

**Brevard County Board of County Commissioners**

*Commission Chambers, Building C  
2725 Judge Fran Jamieson Way  
Viera, FL 32940*



**Minutes**

**Tuesday, February 10, 2026**

**5:00 PM**

**Regular**

**Commission Chambers**

**A: CALL TO ORDER 5:01PM**

**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

The Board approved Commissioner Feltner to participate in the meeting via telephone.

**Result:** Approved

**Mover:** Kim Adkinson

**Second:** Katie Delaney

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

**C. PLEDGE OF ALLEGIANCE**

Chair Altman led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board Approved the December 02, 2025, Regular Meeting Minutes.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Tom Goodson

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

**E.1. Resolution, Re: Recognizing RaeLynne Kempfer, Miss Rodeo Florida 2026**

Chair Altman read aloud, and the Board adopted Resolution No. 26-009, recognizing and congratulating RaeLynne Kempfer, as Miss Rodeo Florida 2026.

RaeLynne Kempfer stated she is truly honored to represent Florida this year in the sport of rodeo and agriculture to get the next generation to support agriculture.

Chair Altman asked if there was a Miss Agriculture America or USA coming up.

Ms. Kempfer replied she would be competing for Miss Rodeo America in December; she will go against all the other states that have a rodeo queen; she will have a week-long competition for that; and it is a very prestigious title.

Chair Altman asked where that would be held.

Ms. Kempfer responded it would be in Las Vegas, Nevada, with the National Finals Rodeo.

Chair Altman asked where she went to school here in Central Florida.

Ms. Kempfer explained she went to Calvary Chapel for a little while, then moved over to Harmony; and then went to University of Central Florida where she received her Bachelor's in Psychology with a business minor.

Chair Altman stated the Board appreciates Ms. Kempfer, and it is a great honor to have her here today.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Kim Adkinson

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

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

Commissioner Delaney advised she would like to pull Items F.1. and F.2 from the Consent Agenda.

### **F.1. Approval Re: Permission to Apply to the Hazard Mitigation Grant Program (HMGP) Watershed Planning Program for Salt Lake Watershed Master Plan**

Marc Bernath, Public Works Director, stated Item F.1., is permission to apply for a Hazard Mitigation Grant Program (HMGP), watershed planning program for Salt Lake watershed for a master plan; the County would have to provide a 25 percent match, estimating a \$400,000 project; this is the watershed if the Board recalls back in October, it had flooding in District 1, specifically on Parkland Street; and this would allow staff to hire a consultant to look into the entire watershed, where the water is going, any blockages, come up with concept plans of how it can be resolved, then propose how to fix it.

Commissioner Delaney asked if the information that would come from the master plan, staff currently does not have the data that is needed to construct these concept plans to fix the flooding issues that are in that area.

Mr. Bernath responded there was a study about 30 years ago, but at this point there has been so many changes that have taken place that staff would not be able to use that information; but anytime the County is looking at making large-scale changes, or a design that impacts a basin such as this it would need to have a current, relative mode; so it can predicate its design on it; and the consultant would help staff look at where the water is, what the issues are, and then provide recommendations.

Commissioner Delaney asked what kind of deliverables would be expected to come back, is this everything from maps, ranked projects, cost estimates, implementation timelines.

Mr. Bernath replied everything that she mentioned; right now staff is just applying for the grant, once they get the grant, which could take a year or more, then staff would work on the specifics; but staff needs Board permission to apply for it because there is a match; many of the things Commissioner Delaney said, would be part of that; it will be concept and high level estimates at 400,000; and it would not be detailed projects.

Commissioner Delaney stated this frames a plan as a gateway to action to some of the issues that were seen in that area in October.

Mr. Bernath stated yes, if there were options that are economically feasible; the St. Johns River as it rises, anything the County could do could cut off; and staff would let the consultants look at the data and if there are reasonable solutions, propose them.

The Board granted approval to apply to the HMGP Watershed Planning Program, authorizing staff to submit the proposal form via the State of Florida, Division of Emergency Management (FDEM) portal; authorized the County Manager to sign the proposal form, grant agreement, any amendments, or renewals, contingent on County Attorney, Risk Management, and Purchasing AO-29 approval; and authorized the County Manager to execute any necessary Budget Change Requests.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Kim Adkinson

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

**F.2. Approval, Re: Submittal for a Congressional Funding Allocation for Land Acquisition Pertaining to the Siting of a Regional Wastewater Treatment Facility in Brevard County**

Edward Fontanin, Utility Services Director, stated Item F.2. is seeking approval for submittal for congressional funding for land acquisition; this is specific with land and corridor acquisition associated with Port St. John's new wastewater plant, this is a continuation of the efforts staff is doing with that region, both from the space industry and support of the space industry in collaboration with Economic Development Commission (EDC); and the intent through Congressman Haridopolos for this request.

The Board Approved and authorized you to apply for a congressional funding allocation for Land Acquisition pertaining to the siting of a regional wastewater treatment facility in Brevard County, and use of matching funds as mentioned in Fiscal Impact.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Kim Adkinson

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

**F.3. Appointment(s) / Reappointment(s)**

The Board appointed/reappointed **Tina Suiter** to the Art in Public Places Advisory Committee, with term expiring on December 31, 2027; **Sonya Mallard** to the Board of Adjustment, with term expiring on December 31, 2027; **Timothy Skeldon** to the Brevard County Health Facilities Authority, with term expiring on December 31, 2029; **Michael Williams Sr.** to the Building and Construction Advisory Committee, with term expiring on December 31, 2027; **Kyle Mack** to the Contractors' Licensing Board (Fire Safety), with term expiring on December 31, 2027; **Roz Foster** to the Historical Commission, with term expiring on December 31, 2027; **Marcia Gaedcke** to the Economic Development Commission of Florida's Space Coast, with term expiring on December 31, 2026; and **Adam Kohler** to the Transportation Planning Organization (TPO) Citizens Advisory Committee, with term expiring on December 31, 2027.

**F.4. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**H.1. Approval, Re: Temporary Use Agreement to Provide a Temporary Laydown Site for Linde/Praxair Plant**

Chair Altman called for a public hearing to consider a temporary use agreement to provide a temporary lay down site for Linde/Praxair Plant.

David Yagielski stated the project is an expansion to their facility in Mims, to provide more industrial gases to the community and businesses; he is asking for a temporary use permit to allow them use land near his current facility for parking, as well as laying down some of the equipment as it is coming in to be staged and used when needed; they are on a very tight sight and they do not want to affect the property than they have to; and by using this available land up the street, they will be able to stage their equipment and bring it in just when they need it, so they are asking for approval for this permit to allow them to do it.

Commissioner Delaney asked if he used liquified natural gas (LNG).

Mr. Yagielski replied no.

Commissioner Adkinson asked if Mr. Yagielski was going to put everything back as he found it.

Mr. Yagielski stated yes, that is correct.

There being no comments or objections, the Board Approved a Temporary Use Agreement for property located at 2555 Hammock road, Mims, to provide a temporary lay down site for Linde/Praxair Plant.

**Result:** Approved

**Mover:** Kim Adkinson

**Seconder:** Katie Delaney

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

#### **I.1. Discussion Re: Board Request to post PFAS Information on County's Website**

Edward Fontanin, Utility Services Director, stated Item I.1. is a follow-up based on the discussion staff had on the January 13, 2026, Board meeting; and Environmental and Safety Supervisor, Hope Brown, is taking the lead with efforts related to PFAS and how its being reported.

Hope Brown, Environmental and Safety Supervisor, stated staff has created a couple proposed pages for their website, the first page is an update to the current water quality page giving information about PFAS and how it is being monitored; after that page there is a link where people can go to the PFAS page, get more specific information, most recent testing, along with some other links with information the public might find necessary about PFAS, like what is PFAS, how someone is exposed to it, the human health effects from PFAS, and learn more about reducing any risk from PFAS; the first two links would take someone to the current understanding human health and the environment of the PFAS; the second link would take someone to a page where one can learn more about how to reduce any risk that one might have, including a link where one can find water filters that are Environmental Protection Agency (EPA) Approved; the third link would take one to Florida Department of Environmental Protection (DEP's) page where one can find what the State has for guidance on PFAS; and the final link she felt it would be necessary to explain that the Gen X chemicals are unit less, there is a hazardous index, which she had questions about, so what this means staff proposed to put a link on there on how genetic chemicals are calculated, which is another link from EPA. Where one can get more information on how that information is calculated.

Mr. Fontanin advised this is what staff prepared and if the Board is content with the intent then staff can go live.

Commissioner Delaney asked was there already language on the site that brought in PFAS.

Ms. Brown replied it kind of talks about the water quality monitoring.

Commissioner Delaney asked it does not directly say anything.

Ms. Brown responded not directly.

Commissioner Delaney asked if the page was where one would find the link to the web page.

Ms. Brown replied correct, on the website it is set up with the links on the right hand side, so there would be a header site for the water quality and then there would be a drop down for the PFAS.

Commissioner Delaney asked would there be a way staff could put a section on the webpage about PFAS monitoring and have a link to the website; and if one of the bold sections could be a subsection, and PFAS monitoring or results, something along those lines.

Mr. Fontanin stated the PFAS results are listed on the bottom of the webpage.

Commissioner Delaney asked rather than the public having to know where to find the link, could staff just put it on the webpage somewhere.

Mr. Fontanin responded yes.

Commissioner Delaney stated that would be helpful; and she heard is differently when it was discussed, there was some miscommunication; and she asked was there any work done about the direct customer notification through email or bill inserts.

Mr. Fontanin replied no ma'am.

Commissioner Delaney asked if staff would need Board direction.

Mr. Fontanin responded if it was the Board's desire that a notification such as that to notify of the website.

Commissioner Delaney stated well and about the current results that the County has had.

Mr. Fontanin responded it is logistics, staff does quarterly reporting and also the reporting as the EPA directs, so again if this is the Board's desire, staff's thought was a notification was to go out to make the rate payer know about the website, and the website would be the location of the most frequent information.

Commissioner Delaney stated she was wondering about the website and the chart, it only has a small subset of most recent results; there were concerns because the County had been testing since 2023; people are entitled to know all the results and have the historical data; the chart from Orlando and it basically has all of the results right there for their community to see; that is something more in the lines of what she was thinking when she brought the Item forward; she was wondering what the Board direction on that would be; and she asked if the results were from one well from each place, or the worst wells, how did staff decide on that data.

Ms. Brown replied the data that EPA has required be reported; and it is only on those chemicals and only for the point of entry, which is the place where it goes into the system out of the plant.

Commissioner Delaney stated she does not know the Board's opinion is, but she personally

would feel better if the County put all the information out.

Commissioner Adkinson stated she would like to make a motion to approve the website as is for now with the addition for Commissioner Delaney's for the additional link; she likes the simplicity of it; she likes the way it looks like it is going to work; and she thinks it is going to be an evolving thing as people let the County know if it is or not working well.

Commissioner Delaney stated she would like to make a friendly amendment; and the only request she had was if staff could put a link to the study on the website, so people could get all the information if they chose to do so.

Commissioner Adkinson responded she did not have a problem with that if that was something easy to do for people to be able to read the study that has previously been done.

The Board Approved the proposed website for public information regarding PFAS, to include on the front page a link to the PFAS testing results and an additional link to the previous study.

**Result:** Approved

**Mover:** Kim Adkinson

**Secunder:** Katie Delaney

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

Commissioner Delaney stated she had another motion to give staff direction to look into the feasibility of a direct notification through email and/or through the bill.

Chair Altman asked what she meant by direct notification, is it a direct notification process that the County would have Approved if there were an emergency, or is this a direct notification that would be done now.

Commissioner Delaney referred to an example of Temple Terrace's webpage; it basically gives the EPA requirement, Unregulated Contaminant Monitoring Rule (UCMR); then it says what PFAS is, gives the test result, because they were pretty high in that area, and then just information, what is being done, what should one do, what PFAS is, what some of the health effects are, exposure, for more information, and it gives a point of contact and some links to the EPA; and then there are EPA set limits so that people have knowledge of what the data says that they are looking at, and it is pretty basic. She went on by saying it is to notify people that new test results have been gotten, what the results are, if they are higher than the EPA standard, and what can be done with the next kind of thing; and this is going to be required as of 2027 anyway.

Mr. Fontanin stated this would be added to the water quality report in 2027, to keep the information consistent the County would like to push people to the website because when EPA renewals or updates occur, the updates would occur automatically; if the intent of the Board is to submit a notification to make people aware of the website to push them to the data, just a suggestion but it is the prerogative of the Board.

Commissioner Delaney stated if staff could add the newest results.

Mr. Fontanin replied staff would have to do that every time a test result was done.

Commissioner Delaney asked would that have to be done anyway in 2027.

Mr. Fontanin replied 2027 is a one-time annual summary that provides an overview of the entire year; it is typically issued in April or May; it is supposed to identify the high and lows of all the components as a water user; he thinks logistically if staff had to do this every time there was a

sample, it would be excessive.

Commissioner Delaney asked is it not only a couple times a year.

Mr. Fontanin responded it is quarterly, but, again, at the will of the EPA; and it is the desire of the Board.

Commissioner Delaney asked what if the notification stated there are new results, go here to find out the information.

Mr. Fontanin replied that could be done but then the question would be logistically the County would have to put that in a mailer, because the frequency of when the bills go out and getting the verbiage to the billing contractor might be a longer delay than what she would want to see.

Commissioner Delaney stated but it would be more than once a year and it would trigger people to look at the new results, even if it is a little late.

Mr. Fontanin stated the County could add on the bill notification periodically to notify people of the website a couple times of year, just to put the verbiage making people aware of the website to check.

Commissioner Delaney stated she would like to amend her motion directing people to the PFAS website to the water bills.

Commissioner Adkinson asked if that is different than her original motion.

Commissioner Delaney replied yes. She made a motion to add the new PFAS website to the County water bills.

Mr. Fontanin asked periodically. He advised it cannot be done every month, but it could be done two or three time a year.

Commissioner Delaney replied yes, two or three times a year.

Motion died due to lack of a second.

**Mover:** Katie Delaney

#### **J.1. Adoption, Re: Save Our Indian River Lagoon Project Plan 2026 Update**

Craig Wallace stated he has sat in on all the citizens oversight committee meetings, he has heard all the testimonials on the issues, he loves the science of the plan, and he is fully in support of it.

The Board adopted the SOIRL Project Plan 2026 update as recommended unanimously by the SOIRL Citizen Oversight Committee on January 16, 2026; approved continued signature authority to the Chair, or authorized representative in accordance with the threshold limits provided for in Brevard County Policies and Administrative Orders, to execute contracts, agreements, task orders, change orders, contract renewals, amendments, grant agreements, and other contract related documents, subject to review and approval by the County Attorney, Risk Management, and Purchasing, as appropriate, for projects and programs approved in the SOIRL; approved authority for you to execute no-cost time extensions up to one year; approved the County Manager to execute no-cost time extensions up to two years; granted permission to advertise and competitively procure goods and services needed to implement

projects and programs approved in the SOIRL, subject to available funding; authorized staff to submit grant applications for leveraging cost share for projects and programs approved in the SOIRL; and authorized the County Manager to execute all necessary Project Plan updates, associated grants, and budget amendments (BCR).

**Result:** Adopted

**Mover:** Kim Adkinson

**Second:** Tom Goodson

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

**Nay:** Delaney

**J.2. 2026 Susan B. Connolly Speak Up Brevard Workshop for Commissioners to hear Citizen Effectiveness and Efficiency Recommendations**

Commissioner Delaney asked Don Walker, SCGTV/Communications Director, how many submissions have been received, how many per Department, and how many out of jurisdiction had been received.

Mr. Walker stated as of January 31, which is the end of the recommendation period, 61 CEERs, 10 of those were for the County Attorney's office, 10 from the County Manager's office, nine for Emergency Management, 10 for Natural Resources, nine for Public Works, three for Parks and Recreation, four for Planning and Development, and a couple that were miscellaneous; all of the CEERs have been sent to the various Departments that are applicable which are currently being reviewed; right now he does not have a number of any that may or may not be deemed out of jurisdiction; and just know that all of the CEERs have been assigned and are currently being reviewed.

Commissioner Delaney stated she requested support in sponsoring a 2026 Speak Up Brevard workshop at the last meeting, with multiple public commenters and emails supporting this workshop; staff was given more time to ensure they knew the number of submissions and out of jurisdiction submissions; last year there were 77 submissions, with only 13 presenters at the workshop, and seven public comments; this year there were less submissions not saying necessarily there would be less presenters; continued Board sponsorship would signal the shared commitment to transparency, civic engagement along with two-way communication with the community to ensure that the residents across the County have an identified pathway to engage with the Board and to present their recommendations during a dedicated session; there was even a Speak Up Brevard submission advocating for the workshop to be yearly; and but the Board could go forward and get dates together if there is Board support to get things together for the workshop.

Chair Altman asked if this was a request for a workshop for the Commissioners to hear CEERs.

Commissioner Delaney replied yes.

Commissioner Adkinson stated she wanted to be clear about the process, and what voters actually approve, CEERs are submitted, staff has 90 days to review them, and then staff brings the results back to the commission for a public review; at that public meeting, the residents have the opportunity to address the Commission regarding their individual CEERs that they submitted, individually they can have as much time as needed; and that meeting would be sometime in April or May, so even if there were to be a workshop before that meeting, the Board would not be able to do anything.

Morris Richardson, County Attorney, stated the Charter provision provides a formal written

recommendation process, so those written recommendations are received by the County and the Charter compels the County Commission to review and then take a formal vote to either accept, accept with revisions, or reject the written recommendations themselves; anything said verbally at a workshop after the written recommendation has been received would change what the Board is reviewing or what the Charter compels the Board to act on; that being said, if a citizen felt misunderstood or did not accurately describe in writing what their intent was, they have all sorts of opportunities to outreach and clarify, and what was intended; the citizens do not have to wait until CEER, it can be done at the same meeting under public comment, saying they appreciate the Board reviewing their CEER, but that the Board should also consider this.

Commissioner Adkinson stated they have the responsibility to do that.

Attorney Richardson responded absolutely, they have to be heard at a public hearing, so one way or another, the Board, at a formal board meeting, is going to have to review the CEERs, accept input from the citizens, and vote at that meeting.

Commissioner Adkinson asked that would be when the Board can do something about it; and the Board could make a motion or a vote to do something different about that CEER at that time.

Attorney Richardson responded at a Board meeting.

Commissioner Adkinson stated this Board has already rejected the idea of changing the process, which was approved by the voters; and she does not want to change the process as long as the public has the opportunity to say what they need to say in a form where the Board can do something about it.

Commissioner Delaney stated in previous years, the Speak Up Brevard submissions have either been on Consent and passed through without any discussion, or presented at the end of a meeting with not much discussion; prior to two or three years ago when she and her Chief of Staff kind of promoted this program there was not a lot of interaction with it because people did not know about it; personally, she would hate to see this go away; while the Charter has a requirement and a must, she thinks there can be some wiggle room in the can; she feels like why not breathe more life into this and give it more visibility; while the Board cannot do anything at the workshops, it can allow the public the opportunity to get a couple more minutes to share what their ideas are; and while staff is coming up with their recommendations, maybe there is something in their presentation that would come out better verbally or more clearly rather than in writing.

Commissioner Adkinson noted she appreciated her idea of wanting to breathe more life into the Speak Up Brevard workshop so that citizens felt like they have an opportunity and a venue, but she does not want to have people standing here in front of the Board thinking the Board can do something that minute, which it cannot, so she believes the Board should not change the process that the voters Approved; but that does not mean that the Board could not enhance the process so it is not stuck at the end, they could have a few more minutes to speak.

Commissioner Delaney asked if Board direction could be given, or make a motion to give the citizens so many minutes or have a dedicated meeting.

Chair Altman stated it could be a meeting that would be regularly scheduled where the Board dedicates a portion of that meeting where it actually commit hearing the public input about the proposals, so it would not be part of consent or buried in an Agenda, and the citizens would have a separate time to elevate it.

Commissioner Delaney asked if a motion needed to be made or just Board direction given.

Commissioner Feltner stated if the Board wanted to decide when this comes up at a future meeting, it could have a time certain for it, which is how it was handled years ago for items like this.

Commissioner Delaney asked if he could explain what a time certain meant.

Commissioner Feltner replied that if the Board had a regular meeting at 5:00 p.m. with a heavier Agenda, it could say a time certain at 6:30 p.m. that the Board would have the CEER program, so no matter where the Board is on the Agenda at 6:30 p.m., it would go to that item; and so all the people that came for CEERs that night would know that 6:30 p.m. on that Agenda meeting.

Chair Altman mentioned he believes it achieves what Commissioner Delaney wanted to do.

Commissioner Delaney asked if the Board would give people a couple more minutes.

Chair Altman stated he had no problem with that.

Commissioner Delaney asked if it could be five minutes.

Chair Altman replied that would be fine.

Commissioner Delaney asked if they needed to take vote or is the Board direction enough.

Chair Altman stated to make a motion.

Commissioner Delaney stated she would like to make a motion to have a time certain for the Speak Up Brevard Item when it comes back before the Board after staff recommendations and for the citizens to have five minutes.

The Board discussed consideration of a workshop for the Susan B. Connolly Speak Up Brevard CEER program but took no action; and authorized a time certain for the Susan B. Connolly Speak Up Brevard CEER Program at the regularly scheduled Commission meeting, after staff recommendations, providing speakers five minutes to present their CEER.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Kim Adkinson

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

**Nay:** Goodson

### **J.3. Discussion on Funding Options and Direction to County Staff with Legislative Intent**

Commissioner Delaney stated she introduced this Item following the Board's budget workshop on January 29; after learning about the real time constraints, staff would have to work within funding changes that are going to be considered; the Board heard a lot about Public Works and Natural Resources, about infrastructure needs funding gaps and the consequences of continuing to defer some of the work; some of the funding that was brought up required direction today to staff in February to preserve the Board's ability to consider them later; it is not about making final decisions but the Board may want to determine legislative intent to start the process; if there are options the Board wants to keep on the table, whether it is a surtax referendum or adjustments to existing assessments, it would need to give staff direction so that

flexibility is not lost down the road; she would like to use the Agenda Item as a Board discussion with a focus on timeline sensitive funding; and she asked Marc Bernath, Public Works Director, to walk the Board through the slide he shared at the workshop that outlined the funding triggers and timelines.

Marc Bernath, Public Works Director, stated in his presentation during the last meeting, if the Board wanted to see the Charter County and regional transportation system discretionary sales surtax or the local government infrastructure discretionary sales tax, there are a number of steps that are required; he briefly laid out that legislative intent and permission to advertise an ordinance in February, that in March and April staff would have to have a public hearing, and they would also have to have an interlocal agreements with the cities; in April, staff would have to meet the deadline for the County Commission to approve the ordinance and resolution; in May staff would have to meet the deadline for the final ordinance or resolution in order to be able to submit it to the Office of Program Policy Analysis and Government Accountability; and then in August that would be the deadline to file the ballot language with the Supervisor of Elections; and obviously, election day in November in order to do the two surtaxes staff would need a Board decision in February to get some of that staff work done in order to meet the Office of Program Policy Analysis and Government Accountability deadline.

Commissioner Delaney asked would mean if the Board wanted to make any substantive changes to the current Save Our Indian River Lagoon (SOIRL) tax, if it decided to do a one percent versus a half cent, or if they wanted to do a second half cent for the infrastructure, if they wanted to the transportation surtax.

Mr. Bernath replied he believes so; for the SOIRL, if the Board decided to do the local government infrastructure discretionary sales surtax because the SOIRL tax is that, than yes, the Board would need to consider it because the Board can only do one referendum.

Commissioner Delaney asked so they would not be able to do a half cent.

Mr. Bernath responded no.

Commissioner Delaney stated the Board would have to make a decision whether to change the language within the half-cent to include a broader infrastructure package, or bump up to the one cent to allow for that same thing but just give it more money to fill the Board's needs.

Morris Richardson, County Attorney, stated because it is Countywide surtax, the Board would have to negotiate agreements with all of the municipalities for the distribution of any funds for the infrastructure, while it is pretty easy with SOIRL, they all want to participate in the same Countywide program; and he suspects with a broader infrastructure when they are all going to want their piece of the pie.

Commissioner Delaney stated at the Transportation Planning Organization (TPO) meetings, all the jurisdictions are passionate about their roads; and she believes there would be support out there to get some of these issues tackled.

Chair Altman stated that if the Board wanted to have that as an option, the Board would have to act quickly or that option goes away; and he asked if that is something that would be put on an Agenda at a Commission meeting soon.

Commissioner Delaney asked if it would have to come back for legislative intent at the next meeting.

Jim Liesenfelt, County Manager, replied yes, it would have to come back; he asked if the option

is one-cent tax, or to replace the SOIRL with an infrastructure tax; and that is what caught his ear at first.

Commissioner Delaney responded that is what she is trying to get Board direction on, if there is any desire to change what the Board is doing to broadly take care of the needs of the community.

Mr. Liesenfelt stated the way SOIRL is now, it is a renewal setup, so if the Board includes it in a one-cent tax, then that becomes a new tax, which staff would have to go back to all the cities and renegotiate the interlocals just for the SOIRL along with whatever the infrastructure may be.

Commissioner Delaney stated she thinks they are talking about two different things; the language would change because from what Attorney Richardson said the Board cannot have two infrastructure sales taxes, so the Board has to decide to change the current one that is the SOIRL at the moment to create more opportunity to fill the need and to stick with the half cent or go to the full cent.

Commissioner Adkinson stated she has issues with it as the add on is problematic, because it was released to the public on Friday at 5:15 p.m., so if the Board is talking about things being transparent, telling the public on a Friday at 5:15 p.m. that the Board is going to talk about tax increase on a Tuesday afternoon; and there is another meeting in February that the Board can bring this back to after a little bit more research, because clearly, she needs to.

Commissioner Delaney stated she was not trying to be non-transparent, this was new information that she learned from staff; and wanted to make sure the Board had enough time to talk about it publicly and bring things back at the next meeting.

Chair Altman asked so she is not asking for any decision here, just that the Commissioners need to start thinking about it.

Commissioner Delaney replied correct.

Mr. Liesenfelt asked if the Board is looking at a one-cent infrastructure tax, or a half-cent that would change SOIRL, he heard that twice now.

Chair Altman stated he believed what Commissioner Delaney is saying is that the Board turn the half cent into one penny, and it is a broader infrastructure initiative.

Commissioner Delaney responded right.

Chair Altman stated so there is one item on the ballot but it is a broader item; and if the Board does that, right now it is just a renewal; and the Board would not have to negotiate with the cities, it would just do that.

Mr. Liesenfelt replied correct.

Chair Altman stated if the Board has a broader infrastructure tax then it would have to start negotiating, which makes it more involved; and he asked if the Board wanted to do an infrastructure sales tax, keep SOIRL the way it is, so it is just a renewal, would the Board be able to have another half cent infrastructure sales tax on the ballot, or is that prohibited.

Attorney Richardson responded a local government may only have one; it can be up to one cent but it has to be one; and it can cover broad areas, but there can only be one.

Chair Altman asked if the County could have 1/10 of a penny or two half pennies.

Attorney Richardson replied no.

Commissioner Delaney stated staff could do a local infrastructure keeping SOIRL the same, and then they could do a half penny County and regional transportation system so the County could fix the roads.

Chair Altman stated it sounds like staff would have to renegotiate the entire thing.

Commissioner Delaney asked if SOIRL could stay the same, correct.

Mr. Liesenfelt stated the cities would have to agree to that.

Commissioner Delaney stated that way SOIRL would be untouched and then the County could get a half cent for the transportation system through the other tax.

Mr. Bernath responded that is his understanding; and he believes staff could negotiate that one separately, whether the cities agree is a separate issue.

Attorney Richardson responded if the cities agree, just to note it would be a significant change over what the County has now with SOIRL, it would not be considered a renew, it would be a local government infrastructure surtax enacted for the first time, which would have different procedural requirements on the front end.

Commissioner Delaney commented only if the County changed the infrastructure tax because they are two different things; and one is transportation, the Charter County and regional transportation system surtax.

Attorney Richardson stated if the local government infrastructure surtax changed, only if one were to change the SOIRL tax right now to go up one cent to include infrastructure; and it is like adopting it entirely anew.

Commissioner Delaney stated one could do a one-cent tax for the local infrastructure sales tax; that would include renegotiating with the cities, change the wording in the current SOIRL plan, or go forward with the SOIRL plan as is; and the County could go ahead with the transportation system surtax for a half penny, but that would have to be negotiated with the cities.

Chair Altman asked would it have to be one ballot question.

Attorney Richardson replied they are two different things; if the Board is talking about the local government infrastructure surtax than yes it would be one ballot question; but there would be a separate provision that would be apart from the local government infrastructure surtax for the...

Chair Altman stated put the Item on the Agenda for the next Commission meeting to give Attorney Richardson time to give his legal opinion with all associated information.

Commissioner Goodson asked where the State is going to be; he stated right now, the Governor is talking about eliminating property tax, one might want to cover their behind with the State of Florida because one might be funding a lot more; and when all these ballot questions are put on a vote, he is afraid that it will harm the Lagoon, because people are going to get tired of this.

Chair Altman agreed that is a risk, a big risk, and something the Board needs to consider.

Commissioner Delaney asked could this be a County Item now that it is brought back to the Board to give all the options and legal analysis that Chair Altman asked for.

Mr. Liesenfelt stated it is the Board direction.

Chair Altman stated sounds like the work is done, it just needs to be in writing so the Board can read and absorb it.

Commissioner Adkinson stated to let the public know to be there to talk about it.

Commissioner Delaney mentioned that the fees for stormwater was also under the February time crunch, and so she figured if the Board does decide to look into this they would give staff direction for the next meeting.

Virginia Barker, Natural Resources Management Director, stated at the budget workshop, it was explained that the County stormwater utility fee was adopted at \$64.00 in 2014; it has remained at a constant \$64.00 with no Consumer Price Index (CPI) or anything over the intervening decade; the County is now 40 percent below the statewide average for stormwater utility rates; the rate if the County had kept up with CPI would be \$85.80, that would generate an annual revenue increase of \$2.7 million, and would go towards both water quality and flood control; and the ratio of how much the Board wants to spend on flood control versus water quality could also adjusted.

Commissioner Delaney asked if each individual District could decide, the Board would still need to vote, but could it be one District versus another instead of the whole County.

Ms. Barker replied when the fees were originally adopted back in 1990 and 1991, the different Districts adopted in different years, so unless there has been a legal change in the intervening time period, then yes, the fees could be different from one District to another.

Chair Altman stated those are all good points that will be put on the Agenda for the Board to have time to look at the legal issues.

#### **L.1. Jim Liesenfelt, County Manager**

Jim Liesenfelt, County Manager, stated there had been discussion on a burn ban, the County has Policy that the burn ban would go into effect once the drought index number hits 500 it would be presented to the Chair, the number right now is 469, staff has been monitoring it week by week, the notice would go out automatic once it hits 500; and staff would give it to the Chair, Don Walker, Communications/SCGTV Director, and Fire Rescue to get the word out.

Chair Altman stated there is a lot of dead vegetation out there; and he will go with what staff recommended, if they wanted to implement now, as the County is extremely vulnerable.

Mr. Liesenfelt stated he would defer to Chief Voltaire; and there have been wildfires the last two weekends.

Chief Patrick Voltaire, Fire Rescue Director, stated it is very close about another week, he would be good either way, the problem is right now with the freeze that the County had it created a different threat that the drought index is based on; the number that the County deals with is below the soil duff moisture content, so basically with the freeze, it dried up the vegetation even more; and Duvall County implemented it about the same number the County is at now, conversely other counties have waited until they were closer to 600, which he is not a

fan of.

Chair Altman stated he would support implementing it now.

Mr. Liesenfelt asked if he could get a motion out of that.

The Board Approved a burn ban prohibiting open burnings which includes campfires, bonfires, trash-burning, and other similar open incinerations.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Rob Feltner

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

### **L.3. Katie Delaney, Commissioner District 1**

Commissioner Delaney mentioned her new Substack would feature some of the Speak Up Brevard submissions, and also one of the submissions has requested that the Board give reports more frequently from the boards that they sit on. She stated she recently went to the quarterly Metropolitan Planning Organization Advisory Council (MPOAC); Secretary John Tyler gave a presentation about the different projects going on across State, like the new aircraft that will deliver packages and eventually transporting people; she also had a meeting with Florida Department of Environmental Protection (FDEP), regarding the Blue Origin permit; there were about 300 people there which was really great; there were some people that she spoke with that were not so happy about the way the meeting was set up, but they were glad they at least got to give their public comment; she had some great dialogue with some of the people that are in charge of the permit; and some of the conversations they had were things where they said they had not thought about that; and so it will be really interesting to see what happens next, and hopefully the Board will hear soon on what they decide.

### **L.5. Kim Adkinson, Commissioner District 3, Vice-Chair**

Commissioner Adkinson stated the Manatee that was stuck in a baffle box in Melbourne Beach; the County, Public Works, Fire Rescue, Melbourne Beach Fire Department, Florida Fish and Wildlife (FWC), Save the Manatee organization, and Jack's Wrecker Service showed up and were able to get things done; FWC came to her and said they have never seen a County Departments work so well together; Marc Bernath, Public Works Director; Ryan Mertz, Road and Bridge Maintenance Manager, James Aquino, Tori Miller, Austin Bryant, Heavy Equipment Operator, Joey Perdicaro, Victor Arce, John Clark, and Don Dycus, Hazmat One, Heavy Rescue 48, Engine 64, Noah VanEpp, Kenny Appling, and Fergus Kelly were some of the Emergency Medical Services (EMTs) that were in charge of the confined space to keep the Manatee from rolling; and a few others that were out there, Seth Marr, Curtis Harding,

Christopher Brown-Corella, Ty Yeaton, Benjamin Buckles, Patrick Fenimore, Christopher Baker, Ryan Adams, Steven Cano, Cameron Johnson, Austin, Jeff Butler, Bryan Knight, Michael Comoletti, and Michael Delgado. She expressed her appreciation to all the people that were out there.

Chair Altman mentioned that the hole the Manatee was stuck in was already fixed.

Commissioner Adkinson pointed out that she received a picture from her neighbor that the intersection was already fixed.

Chair Altman stated he was watching the evening news and thought it was amazing the person

that went down into that tiny hole.

**L.7. Thad Altman, Commissioner District 5, Chairman**

Chair Altman mentioned that he attended the Blue Origin hearing; it went well although he was not a fan of the process; Florida Fish and Wildlife (FWC), Blue Origin, and Florida Department of Environmental Protection (FDEP) did a good job answering his questions; the Ag Extension Service did a wonderful job accommodating everyone with adequate parking; and he thanked FDEP for listening and doing the public hearing after the Board made the request.

**L.6. Rob Feltner, Commissioner District 4**

Commissioner Feltner thanked the Board for allowing him to attend remotely.

Upon consensus of the Board, the meeting adjourned at 6:17 p.m.

ATTEST:

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RACHEL M. SADOFF, CLERK

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THAD ALTMAN, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA