waivers for inverted siphons.

Marc Bernath, Public Works Director, stated he is with Rachel Gerena, Engineering Manager; this is an approval of an amendment to Chapter 62 of Brevard County Code of Ordinances to allow high performance polypropylene pipe in County rights-of-way; and as well as provide administrative waivers for inverted siphons, often referred to as bubble up structures.

Commissioner Delaney stated that she has major concerns regarding the inverted siphons; all of the research she has done showed that they fail regularly, and require a lot of maintenance; she does not know why the Board is making its code weaker; even the U.S. Environmental Protection Agency (EPA) said these structures can present problems, communities look for ways to avoid siphons in their wastewater collection systems when possible; and there is a flood risk if they are not maintained properly. She continued by saying she understands that they will be required to keep the flood waters on their own property, everyone knows how that

sometimes goes.

Mr. Bernath stated the Board has reviewed them in the past and what this is doing, at the request of the development community, is it would simply shift it from the Board responsibility to a staff administrative approval process; that does not mean that staff would start approving them any more than in the past; but it would just allow them to expedite where it made the most sense. He stated that staff agrees, which is why they made it very specific that it was only for commercial applications and there are a number of other requirements; for example residential, HOAs, in the County right-of-ways are excluded because of the maintenance concern; with that being said, it is a substantial benefit to developers; and trying to be responsive to them, staff wanted to offer this alternative path, but again making sure that the concerns that Commissioner Delaney had enumerated are addressed.

Commissioner Goodson asked if it followed State Code.

Rachel Gerena, Public Works Engineering Manager, stated she does not believe there are any State restrictions on inverted siphons, none that she has come across.

Commissioner Goodson asked if the State agreed to the use of polypropylene pipe.

Ms. Gerena responded that yes FDOT had approved polypropylene pipe; they approved it in 2014; there has been extensive research on it; and her staff has talked with both the State as well as other municipalities as well as visiting some sites that had already utilized it to come to that conclusion.

Commissioner Goodson asked if they only used it in green areas, in other words, like through a culvert easement.

Ms. Gerena stated it is actually approved for all applications.

Commissioner Goodson asked if it has been approved for driveways, road crossings, everything; and would the cost to the owner be 50 percent, from concrete to that.

Ms. Gerena stated that it would not be a significant cost difference material wise but there is cost savings installation-wise if there is a contractor that is used to installing them; and it is really hit or miss depending on who is doing it.

Commissioner Delaney stated while she would not die on the hill of the polypropylene pipes, one thing that the Board needs to consider with that is that when there are entities like cable or internet, those type of businesses, if they are drilling into the ground, there is not a whole lot of room for error with the pipes; with concrete, at least one knows he or she was hit concrete before having drilled through; and with these pipes if someone were to drill though it there would be a bigger problem to deal with. She expressed that the inverted siphons were a poor practice; she stated she is worried that the person who would buy the property may or may not know that they have a siphon on the property; it goes unmaintained; and then the property owner would have a bigger issue to deal with.

Commissioner Goodson asked Commissioner Delaney if she knew anything about Florida, in digging or drilling, people better call for locations because the cost that will occur in hitting a fiber optic is astronomical; therefore do not buy the idea that drilling is going to affect anything, if he or she does not call, he or she will suffer.

Commissioner Delaney stated that her concern was not so much the drilling into fiber optics, her concern was that, and she is sure that they get a lot of phone calls just like her about certain companies that do their digging and hit sewer pipes and things like that, it is just a lesser of a product.

Commissioner Goodson stated he hears her but that he or she cannot govern stupid.

Chair Feltner asked Mr. Bernath if he could speak to the concern raised about digging and interference with these kind of pipes.

Ms. Gerena stated in regards to directional drilling through the pipes, the County does experience directional drilling through the concrete pipes that are in the right-of-way; can these pipes be drilled through absolutely; the problem is less that they cannot feel it, the problem is that they do not notify County staff when they do it; regardless of whether they have drilled through a concrete pipe and know they did it, the likelihood that they call is very unlikely; staff had addressed the issue with the drilling with one of the major companies that carries this type of pipe and the corrective fix for fixing an application like that is actually a lot easier for the polypropylene pipes; the problem is going to happen eventually somewhere somehow; and the County does a pretty good job making sure those pipes are located on plans so that they do not.

Commissioner Goodson asked if the concrete pipes come in eight foot length; and then asked if the polypropylene pipe could come in 20 to 40 foot length.

Ms. Gerena stated typically it would come in 20 or 24.

Commissioner Goodson stated so the installation would be greater for the contractor and cheaper for the developers.

Ms. Gerena responded generally yes.

Commissioner Goodson stated that if he or she knows anything about concrete pipe today it is extremely expensive and there is a wait for concrete pipe sometimes because the demand is so high.

Commissioner Delaney stated if there is no other discussion, she would like to make a motion.

Mr. Bernath stated to address Commissioner Delaney's concern over the maintenance, one of the stipulations is that the maintenance agreement shall be provided by the property owner, that would include maintenance frequency of the inverted siphon, the increased maintenance needs for the inverted siphons, and potential increased cost associated with such a system. He noted staff believes they have addressed the concern, although, the concern is a real concern.

Commissioner Delaney asked if the Board could amend what is there currently. She stated she would like to motion to pass the Item with the amendment that the inverted siphons stay with the Board of County Commissioners.

Commissioner Goodson asked to have the amendment explained again.

Commissioner Delaney stated she would like to have the waiver through the Board of County Commissioners that way there is some sort of public record so that future owners are protected if a contractor would like to do that route.

Commissioner Goodson asked Mr. Bernath if that would show up on the plans.

Mr. Bernath replied yes it would.

Commissioner Goodson stated therefore the developer and the owner that would buy the lot would have a set of plans showing it.

Mr. Bernath stated correct and as he had mentioned before it would get approved they would need the property owner with their maintenance plan so they would need to acknowledge that as part of that process.

Chair Feltner asked Commissioner Delaney to state her motion one more time for the Clerk to the Board.

Commissioner Delaney stated she would like to make a motion to pass H.1. with the amendment to make the waiver still have to go through the Board of County Commissioners.

Morris Richardson, County Attorney, asked just for clarity that would accept the proposed amendment 4.6(d) adding the term polypropylene pipe but would reject all of the proposed amendments to 4.6(j).

Commissioner Delaney responded, yes.

Commissioner Goodson asked Mr. Bernath if the motion were to pass how much it would affect his staff and affect the county in cost.

Mr. Bernath stated since they do not get that many of those type of requests, it would not be a great administrative burden; it is really a request that the development community has long requested it be moved from the Board to our staff as an administrative process; in trying to be responsive, staff has worked over the last year or more putting it together; and if someone came in, and it fit the criteria, staff would endorse it and then they would put it on the Board Agenda.

Commissioner Goodson asked if the motion were to be passed would it be guaranteed that every one of them would be caught or would it fall by the waist side.

Mr. Bernath responded by saying that if the developer or contractor did so without staff's knowledge they would not be able to catch everything; but if they came through their office looking for an approval they would not approve it unless it met the requirements; if there were ever any uncertainty staff would have the option to come back to the Board, and say there are some concerns; and it would be on the Board to approve.

Mr. Bernath asked to confirm that the resolution is one, so they will redraft that with the County Attorney and bring that back to the Board.

Morris Richardson stated it does not need to return to the Board, staff will just revise the amendment and it goes for signature by the Chair.

The Board adopted Ordinance No. 24-30, amending Chapter 62, Article X – Environmental Protection and Conservation, Division 6 – Stormwater Management Criteria, Section 62-3751 – adoption of Stormwater Management Criteria Exhibit A – Stormwater Management Criteria;

specifically, amending Subsection 4.6 (d) of Exhibit A to allow for the use of polypropylene pipes in Brevard County Right(s)-of-Way; and rejected Subsection 4.6(j).

Result: ADOPTED

Mover: Katie Delaney

Second: Thad Altman

Ayes: Delaney, Feltner, and Altman

Nay: Goodson, and Adkinson

H.2. Approval of an Amendment to Chapter 62, Article XI, Flood Damage Protection, Division 1

Marc Bernath, Public Works Director, stated this is an approval of an amendment to Chapter 62, it is to satisfy the community rating system as part of the National Flood Insurance Protection (NFIP) Program for the County to maintain the current Community Rating System (CRS) rating of a seven; and it requires all manufactured homes, newly installed or replaced in a special flood hazard area, to be elevated to at least one foot above the base flood elevation. He stated this is also in alignment with other parts of the Code which requires one foot above elevation but is specific for structures, so this aligns that part of the Code, but also keeps the County compliant within the NFIP CRS to ensure that homeowners can get the best possible premium discounts on flood insurance; and he will stand by for any questions the Board may have.

Commissioner Delaney stated this is for the public's sake; and she asked if that is so the people can keep their discount.

Mr. Bernath responded that is correct. He stated the Florida Department of Emergency Management noted that the County needed to make the update; and it is really just an administrative request to stay within the program at its current rate.

The Board adopted Ordinance No. 24-31, amending Chapter 62, Article XI, Flood Damage Protection, Brevard County Code of Ordinances, to adopt an updated version of the Flood Insurance Rate Map and to specify elevation of manufactured homes in flood hazard areas to base flood elevation plus one (1) foot above frame of manufactured homes; specifically amending Section 62-4001, Brevard County Code, to remove the definitions of "expansion to an existing manufactured home park or subdivision", "substantially improved existing manufactured home parks or subdivisions"; specifically amending Section 62-4001, Brevard County Code, to include the definition of "market value"; specifically amending Section 62-4001, Brevard County Code, to modify the definitions of "appeal", "existing construction", "existing manufactured home park or subdivision", "new construction", "substantial improvement"; specifically adopting a updated Flood Insurance Rate Map into Sections 62-4005 "basis for establishing areas of special flood hazard and adoption of Flood Insurance Rate Map"; specifically amending Section 62-4061 "general standards" to include reference to the date the County was accepted by the Federal Emergency Management Agency to participate in the National Flood Insurance Program in subsection 7; specifically amending Section 62-4062(4) specific standards for manufactured homes and recreational vehicles in areas of special flood hazard; providing for conflicting provisions; providing for severability; providing an effective date; and providing for inclusion in the Brevard County Code of Ordinances.

The Board recessed at 6:02 p.m. and reconvened at 6:11 p.m.

Result: ADOPTED

Mover: Thad Altman

Secunder: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

I.1. James Road Traffic Calming - District 1

Marc Bernath, Public Works Director, stated this is James Road Traffic Calming; it was presented to the last Board and continued to this one; there is a requirement in the stipulated settlement agreement of 2007, after years of litigation, requiring the traffic calming to be considered and for input from James Road residents; a public involvement meeting was previously held as well as input solicited directly from owners of properties that traverse James Road; and then at the D1 Commission office staff met with all residents that wanted to attend to get into more specifics. He stated a traffic engineering consultant which works for Taylor Morrison and confirmed by staff proposed implementing traffic calming due to the limit of right-of-way as there are no other cost-feasible alternatives in order to reduce vehicle speed and improve the safety of the roadway for the users of James Road with the addition of traffic by the Taylor Morrison development; the Board may consider approving the recommended traffic, all of the traffic calming measures, approving one or a combination of both, rejecting all, or other options it may wish to direct staff to pursue; and he will be standing by for any questions the Board may have.

Commissioner Delaney asked about the concerns of the narrowing of James Road; and from the briefing staff had, the road is not getting smaller the lines are just coming in, so the amount of pavement that is there is still going to be there, the pavement is not going to go away.

Mr. Bernath responded that is correct. He stated that when staff mentioned lane narrowing in this particular case James Road varies from 10 to 11 feet, so it would be standardized to 10 feet; the reason for doing that, and it would be leaving the existing pavement, it is moving the lines in one foot, there needs to be standoff separation from where the speed tables are and the guard rails; and that allows them to do that. He continued by saying if the Board wants to do speed tables it needs that one foot of separation to do the guard rails because of the road side drop off hazard that is being presented by introducing a new condition, in this case the speed tables.

Commissioner Delaney stated basically the guard rails were put in place so that when people go up and over the speed tables that there is less of a risk of somebody driving recklessly and going off into the ditch.

Mr. Bernath responded right, whether it is reckless or carelessness or maybe blinded during night conditions staff reviewed their concerns with the traffic consultant for Taylor Morrison and Taylor Morrison agreed to, in the cases where there are speed tables, to have them accompanied with guard rails because of the concern for safety.

Commissioner Delaney asked about the paint markings that are on the road; and stated those were not put there by the county or the developer.

Mr. Bernath stated to the best of his knowledge that is correct, certainly for the County and he

believes for the developer; it is believed that some good willed individual took the County's map and tried to see where the speed tables would be but he or she have it slightly wrong; that made it so that some people thought that their driveways would be blocked; staff has worked with the consultant; they have been out there on site; and the speed tables will not be blocking any driveways.

Chair Feltner stated just to clarify if the Board did not do anything tonight, what would be the consequences of that on this Item.

Mr. Bernath stated as the stipulated settlement agreement currently requires in order for the developer to finish or complete their work, the County would basically be ceding, allowing them to move forward and then they do not have to bear the expenses of this; there has been some, and that is where option four comes in, there has been some discussion of potentially bonding it, but right now as the stipulated settle agreement requires they cannot finish the work until they do the traffic calming.

Commissioner Adkinson asked what a bonding situation would look like.

Mr. Bernath replied with that he would ask the County Attorney to weigh in on that one.

Morris Richardson, County Attorney, stated, theoretically, it would look like the developer posting a bond or some other kind of cash security in the amount of the estimated cost of performing the improvements; in this case, because the developer's cost is based on an actual contractor's bid rather than the construction cost, it would probably be that amount rather than that amount plus some contingency; then that money would be available for the County to use within a reasonable period of time potentially tied to something like issuance of Certificates of Occupancy within the new development; and the County could decide to use that money either for the improvements that are advised based on the study or some other combination of traffic calming improvements or not use it at all and return any unused funds, at the end of the period, back to the developer. He stated then the County would be at risk if there were cost overruns or if the County decided to do something different and more costly than anything that exceeded whatever was posted; it would be County obligation not developer obligation; and that also involves County performing the work which means either self-performing or more likely contracting to do the work as opposed to having the developer use their forces to perform the work now.

Chair Feltner asked what is the year-over-year construction inflation situation today, if the County took the money and escrowed it and did not spend it for three years on the traffic calming, what would be the inflationary effect of that.

Mr. Bernath stated without quoting actual Consumer Price Index (CPI), he has seen some bids at 15 to 20 percent year-over-year since Covid, 2020 timeframe.

Chair Feltner stated construction cost dollars are devalued 20 percent potentially year-over-year.

Mr. Bernath answered in some cases more.

Margaret Bassett stated she lives on James Road and saw a vehicle go by doing at least 60 miles per hour; it has that deep wide ditch; and if they do not get the traffic calming somebody is going to get killed out there.

Robin Hunter stated she hopes the Board would approve the traffic calming design that was put together by the County and the Windward Preserve developer.

Tom Sullivan, with Gray Robinson Law Firm on behalf of Taylor Morrison, stated he appreciated Marc Bernath and Morris Richardson's comments and the questions regarding the bond; Taylor Morrison is in the position to either construct the improvements that they have presented to the Board, which they are willing to do to fulfill the obligations under the settlement or they would consider the bond option as Mr. Richardson laid out; an additional wrinkle he would like to add is based on a conversation that was had with Commissioner Delaney, in the event that they post the bond and there are some improvements that were non James Road improvements that the County decided to use those funds for they would have no objection to that and therefore would not be requesting a refund of those dollars if they were not used toward the James Road improvement; and stated he has Gil Ramirez, who is their traffic expert, as well as Fred Miller with Taylor Morrison who are happy to answer any questions that the Board may have if there are any follow-ups from the last meeting.

Susan Rollins stated she recommends that the Board pass this and not put it to, bonding the money; it made her nervous what the gentleman prior said that maybe the money could be used for other things; she lives off of James Road and she walks that road daily; she used to walk with her dogs but they are unable to make that walk anymore; when she is walking that road most people would either slow down or pull over so that people who walk can pass; it is only a 35 mile per hour road and they are real nice, other people, just the current traffic now where it is like they either mathematically know exactly how much space they need to pass her or they do not care because sometimes she could reach out and touched the vehicle; and at some point sometimes she feels like throwing a water bottle just to get a reaction. She stated she cannot imagine how much worse it is going to be with the additional traffic of the development; she feels like right now the residents are in this situation where the Board has asked the people what they want, the people tell them what they want, the Board asked if they are sure, they put it to a vote, and 85 percent of the people that returned the ballot said there are concerns about future traffic; and right now, 71 percent said they had concerns about the current traffic. She stated she does not know how much more desperate they could be that people are begging the Board to help them; if 85 percent of the population of Brevard County asked the Board for something it would probably give it to them; and now 76 percent of the people that voted said they would want the speed tables put in; the people are asking the Board for help; and the people are begging for the Board to help to pass the amendment and let them return to a very quiet community that they all moved out there to live in.

Jennifer Therrien stated she had been working on the James Road traffic calming for 20 years and five months, it has been a long road; she provided the Board with a map showing the overwhelming support for the traffic calming, particularly the speed tables, and those are noted in green on the table; the current traffic study that they had showed there was an average speed of 46 and 48 miles per hour (mph) on a 35 mile per hour, on two spots on the road, so obviously already there is a problem before talking about adding additional traffic; and people look to the County to provide its residents safe access to their mailbox; and an area for the residents to walk their pets or ride a bike without the fear of being ran over or someone ending up in the ditch. She noted she has nearly been hit three times while walking her dog; she has seen residents of nearby streets probably going in excess of 60 mph; she cannot tell the Board how frightening it is when two cars are passing and he or she is at the mailbox and there is one foot or one and one-half foot between him or her and a car doing 60, there is not even a word for it; and she has visited Board meetings and visited the Road and Bridge, there has been hard work done between the County and the developer to come up with a fine design. She continued by saying she pleads with the Board to put that into effect; there is a stipulated

agreement that they worked exceedingly hard to put together; the residents know the development is coming they are just asking for the Board to put the traffic calming in to provide a safe environment for them; and not only for James Road, but other residents in the area. She asked the Board to move forward with this and not delay because if it is not implemented now, just as it was mentioned by Marc Bernath, that cost will likely increase; she knows that there has been considerable consideration; and she would ask that the Board to please press forward with the implementation of the traffic calming before the building phase starts on Windward Preserve.

Rick Hefflefinger stated there is no question they are going to get traffic calming but he is on Friday Road and Friday Road is not James Road; problem is Friday Road is going to get a lot of traffic, and they already have speeding; he mentioned a survey had been done; there was a plan; they had a meeting that was mis-addressed but nobody knows how that happened; and the whole thing has been a botch. He stated he is seriously disappointed; he thinks the contractor's guy was let too much in charge and the County was not watching what was going on; now there is a plan that includes guard rails; he realizes everyone that lives on that road is going to get traffic calming; and he just wants to make sure everybody knows James Road is getting guard rail because guard rail looks like crap, it looks like they live on a freeway. He stated that he hopes the people that voted know they voted without guard rail, that was not included; he asked does there have to be guard rail, is there any room to either vote for all of it or some of it, he commented all of a sudden the guard rail has to be there because it is safety; there are no guard rails on Friday Road and there has been more cars in the ditch than James Road has; nobody has asked them about, the need to get Friday Road some guard rails; and if someone is speeding and he or she flies over the speed hump he or she deserves to be in the ditch. He asked why the County cannot go back out with another survey and let people decide if they want the guard rail; he stated 50 percent of those people said they did not want the road narrowed, and he asked where are those 50 percent now; and they already did the survey, met the legal requirement, and notified the people but they were notified of the wrong stuff, they changed the plan. He stated he would love to get guard rail, like to get his pipes buried but that is not going to happen; Friday Road was completely ignored; it is going to get a lot of the traffic; he realizes that, they are a 45 mph; and there was talk about making the whole development 35, but then people would whine that they could not get out fast enough. He expressed his concern for the people on Cox and Friday; he inquired if there is something the County can do; and he commented how about the speed limit signs, can they get a couple of those signs, throw them in for a while at maximum capacity just to remind everybody this is residential out here. He went on to say this is going to kill some golf cart people on Friday Road; he will not ride his bike on it right now; the County does not mow the side enough for him to even pull over; he asked the Board to have a little concern for that stuff; James Road is getting traffic calming, but he does not know if everyone knows exactly what they are getting; and he just wanted people to have a fair opportunity to vote.

Lee Windschitl stated there has been an increase in speeding on James Road in the 25 years he has lived there; the Walmart Distribution Center on State Road (SR) 524 got a stop light, a lot of the speeding is to get around two of those three stop lights; there is one at Friday Road and SR 524; one at the Walmart Distribution Center, and one at SR 524 and Cox Road, so people are speeding down James Road to beat two of those three stop lights whether they are going west or east; and it significantly increased the speeding on James Road. He continued by saying Florida Power and Light (FPL) came in and put in large concrete power poles that block the view of the people that come down the road; they are on the south side of the road, and he lives on the south side of the road so when he pulls up to the edge of his driveway on James Road, he is having to try and see if anything is coming because of those power poles; he has to be careful somebody speeding does not run into him or he does not hit them when pulling out.

He commented they are adding 250 homes to James Road so people know that the speeding is going to increase; as a minimum they need the speed tables, bare minimum, to slow them down as much as possible; and there will still be people that will speed over them. He asked the Board to please vote yes to give the residents the speed tables on James Road; and he stated the Board has to do something or someone is going to be killed, someone walking a dog, pushing a stroller or riding a horse.

Ed Dwyer stated he observed the speeding on James Road having lived there for 24 years. He mentioned he made the traffic calming survey that everybody saw and had presented to the Board; they are the ones that walk their dogs between 7:00 a.m. and 9:00 a.m.; he gets to observe everybody going down the road and the people on James Road that live on James Road very rarely speed, but the people that use James Road as a crossroads speed a lot; they deal with a specific bus driver, daily, that he has to wave down daily that speeds down James Road going 50 mph, with a bus; it is unsafe for people right now, if they add 250 to 400 homes and maybe 500 to 800 cars to that road; study showed that when they did this study over a three day period that there were 680 cars on average, that is people using their cars three or four times a day going back and forth to Walmart, going back and forth to work that is how many is going down there now, so to add another 800 cars to that. He stated the bottom line, what the residents are looking for is that they all know that James Road, and to bring up the guy on Friday Road, James Road is way different than Cox Road and Friday Road, James Road has a 24-foot wide ditch, it averages 12 feet deep, it is three feet from the edge of the road on average from the edge of the pavement on the Northside, and then the concrete poles are five feet on the Southside; there is a pinch point there; if he or she is between the pole and the ditch he or she would have three feet on one side and five feet on the other side to get out of the way whether he or she is in a golf cart, on a horse, walking the dog, kids riding their bicycle, or pushing a kid in a carriage; and everybody on Friday Road and Cox Road, they all use James Road, he sees them every weekend. He added they are all there on their golf carts they are bringing their kids down there, and with all this traffic, if this is not done, then there is going to be fatalities. He mentioned if he is wrong, the builder has agreed to put these speed tables in; and none of the residents have a problem with having the guard rails, definitely have to have a guard rail on this side of the ditch just because of the depth of it; there cannot be a speed table without a guard rail; and nobody is going to complain about what it looks like. He stated what he is really concerned about is people getting hurt, somebody getting killed; he assisted in three recoveries in his 24 years; two of the cars were upside down in the ditch, their tires were only showing; one of the cars he did not even know was there until the next day; and a motorcyclist died. He noted it is all about safety so please vote yes on this.

Roger Helms, lawyer from the Orlando area, stated it was good to see Commissioner Goodson; he remembers when they elected him to the Port Authority back about a quarter century ago in the port; and he is glad to see someone his age who is still working. He stated he had a career in law enforcement, an accident investigator, and a Reconstructionist; he went off in the military, got shot in the Army, and then went to law school and parlayed that into cases against Department of Transportation (DOT) and planning agencies with regard to road construction; he had a similar case with what they are dealing with now with the safety plan; it was a sharp curve on Fort Benning, Georgia; two young soldiers were decapitated by guywire on a telephone pole because there was three or four feet from the side of the road; as a young investigator brought up why not put in guard rails or do something to protect it and it caused a big scandal; and it is similar to what is going on here. He continued by saying they have a vetted engineer verified study by traffic professionals, the Laster Traffic Group, who have said it is appropriate given the speed circumstances here, to put the speed tables out here; he cannot tell the names of the people that will be saved by doing the right thing and approving the plan, all the Board has to do is say 'I vote safety'; he cannot tell the names of someone they prevent

from being paralyzed but he will tell them as a trial lawyer, that costs \$20 to \$50 million in a jury verdict these days; the County Attorney can tell them the liability picture; and one thing for certain is with respect to road design it is muddy and what smart lawyers do is get around things. He went on to say one in Orlando, it is always planning versus operational; they said no one cannot sue them for planning the stop sign out there but they did not inspect it and see that the sun was bleaching it out where nobody saw it and somebody was killed at the intersection; and in closing, he cannot say what will happen but he can say that it is his opinion, as an investigator in the past and as a trial lawyer that specializes in this sort of thing, somebody is going to get killed or somebody is going to get paralyzed; and somebody is going to be asked the following question, so wait a minute they had a plan which was done by engineers and traffic studies to slow the traffic down to save lives, they had a trial lawyer come to them and incidentally his fees have been set at \$1,000 an hour in this circuit, and they had all of this in front of them and they did nothing, that is wrong.

Lillian Leber stated that she does not have a problem with the speed tables on James Road but her concern is that if they are put in now prior to the construction when all the cars are really there that the speed bumps will deteriorate from all the trucks going by; and then who is responsible for paying for the replacement of the speed bumps if they are done now versus after construction. She repeated that was her concern, that they would have to be replaced at the expense of the County versus the builder who is putting them in now, so she just wondered if the developer could wait until the development is complete.

Chuck Sheridan stated that he grew up on North Merritt Island and they had a similar situation where there was a ditch on one side and trees close to the other; by the time he ended high school he pulled three people out of the ditch dead, there was an s-turn there and cars would go by his house 80, 90, 100 mph sometimes; when they just put the speed bumps down Crisafulli Road, he went to go visit his mother and she said it is wonderful the cars have slowed down; she does not have that much traffic now, and is not as concerned driving down the road; therefore, it does save lives.

David Scott stated he has property on Offshore Lane; he was told about the speed tables; they plan to build eventually; he has an eight year old, a seven year old, and a four year old; growing up, as kids you go out to the road, his dad would send him to take the trash out; his kids cannot do that with cars flying down the street; he is working on the property bringing fallen trees down with a tractor; and these cars go whipping by. He noted the speed tables are needed; he hates speed tables with a passion; but he asked the Board to please pass this.

Commissioner Delaney stated she has a lot to say about the Item, but she just wanted to clarify something, and the people in District one know her, so they know her heart when she says leave it to lawyers to give part of the conversation and not the whole conversation, the conversation she had with him was about blinking lights being put on Friday Road and she asked him if they did a bond, how much would that be and could he add that in, so it would not be taking anything from the people on James Road; and she just wanted to clarify that because the whole story was not told and she will definitely know better for next time. She mentioned that she had a community meeting with the people from the community and she wanted to thank Mr. Bernath and Corrina for coming; Corrina came on a day that she was on her leave and so she really appreciates that, it means a lot, and it means a lot to the people in District one; this has been a very long drawn out fight and the thing that she has to stay focused on is what part of the development are they talking about; and she understands what this will look like for District one and for the people of the community because she is dealing with the same thing right at SR 528 because she lives in Canaveral Groves. She stated if it goes forward as the engineers have designed that does not mean she will not fight for Friday Road; she will call on the State and the new Congressman to help with the infrastructure issues here in Brevard

County; and Friday Road will be on the front of her mind to make sure that part of the community is safe as well because it is not just safety issues it is psychology, once all the traffic calming goes onto James Road regardless of what everybody is going to say, there is going to be increased traffic on Friday Road. She stated she is making a commitment to the people that she will not stop pushing for improvements on Friday Road because the Board has got to make sure that everybody is safe in the whole community; this is a unique opportunity to have the developers help pay for the improvements on James Road; and it would be, in her opinion, silly for the Board not to move forward with the plan. She commented she hopes that her fellow Commissioners will partner with her on making sure that they monitor and keep an eye on what is going on, on Friday Road as well because it is going to affect that as well. Chair Feltner asked if there were any more discussion on the Item.

Commissioner Delaney stated she would like to move to approve the Item.

Morris Richardson, County Attorney, asked just to clarify because there were several options recommended, is it option number one to approve all recommended traffic calming measures.

Commissioner Delaney responded yes.

The Board approved Option 1) recommending all traffic calming measures (i.e., speed tables with guardrails, textured pavement, reduction and standardization of travel lane width, and vibratory edge line marking); adopted Resolution No. 24-129, supporting the implementation of Traffic Calming measures on James Road; and delegated authority to the County Manager, or designee, to execute any related documents, including, but not limited to, permits and associated bonds.

Result: APPROVED

Mover: Katie Delaney

Secunder: Kim Adkinson

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

- J.1.** Approval, Re: Purchase Agreements, Resolutions, and County Deeds for a Portion of County Owned Parcels 110 and 112, and County Deeds and Resolutions for Existing County Rights-of-Way for Parcels 100, 101, and 109, all Related to the Florida Department of Transportation (FDOT) Facility Improvement Project 4074023 State Road 528 East from East of State Road 524 (Industry) to East of State Road 3 - District 2.

Marc Bernath, Public Works Director, stated it is an approval for purchase agreements, resolution and County Deeds for a portion of County owned parcels and County Deeds and resolutions for an existing County right-of-way related to the FDOT facility improvement project which is on State Road (SR) 528 East and the west side of North Courtenay Parkway; it is providing fair market value of \$6,700 for parcel 110, \$235,000 for parcel 112, and for the other associated right-of-way because it is right-of-way the county would not get any costs associated with it or fees associated with it, but this would allow FDOT to move forward with its planning of potential widening for SR 528.

Commissioner Delaney asked if it is going to be widening the road coming off and onto SR 528; onto Courtenay Parkway; and then going east onto SR 528.

Mr. Bernath responded based on the parcels that they are looking to take that is what he believes but he has not fully seen the proposal at that point; they have identified that they need the additional right-of-way for what they have projected; but it would make sense based on

where they are looking for what he would call slivers of County property.

Chair Feltner asked if there were any more discussion on the Item.

Commissioner Goodson stated he has no problems with the Item and asked to make a motion on it.

The Board executed and approved the Purchase Agreements with FDOT for portion of County owned parcels 110 and 112; executed and adopted Resolution Nos. 24-130, 24-131, and 24-132; and executed and approved Deeds for parcels 110.01, 112.01, 100.01, 101.01, and 109.01 all related to FDOT Facility Improvements Project 4074023 of State Road 528 east from east of State Road 524 (Industry) to east of State Road 3.

Result: ADOPTED

Mover: Tom Goodson

Secunder: Thad Altman

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

- J.2.** Board direction regarding the request from Space Florida to connect to the Merritt Island (Sykes Creek) wastewater system and the participation of Space Florida and State Agencies in a regional Port St. John wastewater treatment facility and force main (District 1 & 2).

Frank Abbate, County Manager, stated staff has worked with Space Florida for the last several years and preliminary discussions relative to needs that they have and the partners they have, relative to water wastewater treatment on the Barrier Islands; recently, staff received a letter that was shared with the Board that was signed by four of the secretaries of the State of Florida from the Florida Commerce, Florida Department of Transportation, Florida Department of Education, and Florida Department of Environmental Protection expressing their strong interest as well as that of the Governor's office to assure that the County is working in a unified manner to provide wastewater where possible; staff has been in those discussions they have laid out in the letters that were attached to the Agenda Item that spoke to that issue; and they have set certain perimeters of what they would be looking for, primarily to assure due diligence which is to make sure that the County is doing all the right things in terms of protecting safety, in terms of assuring the capacity that is at the Sykes Creek facility is maintained for the rate payers that put it together, and that any future utilization would be in a manner that was fair for those that were coming into the system as well as the rate payers who built the system that is there now. He went on to say as part of that effort there is also what is called a Military Installation Resilience (MIR) Grant that they have been working with Economic Development Council (EDC) on and the Department of Defense (DOD) which speaks to a longer term solution where the County would have a regional facility somewhere on the mainland looking at perhaps in the Port St. John areas, that is what is being looked at; and with that dialogue they are going to have upcoming discussions with the State and the State agencies that he mentioned; having a new Board, he thought this was an opportune time to make sure the Board is aware of what is going on and to get its input as the meetings are being scheduled as he speaks; Eddie Fontanin, Utilities Director, is here to discuss the Item in greater detail; and staff will do their best to answer any questions the Board may have and get the input so that staff knows they are moving forward and aligned in a unified matter.

Eddie Fontanin, Utilities Director, stated he can expand a little bit on the Item or he can do a question and answer, it is the Board's choice.

Commissioner Goodson asked if the Air Force had been there 70 something years and

National Aeronautics and Space Administration (NASA) had been there 65 years roughly, why is the Board here today wanting the County to take their sewage; why did they not plan for the future; he stated now if the County takes their sewage it is going to cause the plant to be at risk of being over capacity, therefore, the County is not going to be able to sell the deal about septic to sewer for the Lagoon; and he asked why the Federal government has not done anything.

Mr. Fontanin stated he cannot speak on behalf of the Federal government but what he does understand, the is Air Force Base who has the wastewater treatment plant has made a notification concerning the flows at the plant that are getting to a level where they are putting a limit on what Space Florida can do in the future.

Commissioner Goodson asked then why not increase their plant.

Mr. Fontanin stated that is a question that has not been presented.

Commissioner Goodson stated so that seems to be no concern of the Federal government, it all falls on the County; and he asked now at the same time, did they not just recently ship some of their stuff south to Cocoa Beach, that put the Cocoa Beach plant in jeopardy of violating their Department of Environmental Protection (DEP) permit.

Mr. Fontanin stated he was not aware of the dynamic of the Cocoa Beach...

Commissioner Goodson stated he would get him the report; he will not agree to this unless staff tells him that they are going to charge enough that is going to allow them to increase its plant; for the citizens to pay for it, then come back and charge the citizens in his district to do that, no; but he is only one of five commissioners.

Mr. Fontanin stated they are in its infancy with regard to this and as Mr. Abbate attested staff has presented some perimeters to Space Florida at a preliminary level of what they want to accomplish from due diligence; it is staff is full intention, and if the Board read one of the correspondence that staff replied to from one of the letters they received that is a common theme; staff just wants to be fair; and fair is associated with cost. He went on to say they continue through the due diligence they will understand more of the parameters; as they talk about potential industrial pre-treatment and whatnot, it is identifying what it is, and identifying the strength and magnitude of what that is; and when one goes through that process then he or she can actually identify the investments needed to, and he does not want to say protect Brevard County, but assure that Brevard County is able to maintain the environmental laws that are in effect today.

Commissioner Goodson responded that the County has slim to no chance to buck the Federal government; he has never seen the Federal government roll over and play dead, so he does not expect this to happen; this is not going to be pretty, it is going to be a nightmare; and the taxpayers on Merritt Island would go absolutely ape crazy.

Frank Abbate, County Manager, stated that is why everyone is here to discuss it; staff has made it very clear they have had dialogue with EDC, they have had dialogue with others, and they have made it very clear that the County's expectation is that all costs that are associated with taking the wastewater needs to borne by those that come into the system; that includes any pre-treatment that might be needed offsite or any technological improvements or expansion that might be needed onsite to assure that it is handled appropriately; in addition to that whatever capacity would be utilized the County's expectation is that it is not only a short term solution but on the long term that whatever capacity they utilize at Sykes Creek when it gets to the regional facility they are paying the proportionate share of the new cost at the

regional facility; that protects the rate payers who currently paid for the Sykes Creek facility at the rates that they paid when they invested in this 20 to 30 years ago; and so those are all parameters that they have put forth and staff plans on moving forward with based on the Board's input, consideration, and the dialogue staff plan to have with the State as soon as that meeting is scheduled, which looks like it might be as early as December 9th.

Commissioner Goodson stated North Merritt Island has suffered extensive flooding, piling of water and they have asked NASA for seven months, or a year, if they can put it in their ditch and they were told hell no; Merritt Island cannot even put water in their ditch; he asked would Mr. Abbate agree that they were are going to have this regional plant, they are going to have to cross two rivers, Banana and the Sanctuary in Merritt Island then the Indian River, three, and then have to get permits from Army Corp Engineers; and if anyone knows anything about the Army Corp Engineers, it will take probably 30 years to get that permit.

Mr. Abbate stated that is part of the dialogue; the partners that Space Florida has, they are not looking for that kind of delay, they move rather quickly; that expectation in terms of what it is going to take to move forward, he can tell that it is staff's concern that it not only look for a short-term solution but to have viable partners who understand, and are willing to participate in the long-term solution; that long-term solution is one that the DOD shares in wanting to assure that there is resiliency that the County is protecting the environment and that is what a regional facility would do; if in fact the study that is conducted, that the Board has supported, provides that that is a plausible course of action, of course he cannot speak to that issue today the County has to conduct a study, that study should be completed within the parameters of what the grant that was approved; the target is no later than May of 2026, so that is really what staff is looking at; and staff knows the State is very interested, based on the letter that was read, and working to see how they can provide support in terms of moving this forward in terms of grant funding and providing the water quality improvements to the Lagoon, how everyone can work together, that is what they told the County and that is what the County plans to be discussing with them based on the Board's approval.

Commissioner Goodson stated he appreciates Mr. Abbate's honesty and he is sure Mr. Abbate will protect Brevard County; and the Board will move forward, all he is asking for today is to consider a study.

Mr. Abbate responded the Board is just considering the parameters that we are talking about, something the Board is comfortable with; of course staff is not going to make any firm commitments, staff is going to bring it back to the Board; and this is just the opening dialogue that staff hopes to be able to move forward with.

Commissioner Goodson stated Federal government, State, he feels so comfortable, he feels this kind of easing up behind him and kissing him, but he is comfortable with it.

Stel Bailey stated she testified at the White House before Council on Environmental Quality (CEQ) about the pollution from the space industry and how it affects the quality of life; she has worked with Congress, U.S. Environmental Protection Agency (EPA) and several national groups on issues like Perfluorooctane Sulfonic Acid (PFOS) chemicals and the dangers faced by the military families and firefighters; her dedication to improving the water quality and health of impacted communities has gained international recognition; it is concerning that the wealthiest people in the world who stand to gain from the Spaceport expect the residents of Florida to shoulder the financial burden of crucial infrastructure enhancements tied to the space sector in the DOD, upgrades they were aware of, that were necessary at least a decade ago; if the industry can create rockets that can travel to Mars it should certainly be able to prioritize creating sustainable living conditions here on Earth to ensure our species thrive; and yet they

now anticipate that the County will bear the weight of its wastewater issues. She noted she finds it deeply troubling that the space industry and the Federal government are neglecting their responsibility regarding wastewater management and the lack of a comprehensive plan for sustainable growth; it is astonishing that they would have the audacity to send certified letters to the County implying the County could face serious consequences if it fails to meet the demands of the industry; the industry is set for a significant growth; and it is eyeing the funds the community members spent years fighting to save the Indian River Lagoon, to support their growth. She stated the investments in water restoration were never intended to benefit the industries or developers, in fact NASA spent decades dumping waste into the Lagoon and has not done nearly enough help mitigate that; Merritt Island is currently grappling with serious flooding challenges; and now the Federal government is looking to add to the strain to this community by temporarily hooking their wastewater to Sykes facility, the facility is expected to hit capacity within 10 years and is already notorious for frequent spills. She stated this facility should be operating at 50 percent capacity to prepare for storm surges, flooding and other environmental challenges, unfortunately, most of the wastewater treatment plants in Brevard County are not; in addition, there are plans to build the new facility in Port St. John where the industry aims to divert their waste from six existing plants; while Space Florida has pledged to invest in infrastructures, taxpayers will still bear the cost by being forced to pay \$10,000 to \$20,000 upfront to connect to sewer system; and although there are grants, people pay those costs first and have to wait for a reimbursement. She continued by saying perhaps Space Florida could ask its billionaire partners to cover the connection cost instead of trying to use funds meant for water quality to cover the industries failure to be proactive and manage its waste and growth properly; and she would urge the Commission to ask the imperative questions like how the waste will be brought across an entire Lagoon, consider the options, and ensure taxpayers are not exploited, explore solutions like a Spaceport fee, an embankment fee, also approach the State legislator to address the impractical 2030 septic to sewer mandate, and find a more effective option for Save Our Indian River Lagoon (SOIRL) other than a reimbursement. She added she believes a new plant could benefit the County, but she feels the Board is putting a lot of pressure on the communities by not considering the cost that Space Florida and the documents provide.

Sandra Sullivan stated when people talk about Space Florida, they are talking about the biggest controversies and corruption that has gone on in Brevard County; at the end of September there was a meeting, she was printing out the agenda, parts of it, she got to the meeting, and there was an Item added to the agenda between the time she left home and the time she got here, which is \$1.71 million to put to the second study for alternative three to put in a regional sewage plant; she has issues with how that went down; the EDC represents private interest; they did the first study and she did a records request for the (inaudible) study; and they did not even consider putting a sewage treatment plant in Space Florida for their industrial waste. She mentioned one thing not really talked about much is this is industrial waste and one cannot put industrial waste to a sewage plant that is for residential sewage which works on activated sewage bacteria to break it down; as soon as he or she puts industrial waste in that, that plant does not work; so the idea to let them clean up the industrial waste, if they are going to do that they might as well build a package plant to handle their own sewage waste; and this problem started because Space Force does not want their sewage private sector. She stated Merritt Island or County spent half a million dollars on a hydrology study, it is on the 10-year flood plain; and why the corruption to take Space Florida and have the permitting done by the city of Titusville in 2010, was to avoid the requirements of the County not to bring fill in to elevate their lands which clearly if looking at Google Earth Pro one can see that they did. She expressed another major concern stating that they just got a president for America First; what is going on in Brevard County is it is selling off Brevard to foreign interests; she believes based on the documents, that the whole thing is about a piece of property that Bright Line purchased,

Bright Line which is owned by Fortress which is majority owned by Dubai, come into the port one can see the big exploration tower welcome to the Dubai of the Americas, that is what we have here, the port, cargo, space hundreds of billions of dollars, and now they want a regional sewage plant so they can do our sewage infrastructure as well; and one last thing about Space Florida, they passed in legislation the past year on Senate Bill 102 putting in affordable housing there, it is not just about space commerce it is also about residential housing.

Jack Rattorman stated he represents the Merritt Island HOA, which represents all the homes from the Barge Canal to the NASA gate, he is also on the North Merritt Island Dependent Special District Board, which represents the interest of the North Merritt Island community; they are an elected board; and they represent, according to the map, from the middle of the Barge Canal to the middle of NASA causeway; these folks have never at all asked the people to look at any plans they have about putting anything on the property that the Merritt Island Special District Board is supposed to regulate; and so the due diligence, he begs to differ with them. He continued by saying he would like to remind the Board, the one that he is on is also elected like this Board; he asked who is going to pay for the new system, what is the percentage of the capacity of the Merritt Island facility, he thinks it is 85 percent now; understand that it will be industrial waste, who is going to regulate whether it is industrial waste or residential; he mentioned North Merritt Island has many concerns because it has been dealing with flooding and other issues and this would just be one more; and he is asking that this be put off to a public meeting and additional public information be given. He stated he would like to know how much of an increase of liquid is going to be pumped down, and how many foot deep well, 2,000 foot well below the aquifer and anything extra, that is what is pumped down, so that would also increase that; and he asked the Board to please not do this without the consent and input of North Merritt Island.

Rick Heffelfinger stated he was going to congratulate Mr. Abbate on a wonderfully written letter about due diligence and the whatnots, but then he heard the other speakers; it is a hard night for Mr. Abbate, a lot of this is water; the developers are building a bunch of developments; the County is not even sure where that sewage goes and now the space port guys wanting to dump their stuff in; and he does not live on Merritt Island, but he feels for them and thanked Commissioner Goodson for standing up for those people. He stated if Space Florida wants to do that there is a great answer, they pay for the County's stuff as well as their stuff and do not charge the taxpayers anything; the County has something they want, so pay for it, that is the bottom line; and the due diligence is make sure that it does not fall on the taxpayers because we all love the Space port, rockets and all, but they have to pay their way.

Milo Zonka stated he is an employee of SpaceX but he is not representing SpaceX, but representing the guy that stood there in 2006 when they celebrated the fact that after decades of only being a launch property that they brought the first manufacturing for space to Brevard County; that was the Crew Exploration vehicle from Lockheed Martin and the County loved it; from there they have had so many programs, so much growth; so many new opportunities and with that come the consequences; that is what is now being talked about; people like it when the companies come and build and they hire contractors to do their building; we like when they hire people who buy houses, do shopping and all those things; but those people when they go to work, they poop, that is what we are dealing with; and when they are manufacturing these next generation space vehicles that are going to go to the moon and to Mars and carry America's flag, when they do the manufacturing it uses water and it creates wastewater, so those are the down sides of the glory of having the jobs and the investments and to be able to say that we are the home to intergalactic space right here in Brevard County. He stated he does not think the space industry has asked for this to be free; he does not speak for the space industry; he does not speak for his employer, he is just asking a few questions that he thinks

are worthy of being answered; he does not think anybody has asked for this to be free; he does not think anybody has asked for it to come at the expense of the Brevard County rate payer; he asked if everyone could just take the conversation down a notch and not be in a controversial or argumentative phase and to get back to the information phase; and that is the only reason he came to the meeting was because the entire body of information that the Board is asked to make a policy decision on was four letters. He mentioned he thinks there is more information that the Board needs to see and the community needs to see; he heard a gentlemen ask for the capacity study for Sykes Creek, that could be a public record; everyone could benefit from having that information to understand what those issues are, and what the cost is to expand Sykes Creek, that would be good information to put out there; he spoke with Eddie Fontanin and Commissioner Goodson, he just wants the information out there and for the Board to be fully involved; these are very serious issues, lots of issues of awesomeness; and rockets that are going to go to the moon and Mars and employ people, those people are now staples of the communities, in the schools and all of those things. He stated he works with the most amazing people at every company one can imagine up there and they are deeply vested in the question; and he would just say as the Board is looking for policy direction there is more information that needs to come to the record.

Commissioner Goodson asked if all this is so wonderful why is it taking 70 years to decide that people need somewhere to relieve themselves.

Mr. Zonka stated what he knows of the system, the Cape Canaveral system was built to accommodate a certain level of activity that is on the Air Force station; NASA does not have a wastewater treatment facility; everybody uses the Air Force; and that plant right now is about, last he saw from the studies that were done was at about half capacity and then they allocated the rest or they are worried about water intrusion, the plant flooding so they hold back some of the capacity; and that is the current challenge. He mentioned he does not know if anybody envisioned the level of success that Kennedy Space Center and the Space Coast were going to have because it now has millions of square feet of new facilities that are up there and thousands upon thousands of people working there; should they have been more aggressive in their assumptions, yes; but now the question is do they want to double down on a plant; the plant at Cape Canaveral is at a three inch elevation and not where anyone wants to put another dollar to build or expand a plant; and he sees Port St. John's resilience issues.

Commissioner Goodson asked would it not be true to say that NASA does not build a rocket.

Mr. Zonka responded NASA contracts with people...

Commissioner Goodson stated NASA does not build a rocket.

Mr. Zonka responded correct.

Commissioner Goodson stated they just built a brand new office complex center up there for them with people's tax dollars; and if everything is so wonderful with SpaceX, it sounds like they could cut NASA and have 20 more years on the poop plant.

Mr. Zonka stated he was not party to that conversation but that he appreciated the thought.

Commissioner Goodson stated that President Trump was going to have two fellas that is going to be party to that conversation, but he is all for it as long as it does not hurt Merritt Island; and he thinks it is wonderful as long as he does not ship bad stuff down there, he wants premium stuff coming to his plant.

Commissioner Delaney stated she does not know if Mr. Zonka is aware of the letters that were received but they are very pointed; and how dare the State do this and try to withhold funding from the people of the County and handcuff them, so that is the tone he is getting; and she says that with all due respect.

Mr. Zonka stated that is not his argument; and that is his point, exactly, those four letters should not be the breadth of all the information if the Board is being asked to make a policy decision; that is all he is saying; he did not write the letter.

Commissioner Delaney advised she thinks that is what is being talked about tonight.

Mr. Zonka stated he gets it; he is just trying to take the temperature down because a decision has to be made; if the first answer is not to send another letter like that, it is a perfectly valid position; but there still needs to be a solution.

Chair Feltner stated he wanted to clarify and asked if anyone else wanted to speak on the issue; and he asked if there were any follow up questions for staff based on the cards that were heard.

Commissioner Delaney asked if there was any way to get the capacity for Sykes Creek and where they are at with that.

Edward Fontanin, Utility Works Director, responded yes they could get that.

Commissioner Goodson asked if Mr. Abbate, needs a motion to proceed on the Item.

Chair Feltner stated what was requested is to give direction to staff on how to proceed so as a Board it needs to get something.

Commissioner Altman stated he thinks this is an incredibly exciting opportunity for Brevard County to really be a part of something that is much bigger, this community put the only humans on the moon, this community is leading the way to making society interplanetary which everyone knows, ultimately, will have to be done if people are to survive as species; this allows the County to be a part of fixing a serious problem that the Space Center is facing, but it is a good problem because no one anticipated that the County would be soon facing 600 launches a year; that one would be placing colonies on the moon, on Mars; that this incredible individual is able to launch rockets and literally catch them in the air when they come back, no one could predict the rate of growth, the rate of scientific breakthroughs that have been achieved through American Ingenuity; they have been achieved because of this wonderful entrepreneurial private sector system; what happened is there is a space race where China now has returned samples from the moon, they have landed on the polar region of the moon, they are leading the way of getting back to the moon; and National Security is dependent upon winning. He mentioned he was there when they built the Sykes Creek plant; if somebody would have told the Board it had an opportunity of providing needed sewage capacity to a guy that is launching rockets that can hold hundreds of people that were going back to the moon and going to mars, that there would be an entity called Space Force that is at Cape Canaveral Space Force Station and at Patrick, that is leading the way in the world to keep national security, that there are two launch providers that are two of the most innovative wealthy entrepreneurs in the history of the world that need help, he thinks everyone would be excited about that opportunity; and that the investment that was made 30 years ago, 35 years ago can be a very significant part of achieving this national goal, this goal for mankind, the greatest, the most exciting and the

greatest adventure of human existence. He went on to say this is something much bigger than Brevard County and he thinks Brevard County has the ability to step up to the challenge and be a part of that; so he hopes the Board can take a can do attitude and work with private partners and rise to the occasion to do some of the most basic that County government does, provide infrastructure; this has happened so fast that NASA could not foresee it; even the private sector could not foresee it, but Brevard County foresaw it, and built the Sykes Creek plant that still has 10 years of capacity left; the County can fill this void but it has to be done quickly; and in the long run he is convinced that the people in North Merritt Island, people in Brevard, and the people in this country will prosper because of the Board's actions here.

Result: APPROVED

Mover: Thad Altman

Secunder: Katie Delaney

Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

Commissioner Altman stated he thinks this is an incredibly exciting opportunity for Brevard County to really be a part of something that is much bigger, this community put the only humans on the moon, this community is leading the way to making society interplanetary which everyone knows, ultimately, will have to be done if people are to survive as species; this allows the County to be a part of fixing a serious problem that the Space Center is facing, but it is a good problem because no one anticipated that the County would be soon facing 600 launches a year; that one would be placing colonies on the moon, on Mars; that this incredible individual is able to launch rockets and literally catch them in the air when they come back, no one could predict the rate of growth, the rate of scientific breakthroughs that have been achieved through American Ingenuity; they have been achieved because of this wonderful entrepreneurial private sector system; what happened is there is a space race where China now has returned samples from the moon, they have landed on the polar region of the moon, they are leading the way of getting back to the moon; and National Security is dependent upon winning. He mentioned he was there when they built the Sykes Creek plant; if somebody would have told the Board it had an opportunity of providing needed sewage capacity to a guy that is launching rockets that can hold hundreds of people that were going back to the moon and going to mars, that there would be an entity called Space Force that is at Cape Canaveral Space Force Station and at Patrick, that is leading the way in the world to keep national security, that there are two launch providers that are two of the most innovative wealthy entrepreneurs in the history of the world that need help, he thinks everyone would be excited about that opportunity; and that the investment that was made 30 years ago, 35 years ago can be a very significant part of achieving this national goal, this goal for mankind, the greatest, the most exciting and the greatest adventure of human existence. He went on to say this is something much bigger than Brevard County and he thinks Brevard County has the ability to step up to the challenge and be a part of that; so he hopes the Board can take a can do attitude and work with private partners and rise to the occasion to do some of the most basic that County government does, provide infrastructure; this has happened so fast that NASA could not foresee it; even the private sector could not foresee it, but Brevard County foresaw it, and built the Sykes Creek plant that still has 10 years of capacity left; the County can fill this void but it has to be done quickly; and in the long run he is convinced that the people in North Merritt Island, people in Brevard, and the people in this country will prosper because of the Board's actions here.

Commissioner Delaney thanked Commissioner Altman for all that he said and agreed with him on how important the Space industry is to Brevard County. She stated for the public's sake she would really like to speak into record of these letters of which the Board is talking about because she thinks it is important to the conversation; on August 13th the County got a letter from Space Florida from the CEO, Rob Long, and that was a very pointed letter and the tone

was unacceptable in her opinion; especially with the next letter that is on their agenda, from the Utilities Department basically saying that these conversations have gone on for the last six years and Space Florida is the one who has not done its due diligence; Space Florida did not do its part in the deal; and so accusing Brevard County of not being good partners right off the bat out of nowhere is a problem to her. She mentioned on October 28th, the Florida Commerce, Space Florida, the Department of Transportation (DOT), the Department of Education, the Florida Department of Environmental Protection sent Brevard County this letter basically threatening all of the projects in Brevard County; government entities at the State are threatening Brevard County and thankfully the County Manager sent back a very pointed letter to bring them back to reality; she would like to preface this because there needs to be a solution to the problem; and she is not saying that she does not want to work with them or have the partnership but she is asking the entities that sent the letter to actually be partners and not threaten the people of Brevard County. She expressed her concern for the industrial waste by asking who is going to be paying for it; she stated it should not be on the backs of the people in Merritt Island; she asked if it was possible to expand the plant in the way that it is needed to handle the industrial waste; she mentioned there is just so many things and then looking forward to the future what does that look like, because this is just a short-term fix; she inquired what is the future going to look like with the Regional plant that they keep hearing about, but there is really not that much information about, and how is that waste is going to go across the river; how is the County going to ensure that it is not going to pollute the river; that people are going to be safe because no one knows what kind of toxic chemicals are going to be put down the pipes; if that leeches into the river, if there is a pipe that burst and gets into the ground water, there are all sorts of things that can go along with this; and she noted whatever path is taken forward, the Board needs to ensure that the people are not being taken advantage of because she thinks that they equally need each other. She commented there are only so many places in the world that can allow rockets to go into space; in her opinion Brevard County is the best place to do that; and she would like to expand on that partnership.

Commissioner Goodson apologized for his rudeness; and he asked Commissioner Altman if he worked 20-something years at the Florida Memorial Astronaut Foundation.

Commissioner Altman responded he worked there for 11 years.

Commissioner Goodson asked if he now has a vested interest in this.

Commissioner Altman responded no he does not, he has a vested interest in the Country leading the world in space explorations; he talked about the type of programs they have there; one of the biggest educational programs is the International Space Settlement Design Competition; kids from all over the world come and design the things that are needed to have space explorations; and one of the first things they start is Water Resources, Sewer Treatment. He stated people are a part of and have a duty, people are a part of that great mission that is bigger than everyone and that is space and that is who people are, that is why people are here and he is excited about that; and he is really excited to work at the Space Center. He mentioned he grew up in construction like Commissioner Goodson; his family moved here for the Space program; he thinks the Board has an opportunity, a mission, a role, and a purpose to support it and to be a part of it; there is not a better community to launch; and it is important the County has a sacred duty to meet the challenges, and this is one of them.

Commissioner Goodson stated would anyone agree that at the turn down of the Atlas program NASA left here at night; with all that being said, he is not mad at anybody, but if one is going to sell the barn he or she might want to know who is selling the wagon because if something happens and Texas is better, does anyone think Elon Musk is going to stay here because of

the poop plant; he hears everyone's great vision and all that; he hopes people get to Mars before he dies; but this Board has to protect the citizens and Brevard County.

Commissioner Adkinson stated she wanted to expand on something that Commissioner Delaney said, the response that Mr. Abbate sent was strongly worded; she thought it was a good representation of how, generally, the people of Brevard County feel; she would like to see his team continue to advocate for the residents of Brevard County based on the wording of the letter; and she has a lot of belief in the team that is working for Brevard County residents.

Chair Feltner asked Mr. Abbate for guidance on what staff is looking for from the Board in terms of direction; and what is it that is needed for them to go forward.

Mr. Abbate responded that staff had clearly heard what the Board has had to say, it was very consistent with what was put in both letters; there is an absolute expectation that due diligence will be performed and that due diligence will help with the issues of capacity, will help with the type of waste it is, and make sure it is properly handled; and while looking at the short-term and long-term solution, it is very important that none of the additional costs that is going to be associated with this, will be borne by rate payers. He stated if the Board gives them a motion to follow relative to those themes, staff has a plan to move forward; and of course anything staff would have would only be dialogue that they would then bring back to the Board for any action as they move forward, so they can make sure to explain it to the Board, explain it to everyone and move forward only when the Board gives a thumbs up on it.

Commissioner Goodson stated he would like to make a motion on the Item.

Chair Feltner asked Mr. Abbate to clearly state one more time for the sake of the clerk so they can understand.

Mr. Abbate asked if the clerk had the ability because he did not want to miss anything that he said.

Commissioner Altman advised he would like to make a motion that County staff, the appropriate county staff meet with Space Florida to review all the letters that they have and to vet all the issues and come back and give the Board a report.

Mr. Abbate stated he needed a point of clarification in that motion to discuss it with Space Florida and come back and report, that part is clear; he wants to make sure he understands what does that do relative to the meetings that they have that are now being scheduled by the various state agencies with Space Florida, is that part of what Staff is going to be doing or is that something we need to pull back from.

Commissioner Altman mentioned that they would go over all the content of the letters and the letter head content with all the State agencies, he read all four of the letters and he thinks all four of them were written very well. He stated he does not agree with all of them but it gave them a good platform by which they could have a really good discussion; and there has been a lot of concern about those, so they can vet those and clarify those and maybe correct them.

The Board directed staff to meet with Space Florida to review all the letters received and to vet all the issues for the request from Space Florida to connect to Merritt Island (Sykes Creek) Wastewater System and the participation of Space Florida and State agencies in a regional Port St. John wastewater treatment facility and related force main; and authorized for a report to come back to the Board.

K. PUBLIC COMMENTS (Individuals may not speak under both the first and second public comment sections.)

Darlene Hillers mentioned this was not on the Agenda it was concerning making Brevard County a sanctuary for the Bill of Rights and she was not able to go the presentation right before Thanksgiving put on by the organizations that are pushing for this to be passed; she did a little bit of research of her own online to try and understand what it is all about; to her it just sounds like they are wanting to be able to refuse if the Federal government authorizes some mandates; and she thinks a lot of those, the people already have those rights. She asked who would make the decision whether or not what they are opposing is unconstitutional, and she knows that the Board will probably be reviewing all of this and it might come up for discussion later on down the line. She reiterated her question on who would make the decision whether or not the County follows a mandate by the Federal government whether it is unconstitutional and if the people do not have to abide by it; and in her opinion, she thinks it would create a lot of lawsuits which would be a great expense for them to fight for those.

Janis Moran mentioned she was not expecting any of the stuff about Merritt Island and the Space thing and she lives north of the Barge Canal. She thanked the Board for letting her speak; and she noted that she wanted to ask the Board to vote no for making Brevard a sanctuary County. She commented about her father being in the military; he was in Germany at the end of World War II, a witness at the Nuremberg trials and came back told them as kids to never let that happen here in this country; she believes in this country; she is a good American; she thinks the checks and balances between the government really work well and does not think people should be thinking of themselves as somebody that can determine what is constitutional and what is not; it is almost seditious to try to even do that; and so as an American citizen she asks the Board to not even consider doing that, it is just not the American way.

Stel Bailey welcomed everyone and the new chair; and she commented some people have been there a very long time. She stated she wanted to put out a challenge to this Commission; the first challenge is to commit to doing a ride along with the firefighters, coming back and reporting to the public about that ride along and what each commissioner had experienced; the second one is to meet with a minimum of at least ten firefighter families and talk to them face to face about what they are experiencing in the County and what it is that they need; and lastly, she wants to remind the Board that it represent the people, the people are the bosses, not the lobbyist, not the out of State developers, the people are the Board's bosses. She asked the Board to uphold its oath and the Constitution.

Rick Hefflefinger stated he likes what was going on, the Board is talking about stuff, it could do round tables and things like that and information sessions for the public; a lot of people are scared when the Board starts talking about building new water processing plants; they see their water bill going up and wonder what is going on with that; this thing about informing the community is a good thing; and he appreciates how this is going. He mentioned he wanted to thank Frank Abbate, County Manager for a letter he got; some information that all of a sudden there was a little musical chairs, for Parks and Recreation and he wanted to know how the County made those position choices; Mr. Abbate wrote back stating the Parks and Recreation is Ian Golden; and he guesses that comes before the Board to confirm. He mentioned that he was interested to find out the County has a succession plan; he was wondering why it does not just post a job posting, and take resumes, and hire the most qualified person; he does not understand the secession plan, it almost sounds like everybody is preprogrammed to move up through the government and nobody leaves this big bureaucracy like in the federal government; and that worries him. He stated he does not know who Ian Golden is but that Parks and Recreation was pretty hot a little while ago about a park, somebody trying to take the park; he was concerned because it was stated that the Board works for the people and they would like

to have the best qualified person in the job; and he thinks best way to do that is to post the job and the most qualified person gets selected. He mentioned Mr. Abbate responded to his inquiry about that and he was glad to hear that he responded; he does like what is going on, the transparency thing is something that everyone wants. He thanked Commissioner Delaney for going to bat for the traffic calming. He added there are a lot of issues and the only way to solve them is to talk about them to make sure the people are not getting the short end of the stick; and the tax payers are always concerned about that.

Pamela Castellana thanked Commissioner Feltner for not only meeting with her but also initiating the conversation himself to make sure she felt heard by his office. She mentioned E Pluribus Unum, out of many, one; the differences are what make this Country great and the four fathers crafted a clear explanation of roles for a three-pronged government with a strong Federal presence; the County Commission is not a judicial body; it is not the role of the County Commission to interpret the Constitution; it is not the role of the Sheriff to do so; and it is the role of the judicial branch, as outlined by article three of the Constitution. She stated she should probably thank the Board for attempting to bring the sanctuary city for the Bill of Rights to our County at this time with president-elect Trump announcing many blatantly, unconstitutional programs; it would be great to have the ability to require our Sheriff to refuse any calls for the use of US military to enact mass deportation if they came to this County; it would be great to have the ability to acquire our County Commission to ignore any demands that may come to establish religion in our government spaces by requiring any particular religion's text to be posted on our hallways like the Ten Commandments; but why stop at the Federal government, we in Florida have already experienced the reality, not the imagination, of tyranny and authoritarian overreach; if the Governor were to try to remove an elected official in this County for political reasons rather than malfeasance, it would be great to have legal teeth to force the elected officials to ignore that order; but that is not how it works, out of many, one. She mentioned this proposal, that is now shelved but she believes it might come back, would create distrust of the United States government and indeed distrust of the Constitution itself; the Bill of Rights was ratified on December 15, 1791; it has withstood cries of tyranny and state's rights leading to out and out Civil War; it has withstood the ending of slavery, the Civil Rights Act, desegregation of schools over the objection of many lawmakers right in this County and desegregation of our military; it has withstood the expansion of legal rights and protections to formerly enslaved persons, all black people, and woman; it has withstood the expansion of legal marital status through interracial marriage to same sex marriage; and it will withstand any and all assaults and does need Brevard County's sanctuary. She stated with all due respect, she was in the room two years ago when her mic was shut off with a minute left to speak when she was addressing the government; and she is not sure she trusts everybody in Brevard County with the First Amendment, much less the rest.

Sandra Sullivan stated she wants to talk about the firefighters given this County is headed towards a public safety crisis maybe the Board could take the nearly \$9 million that it received, as an unexpected windfall, and put that to public safety; that would be a band aid, it would not be a fix; but at least it is a step in the right direction. She mentioned she was present for the County Commission meeting when the discussion was about extending the County Manager's contract and it was until the new commission came on; that was the vote that was taken; in fact, it was Chair Feltner that made that suggestion; and she believes it is time for him to resign and to rebuild trust in the County. She went on saying there is a bigger issue of Merritt Island; in the six plus years she has been coming to the meetings what has filled the room more than any other issue, citizen driven, has been Merritt Island flooding and the reason is because it is a 10-year flood plain; developing that with a lot of extensive plans that are under way right now including affordable housing, it is when the change that was made in 2024, is deeply concerning to her; she wants to talk about the NASA condemnation, it is a process in taking

public land; that is the history of that land; and it must be used for public use, public use only and that is clearly not what we have. She mentioned what is interesting with tax records, they are not paying in Space Florida, they are not paying taxes; now on Federal land one expects that they are not paying taxes on the land but the buildings that they add when one reviews the North Brevard Economic Development Zone (NBEDZ) meeting, and NBEDZ is another controversy, a very deep one, a troubling one because NBEDZ was created because of the legal issues with Space Florida, but there is no taxes for the additions of buildings and whatnot; that is Space Florida and Blue Origin; the only tax that they are paying is garbage pickup, there is no stormwater, and they do not pay for St. John's River Water Management District; maybe they should be paying some tax to Brevard; this is the crux of the issue of Space Florida and the controversy; this is the North Merritt Island Special District just as Space Florida is an independent district, North Merritt Island Special District is its own special district that has jurisdiction over that area; and NBEDZ was created to circumvent that by intent.

Bob White thanked Chair Feltner and congratulated the new Commissioners and to the old guard, Commissioner Goodson with no reflection on his age. He stated he wanted to speak quickly on behalf of the Republican Liberty Caucus for Florida, which he chairs; they came alongside the Constitutional Sheriff's and Peace Officers Association (CSPOA) in advocating for counties around the State of Florida to become a Bill of Rights sanctuary; they have no less than four of their chapters that are currently at work within their counties to advocate for this; if Brevard County were to pass it, it would not be the first County to declare itself as a Bill of Rights Sanctuary, it would be the sixth County to declare itself as a Bill of Rights Sanctuary; and there has been some suggestion made in public comments that this would open up the County to lawsuits on behalf of citizens, it is actually exactly the opposite. He stated he is congratulating the members of the public as well as the Commissioners that were so eloquently speaking on behalf of the citizens of Brevard County as it relates to the potential financial fleeing that they would experience at the hands of the Federal and State government; the only thing declaring the County Bill of Rights Sanctuary and passing the ordinance would simply empower the County to more easily and reasonably defend the citizens of the County in the face of a Federal overreach that is abusive of their constitutional rights of the Bill of Rights; that is all it is; and if he or she thinks the Federal government has complied and is operating within the bounds of the Constitution then he or she is just completely out of touch with reality. He mentioned Madison himself declared that the powers of the Federal government are few, specific and well defined, while the powers of the States and the people thereof are virtually unlimited and open to great discussion and great debate over exactly where that goes; and Thomas Jefferson said that whenever the Federal government overstepped its bounds and stepped out of the box that the Bill of Rights was created, and the enumerated powers were created to keep them, in that the states were in fact duty bound, not only did they have the right, they were duty bound to nullify those actions of that out of control Federal government. He stated that is where the County finds itself today at the mercy really of a Federal government that is completely out of control and it gets more and more dangerous; more and more abusive of the rights with every single day that passes, it seems; now the State of Florida is coming right alongside the Federal government; there are issues that are coming, not just domestic, not just here in this Country; there are issues that are coming internationally; and there are international organizations that are working to try to create international agreements that would literally wipe out many of the Constitutional Rights that people experience here in this Country.

L.1. Frank Abbate, County Manager

Frank Abbate, County Manager, stated he had an item that he would like the Board to consider, staff is going to be coming back to the Board soon to get input on moving forward with the legislative delegation; staff has already spoken to Ron Book's office who would like to meet with them next week to set priorities for moving forward; he had the opportunity recently to

meet with congressman elect Haridopolos who was very interested in supporting the County and moving things to a Federal level; he wants to make sure that staff gives him good information on the things that are most important to the Board, obviously with a new Board staff is going to be seeking its direction; he has already spoken to directors and he anticipates having their input to bring back to the Board very soon; he just wanted to plant the seed that the Board start thinking about what its priorities are so there can be discussion hopefully at the next Board meeting.

L.5. Kim Adkinson, Commissioner District 3

Commissioner Adkinson thanked the County staff for making her transition into her position so much easier.

L.3. Katie Delaney, Commissioner District 1

Commissioner Delaney stated there was something she wanted to bring up; commissioners all received the fire assessment study and she would love the idea of possibly having a workshop to where the Board could talk about the options; this is a big topic that she feels the Board really needs to brainstorm on how to proceed forward; possibly next meeting having this presented to the public in a slideshow; at the workshop some of the things she would like to talk about is all the future needs, so that is fire stations, fire trucks, personal staffing, rescues and anything in the next 5 years; also she would like the cost of doing 24 72s for the scheduling of the firefighters because that is quickly, across the State, becoming the new standard; and she feels like the Board needs to focus on this to get to a better place with their firefighters.

Commissioner Goodson asked Morris Richardson, County Attorney, if that would be an executive meeting.

Mr. Richardson stated what they are talking about, it would be if Commissioner Delaney was talking about direct labor negotiations, but he believes what she is talking about is the fire assessment report that was tendered to the Board that just contained the steps that the Board would have to take if it were to consider increasing or adjusting the fire assessment fee going forward.

Commissioner Delaney stated the reason she is asking for a workshop is because she feels like the Board needs to engage the public in this because at the end of the day they are the ones that pay for it; the Board needs clear direction from the public; and she feels the Board really needs to dedicate time to it.

Chair Feltner stated he thinks she has two things in there, first of all the issue of the workshop and then the presentation of the fire assessment.

Commissioner Delaney responded affirmatively.

Chair Feltner stated Commissioner Delaney could put on the next agenda a presentation, staff would work with her on that; the other could go on as a D1 Item; and just like the Board voted previously for the Tourism Development Council (TDC) workshop maybe she could come up with, talking with Staff and Fire Chief, some dates that could be considered.

Commissioner Delaney stated one other thing she would like to mention for Board Reports in the future she would like to give a report on the Boards she sits on so that the public can hear what they are doing, and what is going on.

L.7. Rob Feltner, Commissioner District 4, Chairman

Chair Feltner thanked everyone for the long journey to get there and for him to end up in the

place too; he appreciates all the support of staff and everybody's forbearance; he thanked the Clerk to the Board for the roll call voting; reminded the Commissioners that there are appointments to various Boards that he provided, and he will put that on Consent if there not any changes; and if there are changes or other concerns the Board will take that up at the next meeting.

Upon motion and vote, the meeting adjourned at 8:05 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

COMMISSIONERS

FLORIDA

Mover: Kim Adkinson

Secunder: Tom Goodson

ROB FELTNER, CHAIRMAN
BOARD OF COUNTY

BREVARD COUNTY,