

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, January 14, 2025

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:00 PM

Rollcall

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

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

Commissioner Delaney led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: October 22, 2024, Regular Board Meeting; November 7, 2024, Zoning Meeting

The Board approved the October 22, 2024, Regular Meeting Minutes and November 7, 2024, Zoning Meeting Minutes.

Result: APPROVED

Mover: Tom Goodson

Second: Thad Altman

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

E.1. Resolution recognizing January 19-25, 2025, as National CRNA week

Commissioner Altman read aloud, and the Board adopted Resolution No. 25-001, recognizing January 19-25, 2025, as CRNA week.

Result: ADOPTED

Mover: Thad Altman

Second: Katie Delaney

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

E.3. Resolution recognizing the Fitness Club Youth Powerlifting Team

Chairman Feltner read aloud, and the Board adopted Resolution No. 25-002, recognizing the Fitness Club Youth Powerlifting Team.

Frank Buzzo stated the kids started powerlifting three years ago, their hard work and dedication has paid off, and their memories they have made will last a lifetime. He advised he thanked God for blessing him to be a part of the kids' hard work and dedication; and he thanked the Commissioners for recognizing the kids and their accomplishments.

Result: ADOPTED

Mover: Tom Goodson

Second: Katie Delaney

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

E.2. Presentation regarding Speak Up Brevard Citizen Efficiency and Effectiveness (CEER) program for the Board of County Commissioners to receive and consider citizen recommendations.

Don Walker, Communications/SCGTV Director, stated he was asked to give a presentation on the Speak Up Brevard campaign; this is an initiative that started in 2010, officially known as the Citizens Efficiency and Effectiveness Recommendations (CEER) Campaign, approved by the

Brevard County Charter Review Commission in 2010; basically, the program invites residents one month out of the year, in January, to submit ideas to the County that the people believe will help improve operations; in 2011, they have done over 175 CEER recommendations, and of those, they have approved 21; approved revisions means all of the recommendations were not approved, but there were some elements of the recommendations that they were able to be incorporated in the day-to-day operations, and 99 of those were rejected; and examples from last year where they were asked if there was a way they could include Pickleball sites on their website, and they also extended the hours of the Port St. John Library. He stated last year they did some updates to the program, language improvements to make the Charter jive with what the Board Policy is on the program; they also moved the program from the month of December to January when a lot of folks are on holiday; they also moved the evaluation deadline that the County staff has to look at to review, evaluate, and make recommendations; they increased the timeframe from 45 to 90 days, basically a result of the fact that over the last couple of years the number of CEER recommendations they have received have greatly increased; and also added were some administrative rejection recommendation options by the County Manager, which allows him to reject a CEER if it is not under the County jurisdiction. He went on to say they get a lot of those that deal with other agencies, municipalities, and the School Board; people think the government is all inclusive when it is not; and if it is a recommendation that does not necessarily do what the program guidelines are, staff can remove those as well. He mentioned the submission deadline for this year is January 1st through January 31st; as of today, they had 22 CEER recommendations; the evaluation period, once that period ends on January 31st, they will have 120 days to do all of their reviews and evaluations before turning those over to the Board; once turned over to the Board, the Commission reviews them, then they will see their recommendations, and ultimately, whatever the Board direction is, is how they move forward; before the Board makes its final decision, any of the citizens who made recommendations are notified in advance of that Board meeting to let them know that their recommendation have been reviewed and that the findings have been turned over to the Board; and if a citizen wants to show up at the Board meeting to comment about their recommendation, or at least be there when the decision is made, they are notified well in advance so the citizens can be there. He noted as far as the program itself, since January 1st, all the CEER recommendations that have been made are on the webpage and they are available to the public, they can review theirs and others that have been made, as those are there through the process and afterwards even after the Board makes its decision; while the CEER program lasts from January 1st through the 31st, for 365 days a year there are other ample opportunities for the public to make recommendations to the Board; people can do it on the website; there is a tab that the people can go to, and on any given day of the week at any hour of the day, they can make recommendations and they can come to the Board meetings to talk during public comments, and reach out to the individual Commission offices; and if a Commissioner feels that a recommendation that has been made bears merit, he or she can bring it to the rest of the Board to see if that Board member can get a buy-in from the rest of the Commission.

Commissioner Delaney asked if the Board was discussing this after questions, or is this time for a little discussion.

Chairman Feltner responded there are no cards normally on these Items, there were no other questions, and she is recognized in discussion.

Commissioner Delaney expressed her thanks to Mr. Walker for putting the presentation together and all of the work that he has put into making this year the best it can be; she stated at the last meeting, she remembers hearing Commissioner Altman mention that he had not heard of this program and that is why she asked for the presentations, so not only Commissioner Altman could know but to also give the public a refresher; like Mr. Walker said

the Board had 22 suggestions so far, everything from faucet repairs to libraries to animal shelters to department budget accountability; she just wanted to put it out there that the program is highly regarded by the public; and the residents want this program, they fought for it, voted for it, and there was even a rally last year with over 25 residents protesting outside of the very building the Board meeting is in. She mentioned the people were asking for a more robust program, and there were multiple articles about this in the newspaper; she actually reviewed the minutes from the Charter Review where it was brought in; in her opinion, it was clear that the intention was to have a discussion and a collaboration between the County and the citizens; that goes along with her workshop idea; and she referred to the April 9th meeting last year where Commissioner Goodson mentioned more collaboration between the public and the County with the program. She asked if anyone was interested in participating with her in having a workshop either February 18th or 27th at 5:00 p.m. to discuss the proposals.

Chairman Feltner responded that should be an Agenda Item; and he asked if Commissioner Delaney minded putting that on the next Agenda for January 28th.

Commissioner Delaney asked other than voting on it, if there was any way that she could discuss it, that way she would know what kind of Agenda Item.

Chairman Feltner responded that the Board was in discussion now; and he asked if there is anyone else who wants to discuss the Item.

F.11. Appointment(s) / Reappointment(s)

Sandra Sullivan asked if this was for appointments.

Chairman Feltner responded yes.

Sandra Sullivan stated that she objects to a couple of the appointments; this is an email dated January 9, 2025, from the County; it says District 2 Commissioner seeks applicants for three citizen advisory boards; Merritt Island Redevelopment Agency (MIRA) is not among those; at the last County Commission meeting, she spoke specifically to this point and made a request that the County had multiple people that sit on boards for nearly 20 years; and it was time it has a policy on this that people are not to serve longer than eight years. She remarked they advertise what this Commission has done in the past is when somebody exceeds eight years, they are instructed to go and advertise on the part of that Commissioner's District for those to put applicants into those seats; if they cannot find them, then they can waive the term limits; and on the Agenda and it says a waiver of the term limit is recommended due to the difficulty to fill the appointment. She stated she knows for a fact that there is a lot of people that want to fill the position and have asked to be in this position; therefore, she is requesting this Board to reject putting Marcus Herman on there; in addition, there are other issues with Mr. Herman that he led the incorporation committee, a Political Action Committee (PAC), and used his influence as Chairman to waive the fees of the veterans; and when she brought it up at the MIRA meeting, Mr. Herman finally paid the fee. She commented there are issues with brownfields and other things that other people will talk about on that; on the MIRA website, there are cami ads and some of their members are on that incorporation committee; according to the email, Mr. Herman was going to come here under Public Comment and Merritt Island incorporation was approved under a Public Comment, which is not legal under Florida Statute, it has to be on an Agenda Item; and the Board cannot take a vote under Public Comment without public input. She stated the other one she objects to is Larry Jarnes on the Tourism Development Council (TDC); she looked up the companies he owns and she did not see any that meet the requirement which is on the category he is under; it is for hotel, motel, RV park, some other tourist related business; and she looked up his businesses on Sunbiz, she sent the Board an

email, she does not see any of his businesses in that category, and she is making the recommendation to reject that one as well.

Diana Schommer stated she is here to speak against Marcus Herman because he is in favor of incorporation, she is not; she lives on Merritt Island; it was voted down in 1989, it was stopped again in 2012; why people keep facing it, she does not know; she walks a lot of streets and knocks on a lot of doors; all that she has done, she has not talked to one citizen in Merritt Island that is in favor of incorporation, yet there is this great effort to push it and ram it down the people's throats, it is her understanding that with this PAC they have already engaged a marketing firm, which is just to put lip stick on a pig, because everybody knows that incorporation is going to bring another layer of taxes; it is going to bring another layer of rules and the people do not want it or need it; and Mr. Herman is in that camp, she does not think he should be in MIRA, his bias is not right, and she highly objects to it.

Diane Locklair stated she was born and raised on Merritt Island, and this has been an issue repeatedly; in her growing up years it was an issue, in the 80s it was an issue, and now again recently, with some questionable practices that led to there being a study and money spent; she is against the appointment of someone who exceeds term limits without other people who are interested in seating in one of those positions who has a contrary or broadened viewpoint beyond Mr. Herman and the other gentleman; the people need some new ideas and not these same old, stale ones that keep getting turned down; but it will be nice to have all the same color trash cans, is what one of the foul ideas was promoted to people to try to get behind, and it was pushed down the people's throats. She stated she agreed with the last two speakers; these people should not be confirmed; and they need to be opened up to other applicants who are interested but are being ignored.

Stel Bailey stated she is concerned about the appearance, the nepotism, and the potential of this; she does not understand why the Board continues to reappoint people that stay on these Boards 20, 30, or 40 years; she has heard from other cities that the County does not get enough people that apply; she asked is the County advertising; how is the County pushing it out to get people aware of these boards, which make very important decisions for the County and they advise all of the Commissioners sitting up there; she pointed out she came here because she strongly objects to the appointment of Andrew Connor to the Tourism Department Council; and she objects because he is in health insurance and he does not know anything about tourism. She asked why the Board is putting this guy on a tourism, picking him out of the entire County to go on this Board; and she stated he does not know anything about it, does not have any experience, and he has a lot of controversy right now in the City of Titusville where she believes there is alleged involvement in election interference that undermines the integrity and trust that should be foundational for any public servant, such as, actions of true conflict directly with the values and standards people expect from those in leadership roles. She stated her last issue with this is a different District appointing, District 2 is appointing a District 1 appointee; if the Board going to do that, then maybe Commissioner Goodson can put her on some boards for Commissioner Delaney's District; maybe Commissioner Altman could put Sandra Sullivan on some boards; and the Board may want to consider that avenue as well.

Kevin Jeffrey stated he is the president of the Brevard County Republican Assembly, an organization that goes back to 1935 in California; Ronald Reagan loved this Republican assembly; and he said it is the conscience of the Republican Party. He stated he wanted to ask some questions because he wants to try and find out about Andrew Connors that the Board is going to appoint; he asked if it is the same Mr. Connors who harassed his mayoral opponent by putting up fraudulent signs in front of her established area and filed charges against her; is it the same Mr. Connors who lied to the people of Titusville to get votes and was going to bring a

Chik-fil-a; is it the same Mr. Connors who engaged the Titusville police to use the Brevard County Sheriff's Department to go after a guy who posted things on the internet about him that he did not like; is it the same Mr. Connors, who on the first day of office refused to uphold the Home Rule and case law on constitutional rights of the citizens who voted 82 percent to pass an initiative; and is it the same Mr. Connors who is accused of harassing doctors, a disability investigation, and also suing a paralyzed citizen who was involved in an accident with him. He mentioned if this is the same Mr. Connors, he wants to give this quote, from George Washington, the first President, he said, "Associate yourself with men of good quality if you esteem your reputation for it is better to be alone than to be in bad company"; in this case, it is better to be leave this position open than to put in a guy who has shown himself to have bad character, he has a bad reputation in Titusville; the thing about it is he believes in a year's time the people are going to have to deal with him; but at this point in time, the Board does not want to allow him to be a part of Brevard County and diminish the rest of the County by his antics; he has shown himself to be a guy that has bad character; and he asked please do not, for the sake of Brevard County, put this guy on any board.

Elizabeth Michelman stated she lives in Merritt Island; the Board is not aware of what the people are really here about or some of the issues; she provided the Board a list of the Board members from last year; she advised she feels strongly about this issue; the issue that the people are having, there is an Ordinance that was put into place in 2022; within this Ordinance, there are timed term limits for seating board members; it is done for a specific reason; and she would like the Board to look at that Ordinance at his or her leisure. She stated on the list he or she took away and it is advertised on one of the pages she handed to the Board; there is an advertisement for four vacancies, she feels strongly about a couple individuals on the board; she spoke with Tyler Sirois who in turn set up an appointment with Morris Richardson, County Attorney; and at that point, she had a discussion about this. She explained there is so much to cover about this and so little time, but this is what it is all about; there is an Ordinance in place, please consider that; 20 years is a lot of time to empower an individual that has no oversight, like the Commissioners who are elected and limited to two terms; these guys are supposedly limited to eight years; and Marcus Herman who is here, he has been on the Board for almost 20 years. She stated Andrew Barber has been on the Board for 15 years; there is a bias, these people are not wrong, it is in Florida TODAY; she is more than happy to share the article, but they have gone on the record as promoting incorporation; and they do more for incorporation than they are doing any good for MIRA. She mentioned she has more details about it that she would love to share with any of the Commissioner's offices; she would be more than happy to sit down with he or she; the point is, why are people corrupted by power; it is not because it absolutely corrupts; and it is simple, he or she has given themselves the time and the energy, and they have the information and the wherewithal, plus the power of knowledge, to know how a system works.

F.1. Florida Department of Environmental Protection (FDEP) Grant L0010 Septic Upgrades to Advanced Treatment Units

The Board authorized the Chairman to execute the grant contract upon review and approval by the County Attorney's Office, Risk Management, and Purchasing; authorized the County Manager to execute any future amendments to the contract; and authorized the County Manager to approve related Budget Change Requests.

Result: APPROVED

Mover: Tom Goodson

Second: Thad Altman

F.2. Permission to Accept a Grant from the Florida Fish and Wildlife Conservation Commission and

Matching Fund Donations for Artificial Reef Construction

The Board authorized Chairman to execute the Artificial Reef Construction Grant Agreement between Brevard County and the Florida Fish and Wildlife Conservation Commission; accepted matching funds donations; authorized staff to competitively bid and the County Manager to execute a construction contract with the lowest responsive and qualified bidder; and authorized associated Budget Change Requests.

Result: APPROVED

Mover: Tom Goodson

Seconder: Thad Altman

F.3. Preliminary Development Plan Amendment, Re: North Viera Planned Unit Development (PUD) Minor Amendment #7. (24PUD00006) (District 4)

The Board confirmed a proposed amendment that the North Viera PUD is not considered substantial and is within the administrative authority provided to the Zoning Official by Brevard County Code of Ordinances.

Result: APPROVED

Mover: Tom Goodson

Seconder: Thad Altman

F.4. Waiver Request, Re: Waiver of Wall Requirement for North Hill Development LLC Site Plan (24SP00018) District 1

The Board granted a waiver of Section 62-3202(h)(10), which requires a 6-foot masonry or solid wall when commercial developments within BU-1, BU-2, or industrial zoning classification are adjacent to residential zoning to allow fencing and vegetation, approval is subject to the criteria, design, and uses depicted in approved site plan 24SP00018 and maintaining the proposed fencing and vegetation along the northern property line.

Result: APPROVED

Mover: Tom Goodson

Seconder: Thad Altman

F.5. Adopt Resolution and Release Performance Bond: Del Webb at Viera, Phase 4 - District 4 Developer: Pulte Home Company, LLC

The Board adopted Resolution No. 25-003, releasing the Performance Bond dated April 4, 2025, for Del Webb at Viera, Phase 4 – Developer: Pulte Home Company, LLC.

Result: ADOPTED

Mover: Tom Goodson

Seconder: Thad Altman

F.6. Approval to purchase a Komatsu D85 Dozer

The Board authorized the Solid Waste Management Department to purchase one (1) Komatsu D85PX-8-WH Dozer as a substitution for the Caterpillar 836K Landfill Compactor that was in the Adopted FY 2024-25 County Operating and Capital Budget in Solid Waste Management Department's Capital Outlay Summary approved by the Board on September 24, 2024, and to be competitively procured.

Result: APPROVED

Mover: Tom Goodson

Seconder: Thad Altman

- F.7.** Submittal to Florida Senate Local Funding Initiative Request and Florida House of Representatives Appropriation Project Requests for FY 25/26.

The Board approved applying for the Florida Senate Local Funding Initiative Request and Florida House of Representatives Appropriation Project Requests for FY 2025-26 and to utilize Brevard County Utility Services funds for matching grant funds; and authorized the County Manager to execute all contracts, contract amendments, and any contract extensions, Budget Change Requests, and change orders, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

- F.8.** Board approval, Award Emergency Medical Services (EMS) County Trust Grant Funds to local providers for 2024-2025.

The Board received and awarded EMS County Trust Grant funds to local EMS providers who have submitted grant applications; authorized funding be provided to the County from the Florida Department of Health (FDOH); and delegated authority to the County Manager to approve any Budget Change Requests or other administrative actions as required.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

- F.9.** Approval, Re: Budget Amendment

The Board reviewed and approved the Budget Amendment.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

- F.10.** Resolution setting forth the findings and conclusions of the Board of County Commissioners re: the denial of a request for a change of zoning classification from BU-1 to RA-2-4 on property owned by Schwa Inc.

The Board approved and adopted Resolution No. 25-004, setting forth the findings of fact and conclusions of the Board pertaining to the denial of a change of zoning classification from BU-1 to RA-2-4 on property owned by Schwa Inc.

Result: ADOPTED

Mover: Tom Goodson

Seconders: Thad Altman

Appointment(s) / Reappointment(s)

The Board appointed/reappointed Kenneth Koby to the District 2 Canal Dredging Committee, with term expiring December 31, 2028; Jack Ratterman to the District 2 Canal Dredging Committee, with term expiring December 31, 2028; Peter Black to the Merritt Island Redevelopment Agency, expiring December 31, 2028; Jeffrey Daniels to the Merritt Island Redevelopment Agency, expiring December 31, 2028; Marcus Herman to the Merritt Island Redevelopment Agency, expiring December 31, 2028; Marissa Kahn to the Community Action Board, expiring December 31, 2027; Andrew Connors to the Tourist Development Council, expiring December 31, 2028; Larry Jarnes to the Tourist Development Council, expiring December 31, 2028; Alexander Rumsey to the Investment Committee, expiring January 14,

2027; and Charles Hardin to the Parks and Recreation South Service Sector Advisory Board, expiring January 14, 2027.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

F.12. Board Approval of the 2024-2025 Board Liaison Appointments

The Board appointed Commissioner Katie Delaney as Commissioner Liaison to Central Florida Expressway Authority, East Central Florida Regional Planning Council (ECFRPC), Election Canvassing Board (Alternate), Florida Association of Counties (FAC), FAC Board of Directors for District 19, and Transportation Planning Organization (TPO) for 2025; appointed Commissioner Tom Goodson as Commissioner Liaison to Election Canvassing Board, Florida Association of Counties (FAC), and Transportation Planning Organization (TPO) for 2025; appointed Commissioner Kim Adkinson as Commissioner Liaison to Florida Association of Counties (FAC), Indian River Lagoon Council, Affordable Housing Advisory Committee, Transportation Planning Organization (TPO), and Value Adjustment Board (VAB) for 2025; appointed Commissioner Rob Feltner as Commissioner Liaison to Florida Association of Counties (FAC), Indian Lagoon Council (Alternate), Public Safety Coordinating Council, Tourism Development Council (TDC), and Transportation Planning Organization (TPO) for 2025; and appointed Commissioner Thad Altman as Commissioner Liaison to East Central Florida Regional Planning Council (ECFRPC)(Alternate), Economic Development Commission (EDC), Florida Association of Counties (FAC), Transportation Planning Organization (TPO), and Value Adjustment Board (VAB) for 2025.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

F.13. Precinct Boundaries - Altered and Added (Chapter 101.001 (1) F.S.)

The Board approved and revised precinct boundaries due to annexations by the City of Melbourne.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

F.14. Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

F.15. Annual Investment Performance Report Year Ended September 30, 2024, County Finance Department

The Board approved and accepted the Brevard County Annual Investment Performance Report for the Year-ended September 30, 2024.

Result: APPROVED

Mover: Tom Goodson

Seconders: Thad Altman

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

Charles Tovey stated Happy New Year, happy day, and they all woke up today; it is the gift of life; life is a learning experience unless he or she is a moron and cannot learn about mistakes and does not want to grow; besides that, another suggestion he would like to make is the Board's District numbers by their names, that way everyone can clarify who is voting for what; sometimes there are clarification issues; and it would help him. He mentioned he holds Commissioner Feltner personally responsible, whatever people do to me him do to God because he gives his life and soul first to God, he is a disciple of Jesus Christ, God his savior; he is learning and it takes him awhile; and he has enjoyed learning and being close to God the past years. He thanked Commissioner Feltner and he hopes and prays that God rewards him with ultimate blessings because he not only recognized his right to live, but he has also restored his life, liberty, and pursuit of happiness, which every day is a growing process for him; and he tries to enjoy all endeavors of life as much as he can, and where and how he can. He mentioned he used to speak twice at every meeting, Public Comment; and then he would speak on Agenda Items as well. He expressed his appreciation to the Commissioners and hopes to work with he or she in cooperation; he noted he is not against anybody, he is for God, to help, and to love. He mentioned in the Old Testament, sea cows were used for God's temples; sea cows can be considered sacred animals; but people have no use for them, so people make leather coats, tents, and stuff out of them. He stated another thing he wanted to speak on was pedestrian safety, especially at Pineda Causeway/US-1, wildlife, and the Lagoon; he has suggestions on the recovery of Wickham Park; when he was a kid he used to swim there, enjoyed it, the fish and all the other stuff; and he expressed his thanks to the Commissioners and hopes to see he or she.

Christy Barnett asked if the Board can imagine discovering an easement that has been invalidly granted and recorded for the land as bulldozers are arriving to demo; imagine the mad dash to gather all the information he or she can and searching for an attorney before the property is destroyed; imagine presenting the information to those in charge of the project and being told that they intend to proceed by any means necessary; she stated this is the nightmare her family has been living since late October of last year; and now to imagine the County is responsible for all of it. She commented when workers started to appear in her back yard she had to search out plans and found the Oak Park drainage project in the works; then they saw that the design of the project had a three-foot concrete pipe cutting right through the backyard; she called her father-in-law, who is a real estate expert in Northern Virginia to help; her family started digging through the public records and found where the Homeowners Association (HOA) had granted the County a permanent easement to their property; and she asked how can anyone give a permanent easement to their property other than them. She mentioned her father-in-law is a licensed surveyor in multiple states and found many errors on the plans within minutes; he was as surprised as her family was that the project got to the boots on the ground stage without someone discovering the simple property boundary error; he said and she quotes, "had the slightest bit of due diligence been done we would not be discussing this, someone should definitely lose their license here;" that HOA since 1988, provided all parties with copies of their survey and explained that their HOA does not own the land; they joined the meetings in their backyard between the County representatives and the construction company; it was apparent that they were not a welcome addition to the conversation; and they were told in the most disrespectful way by the County representatives that they were going to continue to get the pipe in the ground even while acknowledging that they were using inaccurate engineering plans by any means necessary. She remarked she has continuously tried to come to a resolution with the County, but instead of working with them, staff has threatened to remove their pool if they did not sign over the easement that the HOA has given them a pool that has been permitted by the County; instead of collaborating it felt like they were being extorted; meanwhile, the County

told the construction company to proceed without their permission; she feels defeated as a citizen who is and has always followed proper policies and procedures, only to be bulldozed by the local government who knew that their information was incorrect; the clear disrespect to them as property owners, mistakes made or not, is unacceptable; the double standard is unacceptable; and citizens are definitely not allowed to just push their way through improper planning, consequences be damned. She asked the Board to please help her explain to her children, ages 11 and 13, why the government that is supposed to protect their rights has instead chosen to bulldoze them and the backyard while they could have worked something out with them to come to a solution to make this right; she mentioned she sent each Commissioner an email with further details; and she asked to please get to the bottom of this so others will not have to endure such a nightmare.

Sandra Sullivan stated she is concerned about the state of the County; she was at a meeting and saw a building in Titusville where the paint is peeling, deplorable conditions; Commissioner Goodson's building looks like he walked out in 1960; the meeting building, very poor condition, leaking windows, toilets that back up, mechanical failures, and the County is not maintaining; there is almost \$1 billion in transportation deficits; she saw on a bid award of \$33 million for the dump out west; and she asked what the total is on that. She pointed out there was supposed to be \$33 million then it went up to \$40 million; she asked what it is now; but she stated the Board is not going to tell the people what is going on; that is what the Board does; and there is a lack of accountability and transparency. She asked what is coming, the Fire Department where it is down like 75 firefighters; the County is losing them, it is bleeding firefighters because they are not getting adequate wages to live by; the County appears to be poor but 'we the people' are the Space Center; and the people should be wealthy. She noted the County should look like Dubai; Dubai is beautiful; she uses that country because Dubai is here; when one goes to the Port, he or she are welcomed to the Dubai of America with the Exploration Tower and the investments; there are hundreds of billions of dollars here; she asked is this America or is this Dubai; and Brevard does not look like Dubai, the people look poor. She stated what she thinks is coming is the tax cap being removed, because when she was running for office, she was told by staff that the County wanted to remove it; she brought the County an Attorney General Opinion (AGO) that was dated 2012; if the Board had an ordinance for Emergency Medical Services (EMS) assessment prior to 2002, then it could be moved to below the line, but there is no will to do that, so there comes apparent there is another Agenda; her belief is that the Board is purposely creating a disaster with the Fire Department so the Board can say to the public to buy-in here is a disaster, buy-in to tax oneself; and to do away with the three percent cap, is what she believes is at play, manipulation of the people for higher taxation. She commented she would like to see the Board act like fiscal conservatives, later on in the Agenda, there is money that the Board is moving to one area; it should be going to deal with the firefighters; and the Board should be addressing impact fees that have not been updated in 35 years.

Diana Schommer stated she wanted to use the time to talk about Community Redevelopment Agencies (CRA); she called a woman named Cathy; she was very disheartened to find out that they are down to 11, because about 10 years ago when she did that study, the people had 22 CRA's; these agencies work by giving a grant to a business; she does not understand why any public money should go to any privately-owned business; and once that grant is given to a business, all the increasing taxes that business, that their property taxes as they get bigger, all that upper amount goes to the Merritt Island Redevelopment Agency (MIRA), in a Community Redevelopment Agency that gave a grant; and it goes to them for 40 years. She explained of the 11 CRA's that the people have, out of their general budget, \$7,361,931 went to the CRA's; Merritt Island received \$1,513,986; she is inherently against CRA's; for starters, it is taking over \$7 million out of the General Fund; and if it is done away with there is seven more million dollars that can pay for the things that are really needed, instead of painting other businesses

front doors for them. She noted most other states have done away with it; she does not understand why it is being hung onto; and does not understand the purpose. She stated she is against CRA's because they take her tax dollars and it is given to an agency that the Board lets do whatever they want to with it; it is little oversight; she never voted for CRA's to begin with, they should go away; and the County needs the money for the County.

Commissioner Goodson asked if she was aware that MIRA gives \$250,000 a year for 10 years to the bridge repair on Merritt Island.

Ms. Schommer responded, no.

Commissioner Goodson asked if she was aware that MIRA put in a bus terminal, benches covers for people travelling on the bus.

Ms. Schommer stated it still is not right.

Commissioner Goodson asked if she was aware of the fact that MIRA takes the maintenance of State Road 520 to cut the grass and all that.

Ms. Schommer responded and they put in the trees; MIRA received a Federal grant; and yes, she is aware of that.

Commissioner Goodson asked if MIRA does nothing of value.

Ms. Schommer stated she does not want it.

Commissioner Goodson stated that she is one of a multitude.

Ms. Schommer stated she is not the only one.

Commissioner Goodson stated there are three, she is right.

Diane Locklair stated she sees very little value for considerable chumminess on specific interests that serve a lot of people and makes wealth for a small group of people; she does not see the cost analysis benefit for CRA's; she heard what Commissioner Goodson said; that is nice that MIRA mows the lawns; but the County would have to do that anyway, they do not need a CRA to do that; and she does not see a benefit to MIRA, especially if they are going to house it with people who have a vested interest, have agendas, and do not care what citizens think.

H.1. Petition to Vacate, Re: Public Utility Easement- 3214 Armen Drive - "Armen Groves" Plat Book 74, Pages 69-72 - Merritt Island - K Hovnanian at Armen Groves LLC - District 2

Marc Bernath, Public Works Director, stated H.1., is a petition to vacate a public utility easement at 3214 Armen Drive; it is located in Merritt Island, east of North Courtenay Parkway and north of Smith Road; and they are seeking five feet of a 10-foot wide public utility easement meant to protect an existing manhole from being covered with future utilities.

There being no comments or objection, the Board adopted Resolution No. 25-005, vacating a portion of a public utility easement in Plat "Armen Groves", Merritt Island, lying in Section 11, Township 24 South, Range 36 East, as petitioned by K Hovnanian.

Result: ADOPTED

Mover: Tom Goodson

Seconders: Katie Delaney

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

J.1. Adoption of State Housing Initiatives Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report.

Juanita Jackson, Housing and Human Resources Director, stated this is a presentation to provide background for the State Housing Initiatives Partnership Incentive Strategy Report; approval of this report facilitates the continued receipt of SHIP funding for the Florida Housing Finance Corporation, which this year is \$2.6 million; SHIP are funds provided to local governments as an incentive to create partnerships that produce and preserve affordable home ownership and multifamily housing; SHIP is funded from documentary State stamp tax collections; and SHIP funding can be used for emergency repairs, new construction, rehab, down payment, closing costs assistance, and matching dollars for Federal housing and grant programs. She went on by saying Florida Statute 420.9076 is the adoption of affordable housing incentive strategies and committees; it establishes that each municipality that participates in the SHIP program must establish an affordable housing advisory committee and produce an annual report on the local affordable housing incentives; in conjunction with the incentives report, the committee annually reviews the affordable housing policies and procedures, ordinances, Land Development regulations, and adopted local government comprehensive plans; the committee then recommends specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of his or her property to appreciate in value, SHIP funding is contingent on the committee annual report, which is before the Board this evening; and examples of the repairs completed serving the citizens of Brevard County with the SHIP funding is a walk in shower with grab bars, electric service panel replacement, a full roof replacement and a condenser unit replacement.

Chairman Feltner asked if there were any questions for Ms. Jackson.

Commissioner Delaney expressed her appreciation to Ms. Jackson for giving the presentation. She stated when she asked for this presentation, she felt like it was something that the public would be interested in hearing about; and she loved that she put in the presentation some of the different things that this program is doing to help the community.

Chairman Feltner asked if there was any other discussion on the Item, and if there was a motion to approve.

The Board approved the SHIP 2024-2025 Affordable Housing Committee Incentive Strategies Evaluation and Recommendation Report.

Result: APPROVED

Mover: Kim Adkinson

Seconders: Katie Delaney

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

J.2. Staff Direction: Funding for Parks and Recreation Department Repairs Due to Hurricanes Helene and Milton

Frank Abbate, County Manager, stated he was passing out a set of photos that he received before the meeting, pictures of items that are included in the appendix of the Agenda Item; and he was asked to distribute the pictures to the Commission.

Ian Golden, Parks and Recreation Director, stated Agenda Item J.2., is requesting direction from the Board regarding hurricane damage to Park lands and facilities; there is \$2.3 million worth of damage to Parks facilities, as well as a natural resources project that there is currently no funding identified for; this provides four options for the Board; the first option is to authorize the County Manager to advertise a public hearing for the January 28th Board meeting to recognize unanticipated balance forward from the Charter Officers in an amount not to exceed \$2.3 million; typically, that is recognized in April; this will allow staff to move forward more quickly; and it also allows the County Manager to approve all necessary Budget Change Request. He went on to say the second option is a loan from the General Fund Reserves on an as needed basis for that same dollar amount at \$2.3 million, authorizing the County Manager to execute internal loan documents, approve all necessary and reasonable, appropriate budget change requests; the third option is do not proceed with repairs until a funding source has been identified and approved by the Board; there are potential impacts with that; the first being that staff is currently in a 90-day window where Staff does not have to seek permitting to bring these damaged items to pre-storm conditions; and a 90-day window that is from the date of the last emergency order signed by the County Manager. He stated the other thing is if there is another storm before repairs are done, Federal Emergency Management Agency (FEMA) will not cover those repairs in the future; and the fourth option is any other direction as provided by the Board.

Chairman Feltner asked if there were any questions.

Commissioner Goodson asked if the FEMA money was two or three years out.

Mr. Golden responded, not typically, staff is actually still waiting for Hurricane Irma funds, so it is typically more along the lines of five to seven years.

Commissioner Goodson asked so the \$2 million now would be five years, seven years out, right, to reimbursement.

Mr. Golden replied correct, potentially.

Commissioner Goodson asked the permitting now, would that be easier or would staff still have to go through consultants and engineering.

Mr. Golden advised staff would still have to do design for some of the repairs, some of the repairs staff has moved forward with, the ones that staff can do in-house, but these are projects that are a little larger; some of them still need design; for example, Eau Gallie boat docks need to be designed for repairs; and it is for the permitting, so an example would be staff would not have to go to St. John's.

Commissioner Goodson asked like anything else, staff would have a Volkswagen dock and a Cadillac dock, who decides on the Cadillac docks.

Mr. Golden responded if staff wants to remain where they would not have to pull permits or go through that process, it has to be brought back to the condition it was in prior to the storm, staff cannot make improvements to those structures beyond what was there before the storm.

Commissioner Adkinson asked if the \$2.3 million was going to be spread over North Central and South, everything that is listed here.

Mr. Golden stated it is everything that is on the list, yes ma'am.

Commissioner Delaney asked if all of the projects are being built or submitted to FEMA.

Mr. Golden responded that the projects are in the process, staff has to submit to insurance, and FEMA wants to see what insurance will pay for first; but it is in the process for reimbursement.

Commissioner Delaney asked if staff knew how much would be reimbursed by FEMA.

Mr. Golden stated staff does not know, FEMA could reimburse everything staff has asked for minus the insurance; he believes there has been projects in the past where FEMA has reimbursed none of what staff has asked for from them.

Commissioner Goodson asked Mr. Abbate, the FEMA response on the bridge on Merritt Island, if FEMA has not responded to that yet either.

Mr. Abbate responded no, they denied it, staff appealed it, and it is still in process.

Commissioner Goodson asked how many years has it been.

Mr. Golden responded with staff it is on year seven right now.

Commissioner Adkinson inquired since staff is on a timed deadline, of the four choices, which one is the quickest.

Mr. Golden stated in his opinion, option one would be the quickest because it keeps staff within the FEMA window or the permitting window.

Commissioner Delaney stated she understands the time crunch and how the process works, but the Board and staff are sitting there talking about parks when the firefighters out there are in a pretty serious crisis, and she is frustrated.

Commissioner Goodson stated he would like to make a motion that the Board accepts number one, to direct staff to proceed.

The Board authorized the County Manager to advertise a public hearing for the January 28, 2025, Board meeting to recognize unanticipated balance forward received from Charter Officers excess fees in the General Fund and an appropriate amount not exceeding \$2,342,601, for funding for Parks and Recreation Department repairs due to Hurricanes Helene and Milton, as the unanticipated balance forward is typically recognized in April upon completion of the annual financial statements; and authorized the County Manager to approve all necessary Budget Change Requests.

Result: APPROVED

Mover: Tom Goodson

Second: Thad Altman

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

J.3. Election of Value Adjustment Board Chairperson

Chairman Feltner stated the Board has to vote on the Item, but it only concerns a couple of the

Commissioners, it is between Commissioner Altman and Commissioner Adkinson; and the Value Adjustment Board (VAB) needs a Chairperson.

Commissioner Adkinson stated she would like to move that the Board have Commissioner Altman be the Chair.

Chairman Feltner stated the Board has a motion for Commissioner Altman to Chair the VAB.

The Board appointed Commissioner Altman as the Chair of the Value Adjustment Board for the remainder of the 2024-2025 season.

Result: APPROVED

Mover: Katie Delaney

Seconder: Kim Adkinson

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

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

Brent Wohlenberg stated he was hoping he could come up and save the Board some money so the Board can spend it on other things; in the Florida TODAY newspaper; it sounds like more sand for beaches is on the way for Brevard; it sounds like the County is rescuing, but they are spending \$47 million; and they can take that sand and put it in the Lagoon, put their foot on it, and feel the chemical reaction. He reiterated that he hopes he can save the Board some money, because he can see there are disasters in other areas; the \$24 million storm treatment plans would be unnecessary. He mentioned in the 60s all of the roads were shell so the water that ran off was high in Potential of Hydrogen (pH) before it hit; around the country, the fires, that disaster, was a disaster before the fires even started; metal roofs, fire retardant paper, clean the brush under the eaves, and all the things that could have been done before the fire came; then to just lock the doors; locally, he noticed a lot of the apartment complexes use a whole lumber yard building them; he does not understand why metal studs were not used instead; before the hurricane, he or she needs to make sure it can withstand the wind; and wind tunnel testing, or whatever, there are things that could mitigate the problem like building concrete walls so the wind would hit the walls before it hit the building. He mentioned when he helped build the hospital in Viera, they used tilt wall construction and he does not see why if there is a slab, be it from the hurricanes in North Carolina to the Coast of California, if there is a slab, there are measurements that could prefabricate tilt walls and bring them in on trucks, and bam, the County has a community again; this time build it back, do not build it back the same way that was destroyed; build it back so it can take the hit; they use angle iron, Cat operators prefabricate everything, so when it comes out, it fits like a glove; if the County utilizes this type of construction then it could probably take a flood from the hurricane from Tampa to the Carolinas, it is like a bunker quick and efficient; that is why FEMA is about to go bankrupt.

Peter Moolhuizen expressed his thanks to the Board for allowing the people an opportunity to have a Brevard Renaissance Fair this year; the people spent the last 60 days working around the clock on the site out there; he believes it is almost ready to open on Saturday morning; he hopes the fair will make the County proud of what the people have done; and he thanked Commissioner Feltner for all of the hard work that was done putting the deal together.

Andrew Meade stated he is the Entertainment Director for the Brevard Renaissance Fair; last time he was at the meeting, he was not as nice.

Chairman Feltner asked if he brought in the sword.

Mr. Meade responded no he did not bring in the sword. He expressed his thanks to the Commissioners for listening to the workers of the festival, and the people of the County working with the city of Melbourne to figure out a solution. He mentioned there is a strip of what was grassy, uneven land doing not many people any good; this Saturday, it is going to be one of the premier entertainment destinations on this coast at least, but in most of Florida, it is going to be huge; and a lot of people are going to be happy about that. He asked if he could share a picture; he noted a member of the Renaissance Fair cast, Adam, came out and took a sapling tree out of his parents yard, his childhood home; in the photo are three of the cast members, Adam, Emily, and Victoria, they are all Brevard County residents, and excited to come out; Adam asked if he could plant the tree where the festival is being held; Mr. Meade said he did not know because the members of the fair do not know what the future holds; Adam said he wanted to plant it anyway, kind of like a tree of hope; and he planted the tree, hopefully it bears fruit.

Jason Barrett stated he is not a resident of Brevard County, he is a resident of Mobile, Alabama; he and his family travel around the country supporting their own therapeutic riding program, a nonprofit organization, that his family started over 17 years ago, working with special needs kids and adults with different disabilities on the back of horses; the horses are incredible creatures that his family has grown very close to, and because of the Board's consideration of the Brevard Renaissance Fair, his family has been able to make it down to the fair for another year to perform in Florida for the community; his family enjoys it and intends to continue to do it in the future if the Board continues to support the project, intends to bring all the skills and things learned over the years to support the community; and hopefully, during the weeks of the fair coming up and future years, his family will be able to be acquaintance with organizations in the area that support children and those with mental and physical disabilities and show those people the skills learned over the 18 years of running the program.

Michael Frost stated he works at University of Central Florida (UCF) as a Historian Anthropologist; he spends a lot of his time cramped in libraries looking over books that nobody cares about; he saw something on Facebook, something he never goes to, and discourages anyone ever to look at, but he saw the Brevard Renaissance Fair; he checked it out, talked to them, and it kind of wrote itself after that; and he thought it was going to be another one of those things where nobody cares about history, nobody cares about anything that actually happened during those periods, or anything that actually matters to anyone that studies history or cares about the past. He commented during the time he has been with them they have taken his expertise in the past, in war, in combat, in military engagements, and the members of the fair put that into modifying and making it as realistic and safe as possible, so this production he hopes can be presented in a way that is both entertaining, safe, and instructive to the audience members that are there. He thanks the Board for giving the audience and the vendors an opportunity to see what he hopes to be an instructive, entertaining way for people to see the past as it was meant to be seen.

Chairman Feltner stated before the Board moves into the Board Report he wants to say something quickly about an upcoming workshop for the Tourism Development Council (TDC) items, that is to be informative; he believes there are going to be 40 applicants coming; there will be a presentation by Peter Cranis, Tourism Development Director, the Board's discussion, and questions; and the Board is going to ask applicants to speak two minutes, also public cards two minutes, and even with that, the Board will be doing well if the whole thing is done in less than four hours, including a couple breaks. He mentioned this Board has not done a workshop like this so he wanted the rest of the Commissioners to be aware.

L.4 Tom Goodson, Commissioner District 2, Vice-Chair

Commissioner Goodson stated he has three things to discuss; he would like the Board to consider a proposal to separate Central and South Parks and Recreation Advisory Board, one for the Central area, one for the South area; his office has received numerous requests about this; something in Sebastian is totally different than something in Merritt Island; he asked if the Board would consider that; and if so, does he have a second on that discussion.

Commissioner Delaney stated she seconds that.

Chairman Feltner stated he was going to suggest that it be an Agenda Item, but if it the pleasure of the Board to do so now...

Commissioner Goodson stated he would like to make a motion to direct staff to prepare an Agenda Item for this, to resend Resolution Nos. 22-053 and 23-124, that creates the current South/Central Advisory Board, and prepare a resolution that creates two additional Parks and Recreation Advisory Board, one for the Central area and one for the South area allowing the Advisory Boards to meet to occur in each park area.

Chairman Feltner asked staff if the Board needed to vote on that.

Frank Abbate, County Manager, responded if the Board wants to do it as a direction for staff to do the report.

The Board directed staff to prepare an Agenda Item that rescinds Resolution Nos. 22-053 and 23-124, that created the current South/Central Area Parks and Recreation Advisory Board; and to prepare a resolution that creates two Parks and Recreation Advisory Boards, one for Central Area Parks and Recreation and one for South Area Parks and Recreation, allowing for the Advisory Board meetings to occur in each of the Parks and Recreation areas.

Result: APPROVED

Mover: Tom Goodson

Seconder: Kim Adkinson

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

Tom Goodson, Commissioner District 2, Vice-Chair

Commissioner Goodson stated in December he was moved by the meeting, and he would like to read his thoughts on that meeting and see if the Board can agree to maybe change his or her personalities, be better citizens, and maybe more loving and caring; he wants to address something that has been weighing on his mind as a public figure; it is inevitable that the Commissioners will receive criticism, will not always agree with decisions one makes or the rules one enforces, this is the reality that the Commissioners face; but even more pronounced is when in the public eye; and however, just because one voices his or her opinion does not always mean a Commissioner should. He continued by saying one must ask themselves what it says about his or her character when a Commissioner uses his or her platform to belittle others; he asked if it is not the Commissioners responsibility to demonstrate décor and professionalism, especially when making a point; and no one is perfect sitting up on the Board or out in the public. He noted he was deeply disheartened by the remarks made from the podium last month, specifically the derogatory comments directed at Frank Abbate, County Manager; his role requires a level of expertise, skill, and decision- making, but it does not diminish his importance; Mr. Abbate has done an admirable job and he does not believe he or County staff deserves that kind of harsh criticism; he urged the Board and everyone to strive

for a higher standard; the more one divide oneself with hurtful words and actions, the less will be achieved together; and he asked the Board to choose to build one another up rather than tear one another down. He mentioned he is not doing this because he is in Mr. Abbate's pocket, he is trying to do it so everyone understands that a lot more will get done if everyone worked together, or in other words, to beat him up constantly, to challenge him, or be rude, he or she will not get anything from anybody. He stated he has one more comment that addresses the Board; Commissioner Delaney requested a Board scheduled workshop on January 30th, to talk about fire rescue; since the scheduled workshop, County's negotiation with the Firefighters Union remains unresolved; in fact, there is a mitigation tomorrow and potential special magistrate hearing in January or February; the County Attorney advised the Board with letters saying, the Board cannot get involved in this as elected officials; he asked if everyone read the letter; he stated therefore, he is making a motion that if Commissioner Delaney would like a workshop, she is welcome to have one in her District; and he will not be attending because he does not want to get charged by anybody for anything that the Board is not supposed to get involved in.

Commissioner Delaney asked Morris Richardson, County Attorney, to explain that a little bit; and she asked if there is a law, a policy, or what the issue is.

Attorney Richardson stated it is all of the above; it is Florida Statute, the contract with the Union, and Board Policy 99; those all address when in negotiations, limitations on communications between Union, Union Members and elected officials, all negotiations, are supposed to go through the Chief Executive Officer for the County, that is the County Manager; and his negotiation team with the Union, and as it is still in negotiations, and particularly since the County is at a point where the Union has declared impasse, the mediation is scheduled, tentative hearing dates for a special magistrate hearing if needed if this is not resolved following mediation, so there is concern of the topics that would be discussed at the workshop; it is going to be very hard to have a workshop where, it is almost necessarily subjects that are mandatory subjects of bargaining are going to be discussed by both elected officials...

Commissioner Delaney stated that Attorney Richardson is preempting discussion that has not even happened yet; this was an opportunity to bring the public into the conversation about the fire assessment; Commissioner Goodson talked about professionalism and courtesy, yet she was not told this was going to be brought forward today; and she is frustrated that the conversation did not take place when she brought forward the idea for the workshop.

Attorney Richardson stated at that time everyone was hopeful, he thinks, that the negotiations would resolve, it would get somewhere, would not be at a point where everyone is still at an impasse; but looking at the schedule now...

Commissioner Delaney reiterated that Attorney Richardson was preempting the public; this is why the Board pays him, it is his job to stand in line when something happens that is unlawful, he steps in and says this topic is off limits, the Board cannot talk about this because of Florida State Statute; but to cut off the public from being able to have a voice in the conversation about the assessment is wrong.

Attorney Richardson stated the Board would not be able to cut off the public at a workshop, the Board would be inviting issues, so it is certainly problematic.

Commissioner Delaney responded, maybe.

Attorney Richardson stated almost certainly; the first thing listed on the Agenda for the

workshop is about hours and working conditions, which is a mandatory subject to bargaining; during the negotiations, those are the kind of things that the Board should not have in a forum like that.

Commissioner Delaney asked if the Board and public could speak about hypotheticals and philosophy without talking directly to negotiations.

Attorney Richardson responded there was a list of three items for the workshop; the very first one is the subject of mandatory bargaining; it is not a hypothetical; and it was her Agenda Item.

Commissioner Delaney stated her point was to talk about the philosophy of how the fire industry is changing and how does the Board want to be at the forefront of that since the community is so dynamic, probably the most dynamic place in the country, for what the firefighters have to deal with, so it was to talk about the broader conversation of what the community wants the fire service to look like here in Brevard County; and that has nothing to do with negotiations.

Attorney Richardson stated he has advised about the pitfalls, and the potential issues; he can certainly, if the Board would like, push a light whenever there is a sensitive topic; he never said Commissioner Delaney could not have her workshop, it is a commissioner's motion to, he is not sure what the motion was, move the workshop...

Commissioner Goodson stated the motion was to cancel the workshop because of the letter, the State laws, and the County Ordinances.

Attorney Richardson stated the timing of the workshop, the current state of negotiations are currently problematic; and if there is a good resolution at mediation that comes back to the Board before then, it may not be an issue, it is something that Commissioner Delaney has on the calendar right now.

Commissioner Delaney stated she believes this is a tactic and she is embarrassed.

Commissioner Goodson asked if it was a tactic he did and that she was embarrassed by his motion.

Commissioner Delaney replied frankly, she does not know who.

Commissioner Goodson stated that she could still have her workshop.

Commissioner Delaney stated the whole point is so the discussion can be had with the public and the Commission as a whole; and she asked if the Board is one person or is it a Board.

Commissioner Goodson responded it depends on what area he or she is in.

Commissioner Delaney stated she would think everyone in Brevard County is thinking about this fire issue.

Commissioner Goodson asked when the County Attorney tells the Board members that he or she could get charged with something, does she go blindly down the road.

Commissioner Delaney responded, no that is why the Board has the County Attorney, and pays him the big bucks.

Chairman Feltner stated with all due respect there are two other commissioners, let them weigh in on this.

Commissioner Altman asked if Attorney Richardson could read the Florida Statute that is being talked about to give an understanding about what is being discussed.

Attorney Richardson stated he does not have that Statute open; to give him some time; and he does have available Board Policy 99.

Commissioner Adkinson stated she has two questions for Attorney Richardson; she asked what the Board is not allowed to talk about; and what kind of trouble the Board would be in if those topics are talked about.

Attorney Richardson responded what the Board is not allowed to talk about is anything that is a mandatory subject to bargaining, that includes things like working conditions, wages, hours, salary, health and safety, and management rights; there is a laundry list of things that are mandatory subjects of bargaining in a union situation; and it is hard to conceive a workshop where the Board talks comprehensively about fire rescue, certainly about hours of work, without getting into mandatory subjects of bargaining. He stated the Board could be charged with an unfair labor practice; it is a violation of both the collective bargaining agreement with the union, Board Policy, and Chapter 447 of Florida Statutes; during negotiations, everything is supposed to go through the Chief Executive Officer of Brevard County, the County Manager, who takes direction from the Board of County Commissioners; the County Manager has been receiving direction from the Board before and during the negotiation process; the Board gives direction in the form of budget development; and the Board also gives specific direction in the context of collective bargaining in the executive sessions in bargaining.

Chairman Feltner asked if he was still finding the Statute for Commissioner Altman.

Attorney Richardson replied he is, but that it is a number of Statutes, not one provision, but it is throughout Chapter 447; those are sort of summarized and collected in BCC-99, which states the purpose of the Policy is to ensure good faith negotiations between Brevard County and public employees, pursuant to Florida Statute Section 447.201 where applicable; also set forth in the County's collective bargaining agreements, pursuant to the collective bargaining agreement, it talks about the certification of the Union is the representative of the County employees; pursuant to Florida Statutes 447.309, the bargaining agent, the organization being the Union, and the Chief Executive Officer of the public employer, that is the County Manager, shall bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the public employees within the bargaining unit; the Chief Executive Officer, or his or her representative, and the bargaining agent, or its representative, shall meet at reasonable times, bargain in good faith in conducting negotiations with bargaining agent; Chief Executive Officer, or his or her representative, shall consult with and attempt to represent the views of the legislative body of the public employer but it is not direct negotiation between the legislative body of the public employer and the union, it is between the Chief Executive Officer taking direction from the legislative body and the union. He stated that Article 1.05 of the collective bargaining agreement recognizes the County Manager and his designees are the collective bargaining representatives for the County; the union further recognizes its obligation to bargain solely and exclusively with the County Manager, and/or designees, and to refrain from any direct negotiations with the legislative body of the County, County Commission, or any of the members regarding work related issues; it lists all the mandatory subjects of collective bargaining, wages, hours, benefits, health and safety, length of contract, management rights,

seniority, dues, and things of that nature; pursuant to Section 447.605 Florida Statute, all collected bargaining negotiations between Chief Executive Officer, or his representative bargaining agent, shall be in compliance with the provisions of Section 286.011 Florida Statutes, that is Sunshine; so that is why those negotiating sessions between the entities are publicly noticed, subject to Sunshine; and it goes onto say members of the Board of County Commissioners, or their staff, should not engage in discussions or negotiations with a member of the labor union or representative agent of a union during a period of formal negotiations, regarding any subject which is related to a bargaining agreement.

Commissioner Adkinson stated she knows there is a motion on the table to cancel the workshop; and she asked if Commissioner Goodson would consider a friendly amendment to maybe postpone it.

Commissioner Goodson asked to hear the amendment.

Commissioner Adkinson stated perhaps to discuss it on a different day, a day that would keep the Board out of trouble.

Chairman Feltner stated he believes that would be a questions for Attorney Richardson; he asked could it be postponed where the Board would not violate the cone of silence or the collective bargaining process; and what could be an option available to the Board and to fire.

Attorney Richardson replied absolutely, the workshop can happen once negotiations are concluded, however, that occurs whether through mediation then bringing back a mediated agreement to the Board, going through the entirety of the impasse procedures, and it is brought back to the Board to make a legislative decision, once those are concluded; and regardless of how they concluded, the Board could absolutely have the workshop and talk about anything.

Commissioner Delaney asked if she could ask a question before the Board made a motion.

Chairman Feltner stated the Commissioners would be able to ask their questions before voting on anything.

Commissioner Delaney asked if the Board could direct the Chief Executive Officer (CEO) to make the County Commission the designee on January 30th.

Attorney Richardson responded no.

Commissioner Delaney asked why.

Attorney Richardson stated the whole system is set up so that the CEO...

Commissioner Delaney stated with all due respect, she is asking legally why not.

Attorney Richardson stated the whole statutory scheme of Chapter 447 is designed so the Chief Executive Officer is the bargaining agent of the County; and January 30 is the workshop date.

Commissioner Delaney advised, correct, that way the Board is not in trouble because the Board is the Chief Executive Officer.

Attorney Richardson pointed out no, because if this does not resolve at mediation and this goes

to a magistrate hearing, at some point the Board is going to have to make a decision on the contract as a legislative body, as a neutral party; and the Board cannot be a bargaining agent and the ultimate decider as a neutral.

Commissioner Delaney stated she is talking about for the four hours that the Board is running the workshop.

Attorney Richardson explained no, she cannot wear that hat and then take it off; and that is not the role of the legislative body.

Commissioner Delaney stated the Board's role is everything in regards to the County, she respectfully disagrees.

Attorney Richardson reiterated she absolutely cannot directly negotiate with the labor union, that is an absolute legal clarity.

Commissioner Altman stated he appreciates the effort to keep the Board legal and following the law. He mentioned he read the Statute; he was surprised in 447.309(2)(a), this is process question to help clarify; the Statute talked about the actual budget, it stated "upon execution of the collected bargaining agreement, the Chief Executive Officer shall in his or her annual budget request, or by other appropriate means, request the legislative body to appropriate such amounts or shall be sufficient to fund the provisions of the collecting bargaining agreement;" it sounds like it is telling the Board not to talk about budgeting money until the board has a collective bargaining agreement; and he asked if he was wrong for how he read that, or what is the intent of that Statute in Attorney Richardson's opinion.

Attorney Richardson replied he understood why Commissioner Altman would say that, he thinks the Statute is saying that once the collective bargaining agreement is reached, it is approved by the legislative body, then it is an obligation of the County Manager, as he approves the budget, to account for that agreement within the budget, the budget that he presents to the Board, as to be adequate to honor the collective bargaining agreement; and he does not believe it is telling the Board not to talk about budget in the absence of a collective bargaining agreement.

Commissioner Altman inquired if it would be possible for the Board to have a workshop to only talk about the budget, the fee, the fiscal impact of the fee, and levels of service.

Attorney Richardson responded, the Board can, there are budget workshops that are scheduled; now, the specific purpose of this workshop, the first item on the agenda is about hours and working conditions; it is going to be very difficult to draw that line again; he is not saying that the Board cannot have the workshop; he is wondering if the Board is wanting him there blowing a whistle every time the Board runs astray; it would be more difficult if public comment is at the workshop, that applies to union representatives and union members; the Board would be in a bad position if having to stop the public as they are speaking; it would be very difficult, but not impossible; he is not saying that the Commissioners cannot have the workshop; but it is advisable to have it after negotiations are resolved, that is a decision for the Board.

Chairman Feltner asked Commissioner Delaney for clarification; the goal of the workshop is so the Board can discuss in the open the issues or to allow the union to come in to air their grievances; either one is okay; but it may be that there has to be one or the other that may be the path.

Commissioner Delaney responded it is the first one, she is looking for an avenue where the Board is solely talking about the issue as a group with the public; it is not just about the firefighters, it is about the public as well; they need to have the opportunity to speak to the Board about this, to tell the Board what is important to the public, what the public is willing to do to participate in helping with all of this, and maybe to talk about things like purchasing during this time, because the Board needs to do a deep dive into its budget and figure out some funding from within the budget to fund the Fire Department, not just the fire assessment, it needs to be the fire assessment; the Board talking about impact fees, and finding money within the County's budget; and she knows of a project today, \$36,000 on a shower, a stall shower that the County spent and it is leaking. She added the Board needs to designate time and space where the Commissioners can give the Fire Department the attention that it desperately needs or the County is going to end up in an emergency situation.

Chairman Feltner stated he appreciates that, but listening to the County Attorney, it seems that the only sure bet for a workshop that does not potentially get the Board in a collective bargaining conflict legal problem is that the Board could have an open discussion with staff and the public but not with public comment; and he asked Attorney Richardson if he is interpreting that the correct way.

Attorney Richardson stated he would be concerned about that; the Board would not be able to take action because if there is an Item the Commissioner would take action on, the Board would have to allow for public comment.

Chairman Feltner advised by having the workshop the Board would not be taking action, Board direction could be given at a workshop; but the Board does not vote to pass items without noticing it.

Attorney Richardson responded as far as budget development, setting the assessment rate, and things like that, the Board could absolutely talk about that when the time is right, but the budget development process, the Board is going to have budget development workshops in March, which will be part of budget development; hopefully, by January 30, the County will have a contract, then no concern with any of the subjects; but at this point, it would be very difficult. He stated he would want to consult before he says the one way sort of discussion with the Board only is okay, that in itself might be problematic.

Commissioner Delaney asked if she could say one thing.

Chairman Feltner stated Commissioner Altman would like to say something also.

Commissioner Altman stated he believes he found the part of the Statute that applies here, 447.605; all discussions between the Chief Executive Officer of the public employer, or his or her representative, and the legislative body, or the public employer, relative to collective bargaining shall be closed and exempt from the provisions of 286.011; that is pretty clear, it is all discussion; he agrees with general counsel; he likes the idea of the public workshop, but it does put the Board at odds with State law and the collective bargaining process, he is hopeful the Board can get there in the same place; but he definitely wants to follow the process the way it is set forth in law.

Commissioner Delaney asked what if she took away the first bullet and the Board speaks about the assessment and budget, is that appropriate.

Chairman Feltner asked how the Board would deal with the public comment portions of it because it is a two-way thing.

Commissioner Delaney stated her concern with taking any action without the public's input is; this greatly affects them; and for the Board to give any kind of Board direction without public input, she feels is wrong.

Chairman Feltner stated he does not disagree with her; there will be a vote on the final product before this Board; and he asked staff if they will be presenting that to the Commissioners.

Frank Abbate, County Manager, responded there are a couple ways that could happen; the first way is if there is an agreement either at the mediation or a special magistrate makes his recommendations, both the Board and the union accept that, then staff would bring that contract back to the Board for approval; the second way is if there is a dispute, if there is no settlement before the special magistrate, the special magistrate would make a recommendation, and either party does not accept any recommendations that comes back to the Board, that is what Attorney Richardson was talking about; the Board serves as the impartial between the union and the management; whatever the difference is comes back to the Board at a public hearing; the Board, at that public hearing, makes the decision as to how it is going to rule; the public is part of that process because that is a public hearing in front of the Board; and that is the statutory process that is provided by 447.

Chairman Feltner stated after hearing all these things, to let them take it apart, because the Board is still having a public meeting to discuss the product; certainly at that meeting the board could have many cards and all of that; at the workshop, the Board would have the same thing, maybe that will happen at the Commission meeting rather than a workshop; he knows that is not what Commissioner Delaney wants, but the Board might get to the same place to end up with all of the same input, and the same discussion; and it is probably the best proper legal way to do that. He asked Attorney Richardson if that sounded right to him.

Attorney Richardson responded yes, he believes the Board has received input from the public throughout the various meetings; there has been hundreds of public comments made on the issue of negotiations in the contract since going back to the workshop last year; as the County navigates this negotiation and impasse period, the Board needs to understand what the parameters are, where the rails are; and the Board is not the negotiating entity, and cannot be by law.

Chairman Feltner asked Commissioner Delaney what she thinks about that in lieu of the workshop.

Commissioner Delaney stated she would still like to have the workshop to designate time for this topic, if the Board would like to do that; she heavily objects to working in front of the public as far as assuming people are going to bring up something that he or she may or may not bring up, and something is better than nothing; and she is hopeful that the Board will agree to still having the workshop.

Chairman Feltner stated he does not disagree with her comments on not having public input, he has demonstrated that since being on the Board; he asked what if the Board postpones the workshop, altered it, and agrees to have a workshop in the Spring after the impasse period, the cone of silence, all the legal ramifications, and that workshop be dedicated to the fire assessment fee and the millage, other than part of the larger budget, the Board will have a workshop just on those two issues; and it could be called "Method of funding". He asked if that

would be a compromise with Commissioner Delaney on the legal process that the Board seems to be stuck in.

Commissioner Delaney responded the County will not have a Fire Department at that point if the Board does not show the people that it is actively working towards the issue, and engaging the public and the Fire Department; she does not believe the County will be in a good place in the Spring; and cancelling the workshop will kill the morale. She stated she was frustrated that the County Manager and County Attorney did not talk about this with the Board prior to her putting the Agenda Item out because she was very clear about what her intentions were; there were briefings and conversations about it; and 16 days prior to the workshop now it is brought up.

Chairman Feltner stated no disrespect, but when the Board agreed to the workshop, there was no calendar in front of the Commissioners to know when the mediation would happen; and those other requirements in the collective bargaining the Board did not have that information at that time, so...

Commissioner Delaney commented with all due respect, that does not negate her point that this is supposedly a legal problem, because the Board is in an impasse process; and if that were the case, she should have been told that prior to this point.

Attorney Richardson stated there has been conversations about appropriate topics of discussion for the workshop and what the Board is able to talk about; it was talked about most recently at her briefing, which has been raised; but again, when the workshop was scheduled, the Board was not where it is now; he is not saying there is a law that says she cannot have the workshop, but the Board will be very restricted on what is appropriate to discuss; and based on some of the statements, the purpose of the workshop cannot be about the current ongoing negotiations, as that cannot be a topic of the workshop.

Commissioner Delaney pointed out it was not.

Commissioner Goodson asked Commissioner Altman if he asked her to write down what she wanted to talk about at the workshop.

Commissioner Altman replied he may have, he does not remember.

Commissioner Goodson asked if she provided a list of what she wanted to do at the workshop.

Commissioner Delaney stated she made it into more of a pretty package.

Commissioner Goodson stated pretty package or bad package, she gave the Board the parameter she wanted to do.

Commissioner Delaney remarked sure.

Commissioner Goodson stated that gave Attorney Richardson the first time to look at that package.

Commissioner Delaney stated she disagreed.

Commissioner Goodson asked what she can agree on.

Commissioner Delaney responded, a lot, a lot of 5:0 votes.

Chairman Feltner asked if there is any way the Board can consider things at the January 28 meeting before making a final decision.

Attorney Richardson stated absolutely.

Chairman Feltner asked what the rest of the Board thought about that.

Commissioner Goodson stated he had a motion.

Commissioner Altman stated he seconds the motion.

Chairman Feltner asked if there was any further discussion on the motion.

Commissioner Delaney stated she appreciates Chairman Feltner suggesting waiting on the workshop until the 28th, hopefully good things will happen, and that is where her support is going to be.

Chairman Feltner stated there was a motion by Commissioner Goodson, there is a second by Commissioner Altman.

Commissioner Goodson advised his motion was to cancel the workshop.

The Board cancelled the workshop to discuss Fire budget needs that was scheduled for January 30, 2025.

Result: APPROVED

Mover: Tom Goodson

Second: Thad Altman

Ayes: Goodson, Adkinson, Feltner, and Altman

Nay: Delaney

L.5. Kim Adkinson, Commissioner District 3

Commissioner Adkinson mentioned when Sandra Sullivan came up, she was hoping that the Commissioners would state in the Board Reports what board's each of them were on. She stated that is going to be her intention, so she will have Board Reports in the future.

Chairman Feltner expressed his thanks to the Board; he commented he wished each Commissioner all luck on their boards; he has been on a few; and for the Commissioners driving to other places, he advised taking a County vehicle.

L.3. Katie Delaney, Commissioner District 1

Commissioner Delaney stated if the Board goes forward with a workshop at a different time and public comment is not included, she would like to invite the public to send her public comments, and she will read those at the workshop. She mentioned how the Board talked about respect and decorum; with that being said, she apologized to the lady who came up before and was spoken to so poorly; and a member of the public should never be spoken to in that regard.

Thad Altman, Commissioner District 5

Commissioner Altman stated he has a prior commitment that he cannot get out of and he will

not be able to present the delegation package before the Brevard Legislative Delegation; there is a lot of good talent here; and someone might be willing to do it.

Chairman Feltner nominated Commissioner Delaney to present the delegation package. He asked her if she would be willing to do that.

Commissioner Delaney responded sure.

Chairman Feltner stated he thinks it is less than five minutes for speaking at the delegation, it is very quick, three minutes.

Commissioner Altman mentioned it is not a long time; people ask questions; and with a dynamic presentation, one never knows.

Chairman Feltner stated he thinks if she is nice to the Chairman, maybe she will get moved up.

Commissioner Altman stated that is true.

The meeting adjourned at 7:06 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

ROB FELTNER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board