

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, March 12, 2024**

**5:00 PM**

**Regular**

**Commission Chambers**

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

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Goodson led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the January 23, 2024, Regular Meeting, February 1, 2024, Zoning Meeting, and February 6, 2024, Regular Meeting Minutes.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** John Tobia

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

**E.1. Resolution, Re: Recognizing March 2024 as Bleeding Disorders Awareness Month**

Chair Steele read aloud, and the Board adopted Resolution No. 24-018, proclaiming the month of March 2024 as Bleeding Disorders Awareness Month.

Samantha Nazario, Bleeding Foundation of Florida, stated this is their sixth year in partnership with the Board; retired Commissioner Curt Smith was the first Commissioner to ever bestow this proclamation upon them; his predecessor, former Commissioner Kristine Zonka, and now District 4; she is a mother of a son with a bleeding disorder; her son, Tyler, is 24 years old, and is a student Eastern Florida State College; and his medication and medical costs for the year can be upwards of one-half a million dollars to a million dollars. She went on to say one dose of medication is \$16,000; they were just in Washington last week advocating for Senate Bill (SB) 228 in the State of Florida; another one of their wonderful co-sponsors and community supporters, Bill Posey, is the co-sponsor of House Bill (HB) 830, for the Federal Bill; and the Bill they are trying to pass is called the Help Co-Pay Bill. She noted what that Bill does is it allows every dollar that comes out of a person's pocket go towards his or her out-of-pocket expenses for the year instead of disappearing into what they call the insurance abyss; she is sure everybody in this room pays a co-pay if they have insurance; what they learned to do in 2018 was to circumvent the previous law that stated that every dollar out of a person's pocket went towards their out-of-pocket; and they decided to say if there was any assistance from Pharma, or anything else of that nature, a person would still owe his or her out-of-pocket, so for example, they would take her \$25,000 worth of assistance, and in May they would say she was still responsible for the \$5,000 out-of-pocket. She stated she is lucky enough that Tyler is not severe, he has a mild Von Willebrand disease; but in severe cases, their medication is \$16,000 a dose; that could be two times a day, three times a day, to seven times a week; that could be anywhere, as she said earlier, from one-half a million to a million dollars a year medical coverage; thanks to the ACH, children like her son and other patients are covered, and are no longer uninsurable as they would have been in the past; and if a person does not know what a bleeding disorder is, to please Google the Bleeding Disorder Foundation of Florida, or the National Bleeding Disorder Foundation and educate themselves. She explained one or two percent of the population of the United States of America is undiagnosed with a bleeding disorder, and does not know until it is entirely too late; in the State of Florida they have 6,000

patients, and 433 of those patients call Brevard County home, including administrators, staff, and a lot of the kids here; she expressed her appreciation to Brevard County for continuing its partnership with them; and she stated she looks forward to continuing it for as long as she can.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**E.2. Resolution, Re: Florida Surveyors & Mappers Week in Brevard County**

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-019, recognizing March 17 - 23, 2024, as Florida Surveyors & Mappers Week in Brevard County.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Tom Goodson

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

Tony Vitale, Survey Staff Specialist, Survey and Mapper, expressed his appreciation to all of the local surveyors in Brevard County for all of the great work that they do, supporting the community with all of the new development happening for the past 30 years that he has been here; he advised he also wanted to thank the County's staff, County Surveyor, Mike Sweeney, Amber Holley, Vacating Specialist, and all of the other great people in their office; they always do a great job; and he cannot wait until next year, and do it all over again.

**E.3. Resolution, Re: Acknowledging General Federation of Women's Club (GFWC) Viera Woman's Club**

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-020, recognizing General Federation of Women's Club (GFWC) Viera Woman's Club, an April 8, 2024, as Turn Compassion into Action Day in Brevard County.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

Jan Gates, President of GFWC Viera Woman's Club, expressed her appreciation to the Board for the Resolution; she stated together, with their community, they make a difference one interaction at a time as they turn compassion into action; Viera Woman's Club has served the Brevard County community for 20 years with inspiring hard work, dedication, and selfless groups of women working together on a variety of community service projects and programs; and their members proudly utilize their time and talents to meet specific needs for numerous non-profit organizations in Brevard County and beyond. She went on to say in 2023, their club volunteered 13,364 hours, and their projects were 89; they donated \$29,318; in kind donations was \$9,282; and along with past presidents and members, it is with sincere gratitude that she accepts the Resolution on behalf of the GFWC Viera Woman's Club.

**F.9. Approval, Re: Brevard Zoo Linear Park Agreement with the East Coast Zoological Society, Inc.**

Sandra Sullivan stated her comment is about Brevard County Parks and Recreation taking over the Zoo, Zip Line portion; when searching for that property on the Property Appraiser's website, and a person searches for that property, the Zip Line is within that property that is owned by the Zoo; she asked if any of the Board Members have Zip Lined in there, because she has; and she stated a person is literally Zip Lining over the monkeys and different areas, and literally in the Zoo. She continued by saying it would be really nice to hear from the Board why, they as taxpayers, are taking over the running of a portion of the Zoo, because this is a really odd Agenda Item.

Commissioner Tobia pointed out by reading the Item, it is pretty clear as it says Linear Park; a Zip Line is a straight line, so he gets where the misunderstanding is, but it has nothing to do with the Zip Line; and if Ms. Sullivan had read a little bit further, it is the walkway that is called Linear Park, so it is not anywhere near the Zip Line. He noted the Parks and Recreation Director, he believes, will say the same information; he would not mind taking over the Zip Line part, it is a money-making thing; but unfortunately, that is not it.

Mary Ellen Donner, Parks and Recreation Director, advised she is here to answer any questions from the Board.

Commissioner Tobia asked if this transfer would be Linear Park as it says in the outline, or will it be the Zip Line facility.

Ms. Donner responded it is not the Zip Line facility, it is 2.8 miles of the Linear Park.

**F.1. Committee Appointments, Re: Public School Facility Planning and Concurrency Interlocal Agreement**

The Board appointed Keith Neterer as the County's representative to the Educational Facilities Impact Fee Benefit District Committee and Educational Facilities Capital Outlay Committee, and appointed Jeffrey King and Naomi Adkins-Hicks as alternates.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.2. Final Plat and Contract Approval, Re: Christian Commons - Developer: Plumosa Investment Partners, LLC**

The Board, in accordance with Section 62-2841(i) and Section 62-2844, granted final plat approval; and authorized the Chair to sign the final plat and Subdivision Infrastructure Contract for Christian Commons, Developer: Plumosa Investment Partner, LLC, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.3. Approval, Re: Transportation Impact Fee Technical Advisory Committee for the North Mainland Benefit District Project Funding Recommendations**

The Board approved disbursement of \$3,099,586 and the reallocation of \$330,463 in Transportation Impact Fees in accordance with the recommendations prepared by the Transportation Impact Fee Technical Advisory Committee for the North Mainland Benefit District, which appropriates a total of \$3,430,049; and authorized the Budget Office to execute any Budget Change Requests necessary for implementing these appropriations.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.4. Approval, Re: Donation of Right-of-Way by Warranty Deed from West Malabar Properties, L.L.C. for the Benefit of the DR Horton Signalization Plans at the Intersection of Minton Road and Hield Road**

The Board approved and accepted the donation of right-of-way by Warranty Deed from West Malabar properties, LLC for the benefit of DR Horton Signalization Plans at the intersection of Minton Road and Hield Road.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.5. Approval, Re: Donation of Utility Easement from Merritt Island Lodge No. 2073 Loyal Order of Moose, Inc. for the Armen Groves Subdivision**

The Board approved and accepted the donation of Utility Easement from Merritt Island Lodge No. 2073, Loyal Order of the Moose, Inc. for the Armen Groves Subdivision.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rita Pritchett

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

**F.6. Approval, Re: Dedication of Roadway, Drainage, Utility and Sidewalk Easement from Tootie's Grocery, LLC and Dedication of Right-of-Way by Warranty Deed from 2354 Talmadge Drive, LLC Related to Phase 1 and 2 of Site Plan Number 21SP00005**

The Board approved and accepted the dedication of Roadway, Drainage, Utility, and Sidewalk Easement from Tootie's Grocery, LLC; and approved and accepted the right-of-way by Warranty Deed from 2354 Talmadge Drive, LLC related to Phase 1 and 2 of Site Plan Number 21SP00005.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.7. Approval, Re: Dedication of Right-of-Way by Quit Claim Deed from Mike Erdman Motors, Inc. and Plumosa Investment Partners, LLC Related to the Christian Commons Plat**

The Board approved and accepted the dedication of right-of-way by Quit Claim Deed from Mike Erdman Motors, Inc. and Plumosa Investment Partners, LLC related to the Christian Commons Plat.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.8. Approval, Re: Dedication of Drainage Easement from Epler Park, LLC for the Epler Commercial Park Project**

The Board approved and accepted the dedication of Drainage Easement from Epler Park, LLC for the Epler Commercial Park Project.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.9. Approval; Re: Brevard Zoo Linear Park Agreement with the East Coast Zoological Society, Inc. (continued)**

The Board approved and authorized the Chair to execute the Brevard Zoo Linear Park Agreement with the East Coast Zoological Society, Inc.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**F.10. Approval: Re: Authorization to Explore Financing Options for Environmentally Endangered Lands (EEL) Program Capital Improvements and Equipment, Land Acquisition and Land Acquisition Services**

The Board authorized staff to research and implement the most efficient and cost-effective financing options for the following: to fund, not to exceed \$3.2 million aggregate principal amount for capital improvements and equipment to improve and maintain existing facilities and conservation lands, and to fund, not to exceed \$3 million aggregate principal amount for the initial land acquisition of additional conservation lands with specific focus on lands that directly benefit the Indian River Lagoon and St. Johns River; and begin the Request for Proposal (RFP) process to seek qualified applicants with demonstrated expertise and success in conservation land real estate acquisition and bring the best qualified applicant(s) back to the Board for consideration.

**Result:** Approved  
**Mover:** Rob Feltner  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Goodson, Feltner, and Steele  
**Nays:** Tobia

**F.11. Approval, Re: Brevard County Space Coast Area Transit Public Transportation Agency Safety Plan (PTASP) Update 2023**

The Board approved and executed the update to Brevard County Space Coast Area Transit Public Transportation Safety (PTASP) 2023.

**Result:** Approved  
**Mover:** Rob Feltner  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.12. Board Approval, Re: Agreement Between Brevard County Board of County Commissioners and Drown Zero for Provision, Maintenance, and Supply of Drown Zero Stations**

The Board approved and executed the Agreement between Brevard County Board of County Commissioners and Drown Zero for provision, maintenance, and supply of Drown Zero stations; and delegated the County Manager approval authority, as appropriate and necessary, for any administrative actions, extension, amendments, or Budget Change Requests as required.

**Result:** Approved  
**Mover:** Rob Feltner  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.13. Acceptance and Approval, Re: Internal Audit Reports**

The Board acknowledged and approved the Internal Auditor's Reports.

**Result:** Approved  
**Mover:** Rob Feltner  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.14. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards**

The Board appointed/reappointed **Larry Brown** to the Diamond Square CRA (Cocoa), with term expiring March 24, 2028; **Frank Catino** to the Marine Advisory Council, with term expiring December 31, 2025; and **Terri Friedlander** and **Vincent Grillo** as alternates to Transportation Planning Organization (TPO) Citizens Advisory Committee, with terms expiring December 31, 2024.

**Result:** Approved  
**Mover:** Rob Feltner  
**Second:** Rita Pritchett  
**Ayes:** Pritchett, Goodson, Tobia, Feltner, and Steele

**F.15. Acknowledge Receipt, Re: Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

**G.1. Public Hearing, Re: Request for Public Interest Determination (PID), Marker 99 Restaurant, Formerly Known as Captain Katana's, Inc., to Allow an Approximately 122 Square Foot Deck Expansion, Exceedance of 30 Percent Impervious Areas Within the Surface Water Protection Buffer (Buffer), and an Exception to the Natural Resources Management (NRM) Stormwater Management Requirement**

Chair Steele called for a public hearing to consider a Public Interest Determination (PID) for the Marker 99 Restaurant, formerly known as Captain Katana's, Inc., allowing an approximately 122 square foot deck expansion, exceedance of 30 percent impervious areas within the surface water protection buffer, and an exception to the Natural Resources Management (NRM) stormwater management requirement (Tax Account Numbers 2611662 and 2611664).

Amanda Elmore, Planning and Development Deputy Director, advised she was present for any questions the Board may have.

There being no comments or objections, the Board considered and approved Option 1, approving a PID as presented, including all mitigating site plan provision by Monroe Engineering, Inc. on behalf of IR Tiki 2, LLC for Marker 99 Restaurant and Tiki Bar at 4263 North Highway 1, Melbourne.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** John Tobia

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

**G.2. Public Hearing, Re: Petition to Vacate Public Rights-of-ways - Virginia Avenue & Maple Street - "June Park Addition No. 3" Plat Book 4, Page 74 - Melbourne - Andrew W. Powshok**

Chair Steele called for a public hearing to consider petition to vacate a portion of public rights-of-way in plat June Park Addition No. 3, Melbourne, as petitioned by Andrew Powshok.

Marian Huston stated she wants to let the Board know she is not here alone, she has other community members with her in the audience, she is just the speaker for tonight; they are opposed to allowing this to happen, because it is going to tear up private roads; it is going to interfere with the safety of their children in their neighborhood; they were not notified that this was something that was going to occur when they purchased in this neighborhood; and they are a gated, private street, they pay for the roadway and their walkway, and this plat that they are going to have access to, they have the options to do well water, to do septic, which would not require them to then tear into their roadway, and to disrupt their community. She continued by saying they also have an option to utilize other means of getting access to this property, which she believes may be government property that they can access this property from, and these so-called paper roads that they can also utilize rather than coming through a private neighborhood; this is also a property that sits between two bodies of water, and it also houses a



lot of wildlife; there has been Eagles resting up there; they have Gopher Turtles nesting there; and there are also Sand Hill Cranes. She asked the Board to take into consideration to make sure that is safe for the wildlife as well.

Commissioner Goodson asked what the purpose of this is, and could someone give the Board a better understanding of what is trying to be accomplished.

Marc Bernath, Public Works Director, replied this is a request to vacate by Mr. Powshok; from a staff perspective, they are reviewing the vacating request, and then proposing that to the Board; this particular owner is looking to add water, sewer, and then to ultimately annex the property into the City of West Melbourne; as noted, there are several objections; but there is an ingress/egress easement granted across the private roads by the developer; and this is not part of the platted subdivision.

Commissioner Goodson asked if the Board does approve it, will that all be attached to the resolution that he has to do those things.

Mr. Bernath responded the resolution is specific to the vacating.

Commissioner Goodson asked if the comments Mr. Bernath made will be in that resolution.

Mr. Bernath responded affirmatively.

Chair Steele explained he sat through the briefing in regards to this and he asked several questions; he understands the residents' concerns; but apparently, this lot was not included in the original subdivision in the first place; and he asked Mr. Bernath if that is correct.

Mr. Bernath replied that is correct.

Chair Steele pointed out it is kind of sitting out there in the middle of no place; it needs to be done if Mr. Powshok is going to connect the sewer, water, and all of those other issues; that is what he heard at the briefing; and he is fine with it.

There being no further comments or objections, the Board adopted Resolution No. 24-021, vacating a portion of two public rights-of-way in plat of June Park Addition No. 3, Melbourne, as petitioned by Andrew Powshok.

**Result:** Adopted

**Mover:** Rita Pritchett

**Secunder:** John Tobia

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

#### **H.1. Interlocal Agreement, Re: Transfer James Road Extension to City of Cocoa**

Morris Richardson, County Attorney, explained this is one more piece of the 2007 Settlement Agreement between the County, the City of Cocoa, and several developers who own the properties at the northeastern and southeastern intersections of I-95 and State Road (SR) 528; this one is specific to the southeastern portion; that Agreement provided access to the development on the southeast, which is now known as the Windward Preserve Subdivision, located entirely within the City of Cocoa, that they would have an access across James Road; the developer had applied to Brevard County for a permit to construct an extension of James Road, west of Friday Road, where it currently ends for access to that subdivision; and because it is only going to serve a subdivision within the City of Cocoa and Cocoa residents, everyone

agreed that Cocoa should ultimately have the maintenance responsibility for that James Road extension, so this is an agreement that is going to transfer the segment of James Road west of Friday Road to I-95 to the City of Cocoa for construction of that roadway. He went on to say the County will maintain ownership and control of the 50-foot drainage right-of-way south of that segment; the County will still have permit authority for the discharge into that right-of-way; this agreement does not give authority to discharge into that right-of-way; they would still have to go through all permitting for drainage and things like that; and he is happy to answer any questions.

Rick Heffelfinger commented he is kind of surprised to see the interlocal agreement, and the fact that the permit closed; he has a public records request in that is almost a month old now; he was going to try to figure out what was going on, because he was concerned about the water; he heard now that the County Attorney said the County has not permitted any water into the James Canal; he hopes that is true; he wanted to verify that for himself by getting records; and one month later, he does not have records. He noted he has put in written questions to Public Works he guesses about if there is a water permit special; he asked how the permit closed; he stated the last he heard, it had to be determined if it was going to be a public or private road; he asked if it is a public or a private road, because somebody threw signs up that say 'No Trespassing'; and he pointed out, as far as he knows, it is still a public road. He advised he would love for someone to answer that; no one even wanted to go down there and file a Code complaint that somebody put illegally-placed signs on Brevard County right-of-way without a permit; the County wants to charge him for public records requests, that is fine; but he asked why the County does not collect some fines that are due; the Commissioners have no idea how many emails he went through to try to get a response on that; somebody tried to, and he believes it was the developer or the owner, to intimidate the citizens, because they have been down there watching what they are doing; it turns out there is an Eagle on the property; and he asked who would have guessed. He asked if it is a public road, and can he go down there; he stated last he heard, he could; he asked whose idea was it to say it was private property; he remarked great job defending Brevard County residents, the Board is holding the line for them; there is a single-point exit for a crap-load of houses; he asked if the County did a safety inspection of that intersection; the permit was supposed to have questions from the County from one of the engineers about how that intersection was going to be improved; and he stated he does not know because nobody gave him his public records. He stated he hopes the County has a good answer, because when he gets his public records, he is going to make sure it did a thorough job; he thinks this whole thing is stinky, stinky; he is trying to do his due diligence and he cannot get records; he does not get answers to any questions; nobody enforces Code Enforcement about a sign trying to intimidate the citizens; he asked if this what he expects from his County Commission and his government; and Marc Bernath is the Director, and is here today. He mentioned Mr. Bernath was the only one who reached out and said the County will have them remove the signs; he asked if it had to escalate to that; he noted he is trying to make sure the County is doing it right, and he will continue; but so far, the County is non-cooperative, and he is disappointed.

Commissioner Pritchett asked Mr. Heffelfinger how long ago he put public records requests in.

Mr. Heffelfinger asked if she wants him to go through the questions.

Commissioner Pritchett replied no, if he will just tell her the date; she is going to ask questions and see if there was a hang up, and check what is going on; and she asked again how long ago he made the request.

Mr. Heffelfinger advised he has it here somewhere; and he has more paperwork than the Board does.

Commissioner Pritchett stated if he will just let her know, she will take a peek and see.

Mr. Heffelfinger pointed out he was supposed to have them earlier this week, but there were multiple questions that were not answered; and he asked if there is a water variance of some kind.

Commissioner Tobia explained that a question and a public records request are two different things; and a question requires maybe engineering to get involved.

Mr. Heffelfinger asked if she is an engineer in Public Works.

Commissioner Tobia noted a public record is something that already exists; he does not know when Mr. Heffelfinger put it in; but he pretty much can guarantee if he put in something that already exists . . .

Mr. Heffelfinger advised put in and paid for, the County already cashed his check; and it was \$147.

Commissioner Tobia explained a couple of the Commissioners will get on this; but to be clear, a question and a public records request are two different things.

Mr. Heffelfinger asked what about requesting in an email, who manages that.

Commissioner Tobia commented that is not a public record.

Mr. Heffelfinger asked who answers the questions; and he never got an answer.

Commissioner Tobia remarked he does not know what the question was and where that would be directed; but the County is under State Statute when it comes to the timely return of public records; questions could require a whole bunch of stuff to be answered, figures to be done, and engineering to happen; and that is completely different. He stated he just wants Mr. Heffelfinger to be very clear that a public record is a document that already exists; staff does a pretty good darned job in getting those turned around exceedingly quickly, because it is work that does not have to be done other than gathering information and putting it together, unless it has to be redacted or something like that; he does not know what the request is; but those cannot be used interchangeably. He reiterated that questions and public records are different; he and Commissioner Pritchett will look into that; and if it was paid for, it will be looked into, and an answer will be given.

Mr. Heffelfinger stated he expect his four hours-worth, putting that together for that permit.

Sandra Sullivan commented as stated by the County Attorney, there was a court-ordered Stipulated Agreement with some terms and one of them pertaining to Friday Road was traffic-calming; in the Stipulated Agreement it specifies a meeting with the people who live there to put input into where that traffic-calming should go; this is a little bit different Commission, but some of them were here back with Rockledge trees drive; and there was a public meeting held with the Commissioner to take that feedback. She went on to say there are quite a few issues pertaining with these, as referred to as Commissioner Rita, as the Brightline development north and south of SR 528 and I-95; there are a number of things; related to this, she would ask the Board to hold off on a motion until that public meeting is held, to get the input and answer the

questions that the community has pertaining both to the Canaveral Groves and this one, especially since the statement was made that no decision was made on the Angelica Road thoroughfare to an urban development from a rural development; and she reiterated the request is for a meeting for these people that live in these communities.

The Board approved an Interlocal Agreement transferring to the City of Cocoa the road right-of-way, maintenance, and associated functional responsibilities for James Road, west of Friday Road, to I-95; and authorized the chair to sign the Interlocal Agreement and associated County Deed.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** John Tobia

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

**I.1. Appeal Request, Re: Appeal to Denied Sidewalk Waiver for Storsafe of Rockledge (23WV00020) (22SP00038)**

Cole Oliver, Attorney for the applicant, stated this is an appeal for denial of a sidewalk waiver; his client owns the property; it was a former Harbor Groves site on the intersection of Barnes Boulevard and US 1; they are in the process of developing a self-storage facility there; the client has requested a waiver from the requirement to install a sidewalk; and in lieu of a total waiver, they have requested from staff a waiver to an assessment agreement whereby they would agree to pay for and build a sidewalk at a future date when the County is connecting the rest of the sidewalks. He continued by saying there are very limited sidewalks within that area; he thinks the only ones he can remember are the ones right at the intersection where it is crossing over US 1 where the railroad was that Brightline put in; by going north, he does not believe there is another sidewalk for a couple of miles; and by moving south, there is a couple of sporadic pieces. He commented specifically, a parcel of his client's land just south of there, the County entered into a similar sidewalk assessment agreement along US 1, 18 months ago; the reasons behind this sidewalk request is it is really not going anywhere, and instead of being a sidewalk, it is kind of a side stand; the client has had issues with people that come onto the property and setup shop, start selling t-shirts, and other trespassing activities; and with a storage facility, they want to keep it safe. He stated they believe having a sidewalk there that connects to nothing else would be a safety issue for their customers coming and going from the facility; with that, he is here for any questions the Board may have; and he respectfully requests the assessment agreement.

Commissioner Goodson stated right now for a six-inch, five-foot wide sidewalk, they are going for \$9.25 a foot; what he does not understand about the developer is a sidewalk was there on the beginning of initial plans all the way through permitting; sometimes a person has to be first; but at the same token, he is more in tune to a bond placed on the land that would guarantee that the County could either go to the bond if the developer sold or did not want to build, and have a guarantee the County would have it; and if a person understands anything about construction, there is always the first that has to go in. He went on by saying that Mr. Oliver is absolutely correct, the nearest sidewalk is on Park Avenue going north; the next nearest is over the railroad tracks on Barnes Boulevard, which goes nowhere; it might be 75 feet; he found out from staff that it is hard to get these people, and it is no reflection on Mr. Oliver, the developers, to put a sidewalk in, because everything he hears about plans is the bitch about a sidewalk, so the County is either going to change the variances or do something to guarantee; they put up a two-year maintenance bond if he is not mistaken; and he asked staff if that is correct.

Tad Calkins, Planning and Development Director, replied a performance bond is required for things that are built in a right-of-way; and then the maintenance of that work is required by a maintenance bond.

Commissioner Goodson asked if that is a two-year maintenance bond.

Mr. Calkins responded yes, that is correct.

Commissioner Goodson mentioned then the County has the option to point out the faults and then the builder has to correct those faults before it is accepted by the County; and he asked if that is correct.

Mr. Calkins responded affirmatively.

Commissioner Goodson remarked he does not understand why the owner wants to postpone this, because things could go up; right now at 800 feet, five-foot wide times \$9.25 is somewhere around \$45,000, so everyone wants to save money; that is the last thing to do before landscaping is the sidewalk; and he is all for a bond, not for a variance.

Commissioner Tobia asked for a little leeway, as he has a few questions; he stated Commissioner Goodson may be a little afraid because the two of them may be on the same side; he is sorry he did not get in touch with Mr. Oliver before today; these are things that could probably have been answered behind the scenes; but Mr. Oliver did not reach out to him. He went on to say clearly, Mr. Oliver is aware of Section 62-2956(b)(2), Brevard County Code of Ordinances, which requires the developer to, "provide sidewalks adjacent to the roadway abutting their project."

Mr. Oliver advised he is.

Commissioner Tobia explained Commissioner Goodson did a good job; and he asked if that was there prior to this land being purchased.

Mr. Oliver responded yes.

Commissioner Tobia asked when the site plan was created, when the requirements were outlined that was just gone over regarding the Brevard County Code of Ordinances, were they in place at that time.

Mr. Oliver replied he would agree.

Commissioner Tobia stated Section 62-2956, goes on to say "requirements can be waived administratively in areas where it can be demonstrated by the applicant that there is no current or future need for sidewalks in the immediate area;" staff has shown actually the contrary of that is true; the site is within 800 feet of the intersection of US 1 and Barnes Boulevard, and there is a high priority for sidewalks near major intersections; in fact, Space Coast Transportation Planning Organization (TPO) designated this corridor as a priority for improvements for pedestrians and bicyclists; and there are residential neighborhoods abutting this site. He asked if Mr. Oliver believes Planning and Development, Space Coast TPO, and Public Works are all incorrect.

Mr. Oliver responded no, he would not say they are all incorrect.

Commissioner Tobia remarked neither would he; he advised in a 2022 study by Smart Growth America, Brevard County was ranked the 12th most dangerous area in the country for pedestrian safety based on death per capita; there were 93 pedestrian deaths in Brevard County within this five-year span; according to Vehicular Data Management Company, Geotab, the Florida section of US Highway 1 is the most dangerous road in the County with 1,079 injuries over the course of a 10-year period; and the US Department of Transportation goes on to say that roadways without sidewalks are more than twice as likely to have pedestrian crashes as ones without. He asked how concerned Mr. Oliver's client is with pedestrian safety.

Mr. Oliver replied he would say they are very concerned, but their position is when the sidewalk would go anywhere else, they are agreeing to connect it, and he does not see that the limited stretch as 800 feet is.

Commissioner Tobia pointed out, as Commissioner Goodson said, somebody has to be first; the applicant owns the parcel just to the south, which would require approximately 900 linear feet of sidewalk to be installed; and if this request is approved, would Mr. Oliver expect the applicant, the one he is working for, to request the same waiver for the parcel that would be coming up.

Mr. Oliver responded he does not know the answer to that one to be honest; but he would suspect they would if it is not going any further.

Commissioner Tobia stated he appreciates Mr. Oliver's honesty; the developer knew this requirement when they purchased, when they started developing; pedestrian safety should be the highest priority; this is where he gets into, and he has no qualms for Mr. Oliver, but the County is comprised of highly-educated, experienced, and qualified staff who make well-informed decisions; when builders and developers do not get the answers they want, it should not be the policymakers, the County Commissioners, that override the decisions of staff; again, he does not blame Mr. Oliver; but he is very concerned if the Board votes for this waiver, it will start an ugly precedent; and people do not have to trust him on that, they heard Mr. Oliver say he will ask for the very same thing on the adjacent property. He went on to say he likes the idea of the bond that Commissioner Goodson mentioned, but he does not even think the Board should do that; he thinks the Board should just require the sidewalks to be built all together, as Commissioner Goodson mentioned; this is not a big cost; the developer just probably made a financial decision and said he could get an attorney up here for \$4,000, \$5,000, or \$10,000, and just say a sidewalk costs \$40,000, and they will build it and sell it in two years; and by that time, the sidewalk will be someone else's problem. He commented he does not belabor the issue, but he thinks this waiver should be denied.

Motion by Commissioner Tobia to deny the approval of the appeal requested by Storage of Rockledge, LLC, regarding the administration denial of waiver 23WV00020.

Motion died due to lack of a second.

Commissioner Goodson asked if Commissioner Tobia is not for the bond either.

Commissioner Tobia replied between he and Commissioner Goodson, that is his fallback; he would rather them build that as a condition, but if the votes are not there, he does have fallback motion; he would be more than willing to do that; but he does not want to show that card right now.

Commissioner Goodson mentioned if Commissioner Tobia knows anything about, and he and staff are very knowledgeable, the worst thing a person can have on a job is a sidewalk, as far

as maintaining the sidewalk; watching the people that park on it, that drive over it, and do not drive in the driveway, so there is some consideration there that a developer needs time to get their security in place; but he is for the bond, he is not for the variance; he just wanted Commissioner Tobia to know that sidewalks are a pain; he is glad that they are there; and the applicant needs to be the first.

Commissioner Pritchett expressed her appreciation to Mr. Oliver for being such a good sport; she noted he is such a nice person and he has her respect; she will be voting with the Commissioner of the District on this; in her District, she makes everybody build the sidewalks; if Commissioner Goodson had done it different, she would understand as it is his area; and she reiterated whatever Commissioner Goodson chooses to do, she will be with him.

Mr. Oliver explained to Commissioner Tobia's point, he does understand; the appeal, not wanting to overturn staff with each one of these, as they come through, either way; but his client is in a position where, literally, just down the road they own a piece that is very similarly situation in which this assessment agreement was granted; he was not involved with that application so he does not know the details of it; but it is 6400 US 1.

Commissioner Tobia stated the Board did not make that decision, staff made that decision.

Mr. Oliver advised that is correct.

Commissioner Tobia pointed out he trusts staff; staff made that decision to grant that; but he is asking for something different; and he likes the decision made previously, but not on this decision.

Mr. Oliver noted on a different piece of property; he asked what the criteria is for applying for an assessment agreement and having consistent application of that at the staff level; he stated they do not know that; he is not picking on anyone here; maybe to the Board's point of somebody has got to build it; and maybe he can bridge the gap between everyone. He continued by saying if they can agree to the bond, with the bond being tied to a specific date; when the development of the southern portion that connects it to the intersection, that whole piece, because what they are going to deal with is this developer is going to build this first piece, and at some point somebody is going to build that second piece; they are going to be in that process of are they tearing up that sidewalk, breaking that sidewalk, or maintaining that sidewalk with the next piece that comes in; that might be two years after that maintenance bond has expired; and then it is going to be the County in the middle of dealing with it, so he believes his client will respectfully agree to a performance bond to Commissioner Goodson's point if it can be tied to the total development of that parcel, which would then tie it within 800 feet of the intersection.

Commissioner Tobia inquired if Mr. Oliver had any idea how long that would take.

Mr. Oliver replied he would respectfully tie it to a timeframe that the Board can agree to.

Chair Steele passed the gavel to Vice Chair Pritchett.

Chair Steele advised after hearing this at the briefing, he thinks that everyone over there at the table would say he was one of the guys who said he wanted a bond, he wanted something, and he wanted a bond to see that it is going to be paid; he happened to be going to Titusville today and stopped by the property; he built a lot of subdivisions in his life and put some sidewalks in himself; he can tell everyone exactly what is going to happen if the County puts that sidewalk in now, it is going to be 800 feet with the sidewalk, with dirt this way and dirt that way; people will

be driving over it with concrete trucks and will demolish the sidewalk; and in a year's time, it will have to be redone. He advised he would like to see the Board go with a bond on it; he would like to at least get everybody in-line with knowing it will be built at some point in time; but it is really ugly out there; and to put a sidewalk in the middle of nowhere, with dirt on both sides of it, makes no sense to him.

Vice Chair Pritchett passed the gavel back to Chair Steele.

Commissioner Goodson asked the County Attorney if a bond is approved tonight on this property, can staff fix the bond on a timeframe, and tie it to the land, so before they sell, somebody has to make good on the bond.

Morris Richardson, County Attorney, responded it can be done; and it can be tied to a short developer's agreement specific to the sidewalk, and then the County would secure performance of that with a bond.

Commissioner Goodson asked if the Board should pass that, would the bond be for a year or two years; and could the time be set to whatever the County wanted on the bond.

Attorney Richardson replied the County could; the Board may want to do five years, with a provision that if staff deems it necessary prior to that, then they construct it when the County requires, but at a minimum, if it has not been required by five years, sometime before that it will be constructed.

Commissioner Goodson commented he definitely does not want to make it five years, because he can see a one-year bond, and then at the Board's discretion to say build it, or at the Board's discretion to renew it for another year; five years is way too long; he drove the property many times; today, what was funny about it, when a person got up to Dunkin Donuts, there are sidewalks; but there are seven bicycles riding in the road, so people do not always use the sidewalk, they should, but sometimes they have the bike lane and all that.

Motion by Commissioner Goodson to propose the bond to the developer for a period of one year, with an extension of a year, and that is it, or it could be worded if there is development on either end that warrants it, then the bond could be called due at any time.

Motion died due to lack of a second.

Commissioner Tobia asked if he could expand on Commissioner Goodson's motion.

Commissioner Goodson replied sure.

Commissioner Tobia pointed out this motion came from the County Attorney's Office; he asked the County Attorney to do this; and he changed one thing, and that was the five years down to one, so everything else he got from the County Attorney's Office.

Commissioner Goodson advised he is fine with the motion, as long as staff is fine with it.

Mr. Calkins stated if that is what the Board wishes to do.

Chair Steele stated the Commissioners had this same discussion in a briefing, and it went on for about the same amount of time as it has here; and pretty much, the bond is going to be the answer to it.



Attorney Richardson stated he wanted to make one point of clarification; and he asked if the County Manager is authorized to make the decision on whether or not to extend that bond for one year, or does the Board want to see that back.

Commissioner Goodson advised he would say the County Manager or his designee.

Commissioner Tobia stated he would agree.

The Board approved the appeal request by Storsafe of Rockledge, LLC, regarding the administrative denial of Waiver 23WV00020, subject to the developer's entry into an agreement in a form acceptable to staff and the County Attorney, providing for the construction of the sidewalk when there is a current need, but no more than one year from today's date; authorized the developer shall post a one-year surety performance bond in the amount of 110 percent of the estimated construction costs of the sidewalk based on an estimate certified by a professional engineer and determined by staff to be sufficient; authorized there shall be one extension to the one-year bond period to be approved by the County Manager or his designee; authorized the County Manager, or his designee, to execute the developer's agreement on behalf of the County, and to take such action to require the sidewalks to be installed as may be necessary, including forfeiture of the bond if the developer fails to install the improvements as required.

**Result:** Approved

**Mover:** John Tobia

**Second:** Tom Goodson

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

Commissioner Goodson mentioned he would like to propose to the Board that it direct staff to clean up the variance laws, or whatever, so this issue does not have to be fought every time; if the County goes through approving plans, then it should have a good variance, or no variance, and put the bond in it so the Board does not have to fight this battle every time.

Frank Abbate, County Manager, stated staff is going to bring that ordinance back to the Board with that proposed modification in it at a future meeting.

**I.2. Approval, Re: Resolution and Maintenance Maps for Rockledge Drive Right-of-Way (Four Section Maps) from U.S. Highway 1 to 1851 Rockledge Drive Located in Unincorporated Brevard County**

Sandra Sullivan explained just like the Brightline, this is another one of the shenanigans that was very difficult for this community; she helped work on this with this community; she was at the community meeting that was held, so this seems to be moving forward to the paving, et cetera; in all of those meetings, the community was told they needed to cut down 67 trees for this project in order to repave the road; what she found out was on the Lagoon Plan, which was planned for sewer, so following up they asked if the road was being repaved because sewer was being put in; and the answer was yes, but they were not told. She went on to say this is the part about not engaging the people, so the people agreed to vote to pay taxes for projects for the Save the Lagoon; then when there is a project where this road, those trees, serve a purpose of holding the banks and holding the road from washing out, has been notified by National Oceanic and Atmospheric Administration (NOAA) as being federally recognized as having a lot of resiliency issues with potential flooding from surge events; it just seems like the Board is not listening to the will of the people when it comes to projects; a lot of people had petitions with thousands of signatures on it; and more than 100 people filled this room. She noted they voted for the Lagoon tax; a lot of these people on this road already have advanced septic; the County

is going to ask the people to vote again for the Lagoon tax; the County is still just moving ahead with a project with planning for Rockledge Drive to take down the trees that are important to them; and it is part of their quality of life and why they live there.

Kirk Rummelhoff expressed his appreciation to the Board for allowing him to speak; he stated he was here a couple of years ago speaking on the same subject; unfortunately, he is back to talk about it again; the decision that has been made in the past regarding the trees on Rockledge Drive has been to leave the trees as they are; that was a decision that was made, he believes, a couple of years back; and that is currently being revisited with a proposal to cut some of the trees down, or trim them down. He continued by saying he does not see any change in the issues that existed a couple of years ago when the decision to leave the trees there was made; the will of the people certainly has not changed in that period of time; he is supposing that perhaps that there is a different viewpoint in the minds of the new Commissioners; he respects that; nonetheless, it is his hope that when the rubber meets the road and a decision needs to be made on this, that the Commissioners will abide by the wisdom of the decision that was made a couple of years ago, to leave the trees as they are, and to protect this particular aspect of Rockledge Drive, which is very singular; and it is part of the legacy of Rockledge Drive.

J. Christy Wilson, III, Attorney, on behalf of Rockledge Drive Tree Coalition, stated he has a couple of things he wants to share with the Board in the time allotted; the Board is being asked to approve a maintenance map tonight; that maintenance map, it can be debated about the amount of ownership, but it gives the County ownership of something it has not claimed ownership to before, including private property that has been maintained; it flies in the face, it is in strict tension with Article 10, Section 6A, of the Florida Constitution, which guarantees that no private property will be taken except for public purpose and with full compensation paid to each owner; and the Board needs to look at that very carefully, as there is a Statute of Limitations in this case, because the County did not build this roadway. He went on to say if the County can prove it maintained it continually for a period of seven years, then it can take these rights, today until the Board makes that decision, belong to the adjacent owners; he asked the Board to consider this very carefully; he asked the County Attorney for the staff report, which he sent him; included in the staff report is an affidavit from someone from Road and Bridge, one of the County's staff; and he said the County has maintained this road for seven years. He asked what has the County done, and where are the records; he noted as a matter of inquiry, the Board at least owes the citizens the time spent looking at those maintenance maps to see what exactly has been done, rather than taking the affidavit saying the County maintained this, because they have a serious contest with staff about that; he has requested, he has filed a public information request today with the County; he apologizes for the late filing; but they only learned of this meeting on Thursday; and he has asked the County to provide him copies of all of the work it has done, job orders, who did it, and when it was done, because that is all relevant here. He advised he wants to underscore the importance of Rockledge Drive; and he asked if he can have a brief moment.

Chair Steele replied no, but he will give him five seconds.

Mr. Wilson pointed out Rockledge Drive is a scenic highway; these trees are specimen trees; the County has a Code that is 500 pages long dealing with trees; and it prohibits the destruction of specimen trees.

Doug Simon commented he has been here before trying to save the historical live Oaks and their canopies on Rockledge Drive; everyone has sort of gotten to where he is already; Mr. Wilson kind of hit the points he has written down; Mr. Rummelhoff hit some points; and former Commissioner Smith said two or three years ago, he has a letter from him where he said the

County gives up, it was not his fault, and he is leaving the trees alone. He stated he was forwarded an email, which Marc Bernath, Public Works Director, Brevard County, sent out Thursday; in the email it stated that he wants to use Florida Statute 95.361, which is an adverse possession Statute, covering Rockledge Drive pavement; he called the Public Works office, and he has never gotten a straight answer; he inquired what the reason is for wanting to do this tonight, this resolution, and maintenance maps for Rockledge Drive; he advised they called it right-of-way, which really is only the pavement; Rockledge Drive does not have a right-of-way, it does not have easements, and it is the old US 1 from the year 1900 or something like that. He mentioned he really just wanted to get an answer, which he has not gotten; he asked what the purpose is of this adverse possession; is it to control the road to make sure the State does not still have their hands on it, or to do a land grab; and he stated he would like to get a straight answer, that is all, nothing crazy.

Chair Steele asked Mr. Simon to email his questions to him, and he will get it to the right person.

Carole Pope stated they are concerned up and down the drive about the precedent that is being set with this request tonight; she really does not understand it; when she pulled the information up on the County website, this is the information that comes up; she showed the Board a copy of the information; and she noted a person really cannot determine how it is affecting their property. She asked the Board that it delay this tonight and let the County hold a meeting, or at least make these maps available to the public, to the homeowners, so they can actually see how their land is being affected; she pointed out the print is so small a person cannot read it; she has been driving up and down that road for 50 years, many times a week; she has never seen a County maintenance vehicle out there doing any type of maintenance at all; she knows the County or the city does not maintain the roads in Rockledge; and that is one thing to consider. She asked the Board again to consider delaying this, because the residents really cannot understand how this affects anybody up and down the road there, and what this really means; she stated they are concerned about the issues that have been taking place on Rockledge Drive with the County's attitude towards the street; she asked if this is a County vendetta against Rockledge Drive particularly, because there are many side streets that lead into Rockledge Drive; they have trees; usually they have low-hanging branches; and there has not been this type of tree-trimming requests or right-of-way requests. She explained they do not see that on any other streets; she asked what is going on with Rockledge Drive; she stated it is very concerning to everybody on Rockledge Drive; and she expressed her appreciation to the Board for its time.

Commissioner Pritchett asked if staff can answer the questions on this for the maintenance, what type of maintenance the County is looking to do with this.

Marc Bernath, Public Works Director, explained first of all, it is important to note that the County has been maintaining the road since the late 1970's and 1980's based on the available records, depending on which segments were turned over to the County by Florida Department of Transportation (FDOT) at the time; that includes road maintenance, drainage, and landscaping; this is nothing the County is taking that it does not already have based on Florida Statute; the County has been maintaining it more than the past seven years; and as such, this is enumerating and documenting what the County already owns as far as boundaries on Rockledge Drive.

Commissioner Pritchett inquired if this is going to set forth any different things the County is about to do here soon.

Frank Abbate, County Manager, replied that is not part of what the maintenance maps are; this is just establishing, confirming the ownership; that is a separate issue; and that will come back to the Board as a separate resolution in the future.

Commissioner Pritchett remarked that is what she thought, and she wanted to clarify that.

Morris Richardson, County Attorney, advised this respectfully does not have the affect described by the attorney; the vesting of the title under the Statute occurs when the prescription period under the Statute is met, so that was satisfied in the case of Rockledge Drive a long time ago; what the maintenance map does is visually depicts and lends clarity to what has been maintained for the required period in time, which under the Statute, title is already vested in the County; it is filed in its prima facie evidence of that maintenance; but it is not an action tonight; it does not mean if the County takes this action, parts of the road suddenly belong to the County that did not before; and that has already been established by that continual maintenance over time.

Commissioner Goodson stated he has no heartburn about this issue; if the County owns it, it owns it; everybody needs to understand that; he has been here 65 years; and he has seen a lot of work on Rockledge Drive.

The Board approved and adopted Resolution No. 24-022; approved each of the four (4) Rockledge Drive maintenance maps (collectively referred to as the Rockledge Drive Maintenance Map); approved any other documentation to effectuate the maintenance map process, including, but not limited to, addressing any issues with or scrivener's errors on said maps; and 4) authorized staff to record the Resolution and the Rockledge Drive Maintenance Map.

Chair Steele remarked the County was not going to go out and start cutting down trees or anything of that nature at this particular point in time; and he asked Mr. Bernath if that was correct.

Mr. Bernath replied that is correct, this has nothing to do with the trees.

Chair Steele asked if nothing will be done like that without public notice.

Mr. Bernath replied that is correct.

**Result:** Adopted

**Mover:** Tom Goodson

**Secunder:** Rita Pritchett

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

**I.4. Permission to Advertise, Re: Request for Proposals (RFP) for Financial Auditor Services, Appointment a Board Representative, and Auditor Selection Committee**

The Board approved issuance of a Request for Proposals (RFP) to solicit an auditor to conduct the County's annual financial audit pursuant to Section 218.39, Florida Statutes; established an Auditor Selection Committee, as required by Section 218.391(2)(a), Florida Statutes, composed of Office of the Clerk of Courts, Office of the Property Appraiser, Office of the Sheriff, Office of the Supervisor of Elections, Office of the Tax Collector, and Commissioner Pritchett as the member of the Board of County Commissioners, or their respective designees; and authorized Central Services staff to convene and assist the Auditor Selection Committee through the solicitation process and their recommendation to the Board.

**Result:** Approved

**Mover:** Rob Feltner

**Secunder:** John Tobia

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

**I.5. Permission to Advertise, Re: Request for Proposal (RFP) for State Lobbying Services**

Commissioner Tobia stated since 2016, Ronald L. Book has served Brevard County; he thinks Mr. Book has done a very good job of this; in fact, since 2016, he has not received or requested an increase of his compensation, controlled by either Consumer Price Index (CPI) or any other measure; in other words, he is at the same rate; he thinks he has been a very effective lobbyist; lobbying is a very tricky job; and he thinks Mr. Book does a very good job at that due to the compensation, not by the Board, but by the numerous clients both local government and private. He continued by saying Mr. Book has quite a few connections with the Governor's office, with leadership, which by the way, changes every two years, so the incoming Senate President will be Ben Albritton, and Danny Perez in Miami; he has fostered these relationships for quite some time; it is his opinion that Mr. Book has not only done a great job for Brevard County, but he is uniquely positioned to keep on working; therefore, he would suggest that the Board move forward with negotiating a contract with its current firm; and to appoint Chair Steele to negotiate the terms of said contract, as he clearly has quite a bit of expertise as a former member, but someone that has numerous connections with the movers and shakers in Tallahassee.

Motion by Commissioner Tobia to authorize staff to move forward with the negotiation of terms of professional service contract and fees, with the addition of Chair Steele to the Negotiation Committee, with the County's current lobbying firm, Ronald L. Book; and authorized staff to bring back the contract to the Board for consideration.

Commissioner Pritchett seconded the motion.

Commissioner Feltner commented if the Board continues for one year with Ron Book, and then let the new Board select the next lobbyist, that is what he would be in favor of tonight.

Chair Steele asked if Commissioner Tobia is acceptable to a friendly amendment.

Commissioner Tobia noted he does not know how friendly it is; he certainly would like to get Commissioner Goodson's thoughts; his tenure will be certainly longer than his; he looked up, and he will pass this out to the Commission, similar sized counties and lobbying contracts; that would be Lee, Polk, Pasco, and Volusia Counties, that are all within 100,000 residents of where Brevard County is; Brevard County's current Contract is by far the lowest per capita, less than a quarter of what Polk County is paying; he would say not only does Brevard County have a great lobbyist here, it has great negotiating that has happened in 2016; and he will go with Commissioner Goodson as the tie-breaker as to whether or not that one year is friendly.

Commissioner Feltner advised he thinks a lot of Ron Book as well; and this is simply that there are going to be three new Commissioners around Thanksgiving, so if the contract extends beyond that he thinks they ought to be able to vote on it.

Commissioner Goodson asked Commissioner Tobia to tell him about Ron Book's health.

Commissioner Tobia pointed out it is common knowledge that Mr. Book has been through some health issues; but that has not stopped his work around Tallahassee, and it has not stopped his contact here; it is not just Ron Book; Ron Book employs three other individuals;

and Commissioner Goodson is right, the County pays for the marque at the top, which is Mr. Book. He went on to say he will revert to Commissioner Goodson on this one; if he would rather do one year, he will change his motion to one year as opposed to three; he has no idea what position that puts the Board in with a one year contract versus three; but he will go with his judgement on this one.

Commissioner Goodson asked staff to tell him about Mr. Book, and what his feelings are, because staff works more with him than the Board does.

Frank Abbate, County Manager, responded they have done a very good job for the County in a variety of issues; they are always responsive; staff gave the Board a variety of options; this one would be to extend it; it is the Board's preference as to the matter of time; and staff will be happy to work with the Chair, if that is the Board's decision to bring back an agreement for either a one or a three-year period, as staff would be happy with either one.

Commissioner Goodson remarked he sees some validity in Commissioner Feltner's comments about three new Board Members, and they should be given the right to choose; and he asked if Commissioner Tobia would be willing to ask Mr. Book what his price is on a one-year contract, giving the Board the option next year to vote on it.

Commissioner Tobia explained he would never enter into negotiations with Mr. Book; his motion foresees Chair Steele being part of that; but if Commissioner Goodson wants to go in the direction of one-year, he is fine to amend that.

Commissioner Goodson advised he would rather do that.

Commissioner Tobia stated he will amend his motion.

The Board approved staff moving forward with negotiation of the terms of the professional service contract and fees, for a term of one year, with the County's current lobbying firm, Ronald L. Book, P.A., with Negotiation Committee consisting of Jim Liesenfelt, Assistant County Manager, Jill Hayes, Budget Director, Virginia Barker, Natural Resources Management Director, and Chair Steele; and authorized staff bringing back a contract to the Board for its consideration.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rita Pritchett

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

**I.6. Legislative Intent and Permission to Advertise, Re: Ordinance Amending Chapter 74, Article VI, Section 74-102, Brevard County Code of Ordinances, Pertaining to Sexual Offenders and Sexual Predators**

Commissioner Tobia stated unfortunately, this is not a solution looking for a problem; there is evidence of sexual offenders having been at fairs in Brevard County; as mentioned, under his Board Report at the February 20th meeting, Brevard County Code Section 74.102(b)(7) grants an exemption for sexual offenders and predators to enter into a 1,000-foot radius of a park "as a result of fulfilling legally allowable duties imposed by gainful employment;" there is no prohibition in the County's Code for these offenders whose victims were a minor to even work at a school, daycare, park, or playground; and while organizations should be performing background checks on individuals, the Board cannot mandate that. He went on to say what can be controlled is the language in the County's Code; this Item is requesting approval of legislative

intent and permission to advertise for an amendment of the section of Code; the amendment would add clarification that an offender or predator who has committed an offense where the victims were minors, cannot work in a school, childcare facility, park, playground, or other place where children regularly congregate; and this mirrors Florida Section 775.21(10)(b).

Robert Burns commented as Commissioner Tobia mentioned, this is already happening, it is not a hypothetical situation; this is something that is currently going on in Brevard County; when he found out about it, shocked is not the right word, he was angry about it; if it is government's number one priority to protect its citizens, then the number zero priority should be to protect the children; and the way this ordinance is currently written, not only does it not protect the children, but he believes it endangers the children. He continued by saying parents are navigating an invisible minefield of trying to think that they are taking their children to a place that is supposed to be safe from individuals who have committed these crimes and have been convicted of these crimes, not knowing that not only are they allowed to violate the 1,000-foot rule, but they can actually work in these facilities; they could be strapping the children down to into these safety rides; they can be handing them snow cones; that is not hypothetical; after they posted their article, some of the vendors working in this organization next to it, the individual who was the impetus of this was bringing free food to that vendor, and they did not know why; and when they brought the food to that vendor, they would play with their children, not knowing the criminal history of this individual. He noted they tried to pass it off as just a strange character; but after they found out who he is and what he is, they were extremely upset; this is something that is urgent; it is paramount that the children are protected; it is an easy fix; he understands the importance of trying to reintegrate and rehabilitate certain citizens in the community; but that should not, and will not, ever trump the safety of the children. He remarked it has to be fixed, and it has to be fixed now.

The Board approved legislative intent and permission to advertise an amendment to Brevard County Code of Ordinances, Section 74-102(b)(7), restricting the exemption so that an offender or predator, who has committed an offense where the victim is a minor, cannot work in a school, child-care facility, park, playground, or other places where children regularly congregate.

**Result:** Approved

**Mover:** John Tobia

**Secunder:** Rita Pritchett

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

#### **J.4 Tom Goodson, Commissioner District 2, Re: Board Report**

Commissioner Goodson stated last week Brevard County lost a great person, Jerry Sansom; Mr. Sansom was a lobbyist for the State; he was definitely always at meetings around; he was a personal friend; and he asked the Board to pray for his wife, Dixie. He expressed his apologies regarding the comments he made at the last meeting about term limits; he stated he undoubtedly stepped on people's toes; he expressed his apologies to Congressman Bill Posey and Thad Altman; he pointed out he meant it to apply to longevity; and he only meant it as an example of people wanting term limits.

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

Commissioner Tobia stated on behalf of the Board he wanted to thank Commissioner Goodson for being out there on the Canvassing Committee; people saw his smiling face there working hard for not only this Board but the citizens of Brevard County; he saw the news about Mr. Sansom; he drafted a resolution and sent it over to his wife; he knows she is dealing with a lot

of things; and when things calm down, he thinks that will be one of his 12 resolutions, so his legacy can be honored, not only to the waterways of Florida, but in all the ways he has contributed to government bodies. He commented today is National Baked Scallops Day; the useless Florida fact is Florida Southern College (FSC) in Lakeland has the largest collection of Frank Lloyd Wright architecture in the world; the campus of FSC has 13 Wright-designed buildings, including the Thad Bunker Building, the Danforth Chapel, and Annie Pfeiffer Chapel; and construction of these buildings began in 1938, and was completed in 1950. He noted this day in Florida history, Carl Hiaasen was born in Plantation, Florida, in 1953; he is best known as a satirical columnist for the Miami Herald, as he continued to write for the paper until 2021; he was hired by the Herald in 1976; one of his best known novels, *Striptease*, was turned into a major motion picture starring Demi Moore and directed by Andrew Bergman; Apple TV is currently producing a series based on another Hiaasen book, *Bad Monkey*, which is set in the Florida Keys and Bahamas; and the show will star Vince Vaughn. He stated today's employee recognition is different as he has two; the first one is Gisele Nieman, Associate Environmental Specialist, Natural Resources Management; she has been with the County for one year; she is a dedicated environmental permit reviewer and always has a smile and kind words for citizens and co-workers; the embodiment of generosity, Ms. Nieman was inspired in 2021 to anonymously donate a kidney after listening to a podcast; she was found to be a viable donor in July 2023, and successfully donated her kidney, nicknamed Sydney the Kidney on January 30, 2024; and her altruistic gift kicked off a chain donation that created opportunities for endless recipient donors' pairings. He went on to say Ms. Nieman invites anyone interested in donating to reach out to her as she loves to talk kidneys; when Ms. Nieman is not saving lives, she enjoys rock climbing, crafting, traveling, and her two bearded dragons, Nemo and Tad Cooper; and she will be marrying her fiancé, Alex, in New Zealand at a destination wedding. He stated the next employee recognition is Karen Conde, Assistant to the County Manager, County Manager's Office has 30 years of service; she is an example of how drive, determination, and customer service skills can lead to success; Ms. Conde began her career with Brevard County in 1984 as an Office Assistant II in Tourism Development; she moved to Staff Assistant, and then Legal Secretary in the County Attorney's Office; then to Administrative Secretary to the Fire Chief in Fire Rescue. He added her work ethic in Fire Rescue led her to be promoted to the Executive Secretary of then Human Resources Director Frank Abbate; and then Administrative Assistant to the Department Director. He continued by saying her positive attitude and excellent skills set the lead to promotion as Employment and Compensation Specialist, Personnel Manager, and ultimately in March 2022 to the Assistant to the County Manager; along the way, Ms. Conde has received many accolades and awards, including Extra Mile, Pulling Together, and was twice presented with a Brevard's Best Award; in addition, she graduated from the County Management Certification Program, known as the Employee Development Program, and Brevard County Executive Leadership Institute; and she has participated and helped coordinate multiple Lean Six Sigma Initiatives, and recently earned her green belt. He stated she has an Associates in Science Degree in Legal Assisting Legal Studies, an Associates of Arts Degree, a Bachelor of Arts Degree, and her Masters in Management and Human Resources; during her 30-year career, she became a tremendous asset to the County Manager, Assistant County Managers, Development Directors, and other County employees and the citizens of Brevard County in total; and colleagues universally praise her for embodying customer service, professionalism, and genuine willingness to help others as a result of County success. He stated Shannon Wilson, County Attorney's Office, said "Karen is a customer service professional and a good mannered professional. As they say, when you look up any of these terms and phrases in the dictionary, there is Karen Conde's picture. I have worked with Karen for a number of years, and have never seen her turn away or decline to give her all in assisting a fellow employee or citizen. She does not hesitate to pitch in just for any project or assignment when asked or needed. As a friend, I enjoy sharing updates on our daughters, sometimes commiserating and sometimes laughing over our stories. There are few people who I enjoy working with more and respect." He continued by saying this is a quote by Tad Calkins,



“She’s a fantastic resource for just about anything, and she’s always helpful with dealing with system application products.” He stated this is a quote from Ann McCormick, Human Resources, “I consider Karen as one of my best friends both in and out of work, and having her to work with and lean on, and laugh, and sometimes cry with has made the employees workplace more fun and some days more manageable, and I am ever grateful for the opportunity to share friendship in this crazy life with her.” He commented Jim Liesenfelt said, “When it comes to hunting, she’s a better shot than her husband. She also drives the highest Jeep in the employee parking lot.” He stated this is a quote from John Denninghoff, “A word that hasn’t been used here is integrity. She has integrity that does not quit. She’s a pleasure to work with.” He advised this is a quote from Frank Abbate, County Manager, “The key to any leaders true success is having the right people around them. Karen is a shining example of that foundational principal, and I am confident every leader with our organization enthusiastically shares my thoughts about Karen. Karen is a big fan of neo-western series, Yellowstone, so you may want to pass if she offers you a ride to the train station, but for any other need you might have, there are few people in this organization more up to the task and eager to lend a hand than Karen Conde.” He pointed out it sounds like Ms. Conde is everyone’s best friend; that is a special trait; he understands her tenure here is ending; the County will be worse off for wear; and he expressed his appreciation to her for all of her hard work.

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

Keith Capizzi, Mayor of Cocoa Beach, stated he is sure the Board has gotten the response to its request from them; he feels he owes it to the Board personally to let it hear it from him; he respects the Commissioners, and he understands it is not an easy job; he expressed his appreciation to the Board; and he noted the two entities do not always agree, but he respects the Board Members. He expressed his appreciation to Chair Steele for his accurate portrayal of how the city of Cocoa Beach does feel; he stated he does not understand why Cocoa Beach’s budget is any of Commissioner Tobia’s concern; he will address some of Commissioner Tobia’s concerns since he did put a public request in for the City’s \$7,000 cartoons; that was something that was put in by the previous manager; it must have passed through without them even noticing it; but the current commission thinks it is a waste of money, Commissioner Tobia is absolutely correct. He mentioned it is a stupid waste of money, and they are not going to spend the \$7,000 on that, so that is a moot point; the \$200,000 for the skate park is a safety issue; if a person has been out to the skate park, there are holes in the coping, cracks in the concrete, and it is absolutely a safety concern; and it is something that if the City does not take care of it, they are going to have to shut it down. He pointed out Commissioner Tobia also said the City does not want to contribute anything, which is not true; they actually were going to send in, and they voted, to give the County \$89,000 for the lifeguards, but because the Board chose to take the stance to say that the City is disingenuous and they were not giving the County anything, so they will stick with that, and give the County nothing; the County drives the tourists to Cocoa Beach; it advertises all the way from New York to come to Cocoa Beach, swim at Cocoa Beach, they have lifeguards; and the County advertises for Cocoa Beach because they are a name brand, and their name brand sells. He stated if people come into Cocoa Beach, the County brings in Tourist Development Council (TDC) money, tax dollars; the City’s tax money pays for the residents, residents beaches, and lifeguards on that, and then the TDC should take care of their guests; that is the way they believe it, and are going to be talking to every single mayor in the County; and they will stand united, he is sure of that. He noted that is his stance on it; and he expressed his appreciation to the Board for listening to him.

Commissioner Pritchett advised she does not know what the City’s response was; and she asked if the City said they were not going to help pay for lifeguards on their beaches.

Mr. Capizzi replied no, the County’s TDC, the money they get, will pay for it.

Commissioner Pritchett pointed out the County cannot do that with the TDC funds, he knows that; here is her concern, the County could quit advertising Cocoa Beach, but that would be really hard on the community because there is a lot of taxes raised for the tourists who come in, as it is a big tourist area; she is in North Brevard; North Brevard does not have beaches; and she does not have to utilize the County's General Fund for that. She remarked she does not want people to die, that is a big concern of hers; with this becoming so political with this she is concerned that they are not caring about that; she is just giving Mr. Capizzi her thoughts; she really thinks it is the City's responsibility, but if the County does half, she gets it; and they can do their own budget and figure out what the money is to be spent on. She explained the City has a lot of money coming in because of the tourists that do go to Cocoa Beach; she just thinks it is something to utilize and look at because everyone wants the same things, no one dying; they would have to tell her they do not want any more tourists in Cocoa Beach; and maybe the Board needs to look at how it is promoting Cocoa Beach. She stated with her in North Brevard she never really cared about promoting Cocoa Beach, because she would rather have them come to North Brevard; but with Mr. Capizzi saying this, it is really making her think differently; she is listening to his words right now; and it really might make a change in how she promotes tax dollars.

Mr. Capizzi stated Commissioner Tobia is saying the City gets \$3.7 million in their parking revenue; that parking revenue does go towards their parking garage that they paid for, taking care of their parking, beach rangers, trash, and all of the stuff that the County's tourists are bringing to their City; the revenue for lifeguards has been paid for, for years; and Chair Steele can probably attest to this, that the County has a budget for lifeguards. He went on to add the reason they feel like they are not responsible for it, and the residents themselves, they do not want more tourists there; they know it is good for the hotels; the residents do not see a benefit other than more hotels, and they do not like that; and before Commissioner Pritchett said if the City does not want to do that, what else can be taken away from them.

Commissioner Pritchett advised that is not what she said, she said where else can the County get the money to provide for that; she is not trying to take away from them; but if those tourism dollars are lost, the restaurants are going to go down, and all of those income items are going to go down, so if he is really thinking that, there may be better ways for the County to do tourism dollars; she asked him to just think through that; she gets they are allowed to govern their own area, the cost of banning those right now, because those are the City's beaches; and Commissioner Tobia brought up the County paid a whole bunch of money upfront because there were so many deaths on the beaches, which she agreed to, to keep people from dying. She asked him again to think through that and figure it out, because the goal is for people not to die; but if the City does not want any more advertising, there is Melbourne Beach and other beaches; and he is just throwing out a whole new thought to her that she has not thought through before.

Mr. Capizzi stated 46 percent of emergency calls are from non-residents, which equates to \$5.6 million in funding they have to come up with as well, so they are doing their part, they are paying to take care of the County's tourists; they like to see tourists, they like to see growth; but at the end of the day, the County is driving people here, it is advertising; if the County wants to put that money towards advertising something other than Cocoa Beach, that is fine, if it does not want to take care of lifeguards; and lifeguards are necessary, and safety is first and foremost. He noted their discussion here is who is responsible for it.

Commissioner Pritchett stated she is going to think through bringing a proposal to the Board to find other ways to use the tourism tax dollars if that is a situation Cocoa Beach would like to have; and that way it will take a lot of responsibility off of them with extra tourists there.

Crystal Kazy stated although not generally the responsibility of this Board, she would like to formally request that this Board consider action regarding the Brevard County Sheriff's Office (BCSO) handling of civil complaints as it directly impacts public safety when complaints are ignored; the taxpayers of Brevard County who file civil complaints of BCSO employee misconduct deserve to receive investigation findings pursuant to State law; she asked Commissioner Feltner to compel staff services and internal affairs of BCSO to fully-investigate these three civil complaints against Corporal Mike Williams, SRO, Viera High School; and unfortunately, two of these complaints dated January 31, 2024, have yet to be resolved and the misconduct has escalated. She went on to say she does have copies of these civil complaints for the Board's reference; and she expressed her appreciation to the Board for its attention and time.

Rick Heffelfinger stated he uses this Public Comment to kind of review what happened in the meeting; it seems to be a common trend; maybe Public Works does not answer questions; he asked how the public gets questions answered out of Public Works; he stated the trees are being cut down, and Public Works is doing maps; people thought the tree situation was solved; but now the County is doing maps. He asked again where people gets information from the County; and he stated pedestrian safety came up a couple of times.

Commissioner Tobia stated point of order; BCC-97, Section 3G1 . . .

Mr. Heffelfinger asked if the Chair would stop his time.

Commissioner Tobia advised he thinks the Board should stop it all together; the purpose of Public Comment is to allow individuals to comment on any topic relating to County business, which is not on the meeting Agenda; and he suggested following Board Policy and to provide Mr. Heffelfinger time to discuss anything that has not already been discussed as BCC-97, Section 3G1 states.

Mr. Heffelfinger advised he is summarizing the meeting; and he asked if he cannot do that.

Commissioner Tobia noted not according to BCC-97, Section 3G1.

Mr. Heffelfinger asked if the Board is familiar with the word shenanigans; and can he talk about that is not related to the meeting.

Chair Steele stated he does not want to get into an adversarial position.

Mr. Heffelfinger pointed out he did not start it.

Chair Steele stated he is going to end it; and he asked Mr. Heffelfinger to try to talk about what did not happen tonight, otherwise he will ask the County Attorney for a point of order.

Mr. Heffelfinger commented he is concerned when he will finally gets his public records request, where the concern was for Friday and James Roads; he knows the County turned over James Road and closed the permit; he asked where the assessment was for safety down there; there he noted are 438 homes dumping onto one intersection; he asked if the County did that; and he stated he hopes it is in his public records request. He mentioned the term briefing was mentioned tonight; and he asked if the Board gets a briefing from the County before the meeting.

Chair Steele explained as the Chair, he goes through the whole Agenda, and staff goes through the Agenda so he understands what is going to be at the meeting; that is all he is going to tell Mr. Heffelfinger he does; and this is an internal thing for him as the Chair.

Mr. Heffelfinger asked if it is opened to the public.

Chair Steele responded it is not open to the public.

Mr. Heffelfinger asked what about the Sunshine rules; and is it just for the Chair.

Chair Steele asked him not to start.

Mr. Heffelfinger stated he is not, he is just asking questions.

Chair Steele noted Mr. Heffelfinger knows not to ask questions during Public Comment, so to stop this nonsense and move forward; Mr. Heffelfinger can laugh all he wants to; but he is not going to be doing this, or he will sit him down.

Mr. Heffelfinger stated commonality seems to be that a lot of people voice their concerns, and nobody is listening and nobody is answering; he asked if there is something in the Policy about who the vice vice chair is; is that an official recognized position; how much staff time was spent to make that presentation; he stated some people seem to be concerned about staff time and improper use; and he asked if the Board has the ability to recognize employees at the beginning of the Agenda. He noted it seems like that was a lot of time spent; people are waiting to make Public Comment; there are a lot of important things going on, and the Board wants to talk about . . .

Chair Steele stated he suggested Mr. Heffelfinger pull his papers and run for County Commissioner; and then he will have every opportunity to sit up there and do whatever he wants.

Mr. Heffelfinger advised he would rather hold five people accountable than be one vote.

Sandra Sullivan commented a lot of what she does has to do with accountability and transparency; those have been a key theme of her coming to these meetings for all of these years; she was not happy last year when during the budget workshop, under Board Reports, a motion was taken to postpone it, while really it meant it was cancelled; the meeting is scheduled this year, and low and behold, information is missing from the presentations this year; and the public was not allowed to speak under the Agenda Items. She went on to say the Board took a vote under one of those; there was an article recently that when there is a vote, the public is allowed to weigh-in; that kind of brings up the Merritt Island shenanigans where a vote was taken under Public Comment with no public being able to weigh-in, and a vote taken on the feasibility study before the people weighed-in; she is very frustrated with the shenanigans that have been going on with so many items with this particular Board; and she has not seen anything like it in five years. She remarked talking about impact fees, this one is not updated; she showed the Board a document; it is a deficit on transportation; there are a lot of roads at capacity; there is not a new number in the budget; and she does know from last year, the dark lines are funded, the rest is unfunded. She stated Marc Bernath, Public Works Director, spoke up and said if the County used all of the funding sources available, it would take the County 20 to 25 years to catch up; she was blown away; there are two Commissioners who do not want to make the decision while he or she is in office, and to let the next Commissioners do it, and kick the can further down the road while the County is already in a fiscal crisis; and here are the funding options that are in last year's budget, but not this year's budget. She asked what those

options are; she stated one of them is an infrastructure surtax; she brought before the Board an Attorney General's Option (AFO) that there cannot be two half-cent sales taxes; the County has the Lagoon Tax and the School Board tax; they both sunset in 2026; the Board is talking about bringing the Lagoon tax forward; maybe the County should be talking about having a one-cent sales tax, no increase, get rid of the School Board tax, because that is not a critical need anymore; and the County has a critical need for transportation. She pointed out the other option was impact fees; from the budget workshop a few years ago, the transportation is \$4,353 and has not been updated since 2001; she asked the Board to wake up; she advised paving was up 27.7 percent just in the last year; and that is fiscal accountability.

Katie Delaney mentioned she is frustrated, especially after watching that budget workshop when two of the Commissioners said he or she was not going to touch the fiscal issues this year, and to wait for the next Commission; these are two of the longest standing Commissioners on this Board; she asked if these fiscal problems just came up this year; she stated some people are talking about shenanigans tonight, and it is what the residents see; there were people here tonight who were obviously passionate about their problem, the things they care about in their community; and the communities on Rockledge Drive and in West Melbourne obviously cared about that. She continued by saying as someone who is sitting in the audience, they felt the lack of caring; the Commissioners' job, and hopefully her job, is to serve the public, making sure people are not overstepping their bounds; and she asked why there is still fighting about the trees on River Road. She remarked she was lucky enough to be at the fire negotiations two weeks ago; for some reason, she was told that usually the County has somebody doing the negotiations, the lawyer; she asked if it is true that is being outsourced this time, and paying them over \$400 an hour; she pointed out that is a little confusing; they cannot talk about wages; and the whole reason they are there is to talk about wages. She noted there are a few things that other fire departments across the State and across the country do; one of them is Kelly Days; making sure these firefighters have a day off, and not just the firefighters, but Emergency Medical Technicians (EMT), paramedics, or anyone who works for them, have these days off on a regular basis so they can go to doctor's appointments or whatever they have to do; the public is done with shenanigans; and they really need the Board to bring some professionalism back to this.

Kristin Lortie stated she is a Cocoa resident, a moderator of Brevard Cares Citizens Coalition on FaceBook, and supporter of the Stop the Shenanigans rally that occurred just before the meeting began, their very first rally; people have somethings on their minds, and many things have been covered already, but there are a few she would personally like to cover; she has gotten herself more organized, she has been following the County Commission off and on for a couple of years; and she is keeping good track, good records, and trying to stay organized. She went on to say she wants to put on record that at the February 29, 2024, workshop, she was denied the opportunity to comment before Commissioner Tobia's motion went through; she thought that was a perfect example of subverting public input, the number one bullet point, non-Agenda Items, and action against public input; she asked the Board if it knows what it ends up with; she stated a mess; and now the Cocoa Beach Mayor, if the Board wants to hear more, to start at minute 56 at the last meeting at Cocoa Beach to hear more about what Cocoa Beach thought about the shenanigans at that meeting. She noted this is solvable stuff if the Board just has the right people in the room at the right time before it makes the vote, so she brought her three denied speaker cards; the first one is on the lifeguards and two other Agenda Items that the Agenda said she could speak to, but it is subverting the public process; she has decided they have arrived at the fashion show stage; she asked if the Board remembers the *Florida TODAY* comment; they are here now, they have a binder, they have arrived at the fashion show stage, they have a white board that she bought after the February 6, 2024, meeting, and they are getting prepared on the citizens side; she wants to make sure she says that at the meeting about the Agenda Item that she objects to the vote being taken, she objects to her

card being denied; she did correspond with the County Attorney in an email, and the Board has been copied back and forth on that correspondence, as she spent Saturday writing back on that and objecting to his opinion on Florida Statute 286.0114(2), because at the end of the day, he says she can come back in September when the public hearings are held in order for her points to be taken. She stated she would like to make a mention of the public records, so she currently emailed about 12 attempting to read a binder, the Speak up Brevard Citizens Binder; she is going to have to pay \$34.85 an hour to be babysat by the County Attorney's Office; they have sent her the Policy; and there are 12 emails in; and she objects, she objects, access to public records.

Sara Hodge advised she is here about the cost of public records; many years ago, the *Florida TODAY* wanted records from the School Board; the School Board told them it would be \$30,000; they paid it so they could get those records; they turned around and sued the School Board; the School Board lost big time; they had to pay the fees to *Florida TODAY*; and the citizens had to pay for the School Board's fees with Brevard County taxes. She stated the fees are getting out of hand for the cities and the County; the records need to be put on the Internet just like the Clerk's Office did the public records; she thinks that is something the Board really needs to do; and that way there will not be a babysitter for \$35 an hour. She asked the County to please put the records on the Internet; she stated the delay on getting records is ridiculous; they know where they are, they can get them immediately, but they do not do it; that is not right, this is a First Amendment Right to have access to the public records; the Board cannot deny it; and if it keeps doing that, there will be a lot of opposition. She noted there are a lot of people very upset they cannot get the public records, they cannot afford the records, so they cannot prove their cases; the Board needs to acknowledge that people are losing their houses because they cannot afford the new taxes, and their new insurance fees; the records need to be had at a reasonable cost, or put them on the Internet; and people are not going to keep putting up with it.

Hector Fung stated he is here to talk about the Hoover Middle School Lights Project; he has lived in Indialantic for over 30 years; he believes Chair Steele is aware of the concerns and the comments; they contacted Chair Steele before and he said the concerns were adequately addressed by the County; but he is here today because they were not. He explained there is light pollution that was created from this, even though the engineering studies said there would be zero luminaire light spillage; as Chair Steele knows, he is a licensed professional engineer for the State of Florida; he tried to communicate that to him with all of these concerns; he invited Chair Steele to come out and see the issues in person for these large structures placed behind their homes; and he asked who would like large, 90-foot light poles installed right behind his or her homes that are large enough that they could actually fall under an extreme storm event. He pointed out all of their neighbors at River Oaks and Franklin feel the same, everyone he has talked to; some of the issues Chair Steele said that were addressed were simply just dismissed, like the fall radius analysis on the home; the poles are placed so close that they could fall; inspection and maintenance of the light fixtures themselves can become flying projectiles; property value studies that were sent to the County based on cell phone towers that are placed behind homes that decrease the property values of homes; and that is what is happening in this case. He went on to say the other point that was not addressed was the public notice and the avoidance of the issue all together, population growth, and the demand of Indialantic; there is not a very big demand; all of the lights were on, just as they expected; there is no one using the field at night; he has pictures and videos to show that; and he asked for a response and a resolution to this, as they have simply been ignored.

Steven Snooks stated it has come to his knowledge that the Parks and Recreation have a slight issue he is trying to contend with; he has called Parks and Recreation and has spoken to a supervisor; they stated there are 20 parks in Brevard County that kind of wrap-up this same

argument; he was on his way from Cape Canaveral to the Merritt Island area stopping around Kelly Park on SR 528; he went to charge his cell phone; he went through every outlet in the park; and there was not one single outlet that worked. He noted he thought it was a maintenance issue, so he called Parks and Recreation advising them they had some outlets that needed to be looked at; they told him it was not an outlet issue, it was a power at the time issue; they told him the time would be shut off after park hours; he told them he was there during park hours, that is how he got access to the park; they all pay taxes here, property taxes, sales taxes, and income taxes; and all that funds Brevard County Parks and Recreation. He stated to get access, he was told to use any electricity, any time of the day he had to reserve a pavilion for 'X' amount of dollars to guarantee that allotment of energy at any time of the day; if a person is on the fly, or on the go, there is not enough time to do that during the day; it seems to him there is an oversight, an overreach in Policy within the council to mandate people have a pavilion registered to them for any point in time for electricity; and this overreaches into public safety. He stated he feels extremely valuable parks, right on the water, people may be out doing recreational activities, boating or jet skiing; the cell phones are having difficulty connecting; it is taxing their battery trying to find a signal, so their battery is going to run down quickly; when they get back into the Port they may not have energy left; and this could be a problem if there was an issue out there at sea; and he believes it is a public safety issue across Brevard County, 30 parks, that do not have access to electricity during the normal hours of operation.

Commissioner Feltner advised Mr. Snooks' point is well-taken; it is very easy to charge a cell phone with a solar panel; everyone knows he has given many of those away for Christmas and birthdays just to prove a point; he envisions a point in the future where maybe just a panel is in a park; it is simple as it has a few Universal Serial Bus (USB) ports; a person cannot be electrocuted; but it has the power to charge a cell phone. He went on to say he went out and looked at the new lifeguard towers; he talked to a young lieutenant out there; they do not have power; he told him he was going to have to get them a solar panel so he can at least charge his phone; he is mindful of those things; and he thanked Mr. Snooks for his comments.

Commissioner Pritchett stated the Items the Board voted on at the workshop are coming back for two public hearings to finalize what was talked about; and she asked if there are two more opportunities for public comment.

Morris Richardson, County Attorney, replied in reality, more than that; in fact, the specific item that was addressed at the workshop, the Board had taken consistent action in Agenda Items by vote, not once but twice, where there was opportunity for public comment on the specific Item; at the workshop there was direction to staff in preparing the budget; the budget will come back a minimum of two times for public hearings in August and September pursuant to Statutory requirements; and other Items that were discussed relating to things like grants will all come back to the Board for official action, and that is when comment will be required on those Items.

Commissioner Pritchett stated she thought that would be good clarification that there will be two more opportunities at least for public comment on those Items before they are finalized in the budget; another thing, and the Board has done this for years, Commissioners are able to bring Items that are not on the Agenda to the Commission; that is what the Commissioners do, it has to be discussed; and she asked if the Board is allowed to do that and make votes, and it is not illegal for it to do that.

Attorney Richardson replied the Board can bring Items in Board Reports which are generally in a ministerial nature; and it is only if the Board takes an official action that then some public comment is required on that action.

Commissioner Pritchett noted it is advertised.

Attorney Richardson stated issues can be raised at meetings that can require comment at that meeting, depending on the nature of the issue and whether it is official action or not.

Commissioner Pritchett commented she thinks the Board has discussed this before; a couple of things were stopped as the Commissioners decided he or she needed more time before taking votes, so it is not something the Board typically practices; but it could happen sometimes; it is not necessarily inappropriate; the Item voted on in the budget meeting still has to go through a few more clarifications before it gets to be part of the budget; and she reiterated there is still opportunity for public comment.

Upon motion and vote, the Board adjourned at 7:24 p.m.

**Result:** Approved

**Mover:** Rob Feltner

**Secunder:** Tom Goodson

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

ATTEST:

\_\_\_\_\_  
RACHEL SADOFF, CLERK

\_\_\_\_\_  
JASON STEELE, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board 05/21/2024.