

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, January 28, 2025

9:00 AM

Regular

Commission Chambers

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

A. CALL TO ORDER 9:01 AM

C. PLEDGE OF ALLEGIANCE

Commissioner Goodson led the assembly in the Pledge of Allegiance.

E.1. Resolution, Re: Recognizing the Retirement of John Denninghoff, Assistant County Manager, and His 29 Years of Service to the Citizens of Brevard

Chairman Feltner read aloud, and the Board adopted Resolution No. 25-006, recognizing the retirement of John Denninghoff, Assistant County Manager, and his 29 years of service to the citizens of Brevard County.

Result: Adopted

Mover: Thad Altman

Secunder: Katie Delaney

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

Commissioner Goodson advised some of that was impressive, but he knows Mr. Denninghoff; the only thing he did not see was the engineering of the parting of the Red Sea; but Mr. Denninghoff will be thoroughly missed; and he will come back as the best known consultant he has ever met.

Commissioner Delaney expressed her appreciation to Mr. Denninghoff for all of his help; she stated being a new Board Member there is definitely a learning curve; having someone with so much knowledge and experience is really helpful; she expressed her appreciation for his candor and always being there for advice and any questions the Board may have; and she commented he was always there with all of the information, which is going to be greatly missed. She stated the Board may give him some time off with his retirement, but hopefully he will let the Commissioners call him.

John Denninghoff stated his phone number has not changed.

Commissioner Altman noted one of the things he looked forward to in coming back to the Commission was working with Mr. Denninghoff; of course, now he goes and retires; but retirement is well-deserved; he expressed his appreciation to Mr. Denninghoff for his public service; he stated Mr. Denninghoff makes this job enjoyable to work with such a professional; and he has served Brevard County well.

Commissioner Adkinson commented their time has obviously been short together; she knows he is going to leave the Commissioners in good hands; but, as was said here, Mr. Denninghoff's leadership, wisdom, and his dedication is going to be missed.

Chairman Feltner stated he certainly appreciates Mr. Denninghoff's many years of wisdom and his historical knowledge; he will tell the audience, there is plenty of times where he thinks he has a good idea and he goes to talk to Mr. Denninghoff, and he goes, no, they tried that in 2001, and it did not work; he is a really good sounding board; he also just lets him just walk into

his office, so he takes advantage of that; he is going to be missed; and seeing all of the people here today is a true testament to his service to Brevard County.

Mr. Denninghoff expressed his appreciation to the Board for its kind words; he stated before he came to the County, he was a consulting engineer, and he took very seriously the engineering profession concern, dedication, and commitment to the public, and the public safety and welfare; one of his consultant clients was Brevard County; he was approached by one of the staff members, one of whom is sitting in the back of the room right now, asking if he might want a job at the County; that was the last thing he was ever thinking about; he was busy working; and he got to thinking about it, and eventually he took the County up on that. He went on to say he remembers Henry Minneboo asking him into his office on his first day; he sat him down and said they are here to work not to sit back and relax, and this is not a place for, and Mr. Minneboo did not use air quotes very often, but he did that day, and he said a government employee or a government worker; his family, his parents, his siblings, they held each other to a very high standard of work; if one was not working, he or she was not pulling their weight; he was never afraid of hard work or a challenge; and in fact, challenges were accomplishments just waiting for a person to overcome or achieve, so he was not concerned about Mr. Minneboo's admonition about work. He added, he thought he would only work for the County for two or three years; that changed, because he sort of found his calling, that commitment to the public as a public employee became a major thing for him, so this was kind of his home; the teams that he has had around him throughout his career have been tremendous, and they have made him look better than he really is; together they have achieved things that people did not think they could do; he cannot tell the Board how many projects people said would never be done, the Pineda Extension, the Parkway, and many more; and he is proud that with the team that he had and the leadership he had that so many good things were able to be done. He commented one of the things he was always about was having a vision and understanding what the vision was, and ITS was an example of that; he insisted they had a plan, they needed a plan, and they got it; they have an excellent system that many in the State envy, because of so much hard work by so many good people who knew more about it than he did; and that is an example of it. He stated now it has come time to thank his family, wife, children, and grandchildren; they all inspire him to continue to work hard, to provide for them, and for them to provide to him with the support and strength they give him; he expressed his appreciation to County staff; he advised all of them who have worked for him, many who have passed on, are just tremendous people; he can assure the public that they work a lot harder than the stereotypical government worker; and, in fact, when they needed to put in extra time, they did, and when he asked them to, they did. He pointed out he could not be any more proud and honored to work with such a group; he expressed his appreciation to Frank Abbate, County Manager, for trusting him to bring him up to the County Manager's Office, which he was completely surprised by, as he did not anticipate it and was not expecting it; he has not only trusted him, but he has had his back; he stood shoulder-to-shoulder to him when he needed it, and they have achieved good things for the people of this County and this community; and not just unincorporated residents, but all residents of Brevard County. He remarked it has been an honor to serve, and be allowed to serve; he is not coasting to the end, as he has a meeting Friday morning with the City of Palm Bay, which is going to be an important event; they are going to be working right to the end to meet the challenges; he hopes he has left everyone in good hands; he is going to paraphrase the great American Douglas McArthur by saying, 'It's time for me to, as an engineer, to fade away'; and there will be good people that take care of things in the future, as he has total confidence in that.

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Delaney stated she would like to pull Item F.4., Appointments/Reappointments, Re: Citizen Advisory Boards, from the Agenda for discussion.

F.4. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards

Kathy Wall, Central Services Director, stated this is a request that the Board approve the Commission District appointments/reappointments; and the Board approval of this Item will acknowledge the District Commissioners appointments/reappointments, and approve at-large appointments.

Commissioner Delaney commented she wanted to bring up a concern that she had about Item number six; her concern is about a possible conflict of interest; and she does not feel comfortable with that.

Chairman Feltner explained Commissioner Delaney is going to have to tell the Board which ones she is talking about.

Commissioner Delaney advised the appointment to the Board of Adjustment, Bruce Moia.

Chairman Feltner asked if that is the only one Commissioner Delaney has a problem with.

Commissioner Delaney responded affirmatively.

Chairman Feltner asked if any other Commissioners have any concerns since this Item has been moved up.

Commissioner Goodson asked what the issue is with Mr. Moia.

Commissioner Delaney responded her concern is as a professional engineer that there could be times where he could financially benefit from the decisions made on this board; and so that is troubling to her.

Commissioner Goodson inquired if Commissioner Delaney could pull that card on about anybody the Commission appointed.

Commissioner Delaney replied she does not know if she would agree with that.

Commissioner Goodson asked if there are any other professional people Commissioner Delaney does not want to be appointed, like maybe an attorney; Bruce is an engineer, so a builder; and he asked again if there is anybody else the board needs to, due to the fact they could be politically challenged or something, is there anybody else she does not like.

Commissioner Delaney responded it is not a personal thing, she is just concerned about a possible conflict of interest.

Commissioner Goodson asked if there would be a need to address that if there was one, but right now there is none.

Chairman Feltner stated he thinks there is a tie here; he asked how the Board wants to handle this; does the Board want to vote on every one of these; does he or she want to vote on the one in question; and he asked what the pleasure of the Board is.

Commissioner Delaney stated if the rest of the Board is okay with it, she is fine with approving all of the others.

Chairman Feltner asked if Commissioner Delaney wants to register a no vote on Bruce Moia.

Commissioner Delaney replied she is okay with that; but she does not know if any of the other Commissioners have a concern, so she does not know if the Board wants to pull that on a vote on its own, or if it wants to register a no vote.

Commissioner Goodson advised he would like to vote on all of them, and Commissioner Delaney can register a no vote on Mr. Moia's appointment.

F.6. Legislative Intent and Permission to Advertise, Re: Ordinance Expanding Authorized Golf Cart Usage North and South of the Suntree Planned Unit Development (PUD)

Sandra Sullivan remarked she wants to talk about the Item to do with the golf carts and amending the areas in Viera; she has met with the Board about the County Ordinance on the golf carts in unincorporated areas, and have had concerns that need to be addressed; she has sent many emails; this is a good opportunity to fix some of the problems with the current Ordinance the County has; and the County has a golf cart issue. She went on to say part of that lies with two separate State Statutes; one is for Low Speed Vehicles (LSV), and one for golf carts; if there was a way to have all of them go into Department of Motor Vehicles (DMV) and be tracked, so that the LSVs are licensed and plated as required; LSVs have safety equipment that are appropriate for driving on roads, like seatbelts; in her community, golf carts are not allowed; but they are everywhere. She commented she does the best to educate them to upgrade them to LSVs, get the safety equipment, get the plates, and as State-registered, they have insurance; what the County has in Viera, and it is adding more areas, is it has LSVs and golf carts driving on the crosswalks, which is not legal; LSVs are for the roads, and golf carts are on the sidewalks and stuff, but can go on the roads in areas the County is designating; they are being designated to go in, but there are no requirements that they have insurance or safety equipment; and they see two-year olds on the back not buckled in. She noted what is being seen is an up-rise in golf cart accidents; she provided the Board with a picture taken a couple of days ago; she stated this is a liability to the County in failing to address and follow the law; the County has signs, she has taken pictures of them, that are greater than 35 miles per hour where there are golf cart crossings, which is a violation of State law; in addition, there were some legislation changes recently; this was 2023, and it says, "prohibiting a person under 18 years of age of operating a golf cart on certain roadways unless he possesses a learner's permit or driver's license;" she went by Viera High School, there are plenty of golf carts there; while she was there, she went in and got their form, and they do not check that they have a driver's license; while she was there, a kid slammed into the tunnels; and fortunately, they were not injured. She pointed out the County has to do a better job on this and start following the law; LSVs have to be licensed and plated; there are clearly lots of LSV's driving around in Viera pretending to be golf carts; and education is needed from the Transportation Planning Organization (TPO) for the public, and for the County to follow the law.

Commissioner Goodson asked if he could request Lisa Cullen, Tax Collector, to come up and answer some questions. He stated what was heard from Ms. Sullivan was referred a lot to State law; and he asked if that is correct.

Lisa Cullen, Tax Collector, responded yes, sir.

Commissioner Goodson asked if the County has the liability by not mandating something that the State would not approve or could approve.

Ms. Cullen advised she would be able to answer questions about titling and registering a LSV versus a golf cart, but not the County's liability.

Commissioner Goodson asked what the State law is for licensing a LSV and a golf cart.

Ms. Cullen replied she has not revisited that lately, but a LSV has the safety equipment on it that a golf cart would not have, so they can be used on the roadways, and they are licensed with a license plate.

Commissioner Goodson asked if it is true if one buys, for example, a Roxor which is a Jeep made in India.

Ms. Cullen responded no, sir, she does not know.

Commissioner Goodson stated it has lights, turn signals, flashing lights, and warning lights, but yet he does not think it qualifies to be tagged.

Ms. Cullen explained she would have to see the manufacturer certificate or origin that would go through National Highway Traffic Safety Administration (NHTSA), Anva Title (ANVA), and different associations the Tax Collector's office deals with that would determine if that vehicle is street-legal or not; and a manufacturer's certificate of origin will tell her whether a vehicle is street-legal as being a LSV or being a golf cart.

Commissioner Goodson asked if a golf cart can be made street legal-legal.

Ms. Cullen replied yes, but then it has to be inspected.

Commissioner Goodson inquired if her office inspects.

Ms. Cullen responded actually the Department of Highway Safety and Motor Vehicles (DHSMV) inspectors inspect that.

Chairman Feltner stated this is his Item; it is not Viera; the County is not trying to expand anything, especially over on the beach, he sensitive to that; but in Suntree specifically, if a person knows Suntree, the Springs of Suntree is outside of what was allowed, so basically, members of the country club cannot take their golf carts from Springs of Suntree, but their neighbors can; and that is what this is trying to fix.

F.1. Final Plat and Contract Approval, Re: Farallon Fields - Phase 3 Developer: The Viera Company

The Board granted final plat approval; and authorized the Chair to sign the final plat and Infrastructure Contract for Farallon Fields – Phase 3, Developer: The Viera Company, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Tom Goodson

Second: Kim Adkinson

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

F.2. Approval Re: Interlocal Agreement with the City of Melbourne for Indialantic Stormwater Improvements - District 5

The Board approved and authorized the County Manager to execute the Interlocal Agreement with the City of Melbourne for the Indialantic Stormwater Improvements; authorized the County

Manager to execute any necessary agreement-related documents, such as amendments, contingent upon review by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any Budget Change Requests associated with this action.

Result: Approved

Mover: Tom Goodson

Secunder: Kim Adkinson

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

F.3. Approval, Re: Agreements between the Brevard County Board of County Commissioners and Community of Hope, Inc. for Roof Replacements

The Board authorized the Director of the Housing and Human Services Department to execute affordable housing project agreements between the Board of County Commissioners and Community of Hope, Inc.; authorized the Housing and Human Services Department Director to execute any future amendment(s) or modification(s) upon approval by the County Attorney and Risk Management; and authorized the County Manager to execute all necessary Budget Change Requests.

Result: Approved

Mover: Tom Goodson

Secunder: Kim Adkinson

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

F.4. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards (continued)

Commissioner Delaney voted nay on the appointment of Bruce Moia as alternate to the Board of Adjustment.

The Board appointed/reappointed **Stephen Holmberg** and **Bruce Moia** as alternate to the Board of Adjustment, with terms expiring January 28, 2027 and December 31, 2026, respectively; **Debbie Thomas** to the Building and Construction Advisory Committee, with term expiring January 28, 2027; **Jennifer Parrish** to the Citizen Budget Review Committee, with term expiring December 31, 2027; **James Smith** to the Community Action Board Advisory Committee, with term expiring January 28, 2027; **Liz Alward** to the Community Development Block Grant Citizens Advisory Board, with term expiring January 28, 2027; **Liz Alward** to the Employee Benefits Insurance Advisory Committee, with term expiring January 28, 2027; **Graham Smith** to the Merritt Island Redevelopment Agency, with term expiring December 31, 2028; **Dan Diesel** to the North Brevard Commission on Parks and Recreation, with term expiring December 31, 2026; **Ruth Amato** to the Planning and Zoning Board, with term expiring December 31, 2027; and **Jerrad Atkins, John Hopengarten, and Henry Minneboo** to the Planning and Zoning Board, with terms expiring December 31, 2025.

Result: Approved

Mover: Tom Goodson

Secunder: Kim Adkinson

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

F.5. Acknowledge Receipt, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder.

Result: Approved
Mover: Tom Goodson
Second: Kim Adkinson
Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

F.6. Legislative Intent and Permission to Advertise, Re: Ordinance Expanding Authorized Golf Cart Usage North and South of the Suntime Planned Unit Development (PUD) (continued)

The Board approved the Statement of Legislative Intent and granted permission to advertise for an amendment to Chapter 106, Article III, Section 106-73 of the Brevard County Code of Ordinances expanding authorized golf cart usage north and south of the Suntime PUD; directed the County Attorney to prepare an ordinance amending Chapter 106, Article III, Section 106-73 of the Brevard County Code of Ordinances accordingly, and a business impact estimate, if required; and directed Traffic Operations to prepare the appropriate traffic report.

Result: Approved
Mover: Tom Goodson
Second: Kim Adkinson
Ayes: Delaney, Goodson, Adkinson, Feltner, and Altman

G. PUBLIC COMMENTS

Sandra Sullivan commented the way this was presented at the last meeting, this is authorizing the Board of County Commissioners to approve a budget supplement, basically moving the money not spent from the Clerk of Courts and the Property Appraiser's Office, and having that money going to some parks issue from Hurricane Milton; what was represented in the last meeting was this was kind of a temporary movement in the sense that once insurance and Federal Emergency Management Agency (FEMA) paid for these expenses that they would be reimbursed; and unfortunately, that statement, and the way this was presented at the last meeting, is not represented in the Resolution. She pointed out it is simply a budget change for roughly \$2.3 million, with nothing about it being returned when those issues are addressed by insurance; she would like to kind of know when the insurance is going to do this; it seems like a lot of these items on the list have to do with shoreline erosion; she is beachside where they are pretty well affected; but they really did not have that much damage from Hurricane Milton, so she is at a little loss; at least five of them are shoreline erosion; she asked if insurance even covers that; how much has already been applied to FEMA; does the County have an intention in reality for this money to go back to the general budget, as was represented in the last meeting; and how much does the Board expect that to be, because she would like to see that money go to fire. She noted that is a critical need; and it is way more critical than this at this time.

H.1. Public Hearing, Re: Petition to Vacate Right-of-Way - Westways Drive - "MacAdam Subdivision" Plat Book 13, Page 101 - Melbourne - Martin Ramos

Chairman Feltner called for a public hearing to consider a petition to vacate a right-of-way in Westways Drive, MacAdam Subdivision, Plat Book 13, Page 101, in Melbourne, as petitioned by Martin Ramos.

Marc Bernath, Public Works Director, explained this Item is a petition to vacate a right-of-way at Westways Drive; it is the MacAdam Subdivision requesting a vacating of a 50-foot public right-of-way; the County will receive back a roadway drainage and utilities easement; and staff has received no formal objections.

Marjorie Hartmann stated she is on Tallpine Road that backs up to that property on the side; she is not sure why a trailer is being put in, whether there is a change in zoning that would allow a trailer to have this right-of-way put in; that is her main concern; she really does not want a change in zoning that allows trailers and then more trailers to come in; and the question today is that she is looking at this right-of-way and why all of a sudden there are trailers behind her.

Ann Mark commented she lives on the property that abuts the pond in the back, which is called the Wayside development; in order to put a road in here . . . she was looking at the map, and she did not see that it was clear to have a throughway that would only . . . it was not clear where the throughway would start or end; that was her concern, because it is a tight area with residential all around it, and also a lot of children; and she would be concerned about that.

Martin Ramos stated he bought this property when everything was a wooded lot to include Westway Street; he built a nice house; the Marine Corp and Veteran's Administration (VA) helped him; he served in Vietnam during 1967 and 1968; he lost his friends; and he was the only one who made it home. He went on to say all he is asking in his final years, he is 76 years old, is to be able to park his motor home so he can do some traveling the rest of his life.

Chairman Feltner advised Mr. Ramos is looking for his own motor home, not a mobile home that people are going to reside in.

Someone in the audience asked if there is going to be a fence around it.

Chairman Feltner asked Mr. Ramos if there is going to be a fence around it.

Mr. Ramos replied no, no fence.

Chairman Feltner asked if he has some trees there.

Mr. Ramos responded there are a lot of trees right there.

There being no comments or objections, the Board adopted Resolution 25-007, vacating a right-of-way in Westways Drive – "MacAdam Subdivision" Plat Book 13, Page 101, Melbourne, as petitioned by Martin Ramos.

Result: Adopted

Mover: Katie Delaney

Secunder: Tom Goodson

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

H.2. Public Hearing, Re: Approval of Second Quarter Supplemental Budget for Fiscal Year 2024-2025

Chairman Feltner called for a public hearing to consider approval of the Second Quarter Supplemental Budget for Fiscal Year 2024-2025.

Jill Hayes, Budget Office Director, stated this public hearing is in accordance with Board direction received on January 14th; and this budget supplement will recognize anticipated balance forward and allocate those dollars to repair parks facilities, the damages that were caused from Hurricane Milton.

Commissioner Goodson asked how long does it take for the money, he thinks the County Manager answered it the last meeting, from the Federal Government, Federal Emergency Management Agency (FEMA).

Ms. Hayes replied it is a very lengthy process, it can take anywhere between five to seven years; sometimes it is a little less than that; but the FEMA public assistance process, it is a reimbursement model, so the County has to show that it has completed the projects; a lot of documentation has to be provided, so that can take time; and there are multiple reviews involved as well.

Commissioner Adkinson asked when the County does receive those reimbursements, where will that money go back to.

Ms. Hayes responded staff works closely with County Finance to make sure that any funds reimbursed go to where the funds were paid from, so that would be the General Fund in this case.

Commissioner Delaney asked if Ms. Hayes would mind explaining that process a little bit for the public about how it is possible the County may not get reimbursed for this, but it will still go through the process to do everything it can to try to get reimbursed; and she asked if she could expand on that a little bit.

Ms. Hayes advised it is a very lengthy process, so the first thing that happens; so there is a disaster recovery scoping meeting that County staff has with FEMA; they work really closely with the Departments and with staff to document everything; they put together detailed, damaged inventory; FEMA then schedules site inspections, they go out and visit all of the damages and make sure they are documented; insurance claims are then filed with the County's property insurance; some things are covered and some things are not; and for example, shoreline damages would not be something covered by property insurance. She went on to say FEMA will only cover those things not covered by property insurance, it goes through a Federal review, and it also goes through a review at the State level.

Commissioner Delaney asked if the County started the process.

Ms. Hayes replied affirmatively.

Commissioner Goodson asked if Ms. Hayes could explain FEMA's response on the bridge on Merritt Island, and was that seven years ago or something.

Frank Abbate, County Manager, advised that John Denninghoff, Assistant County Manager, was very familiar with that because he was involved in the initial submission, so let him address it.

Mr. Denninghoff explained the damage to the bridge occurred in 2017, he thinks it was Hurricane Irma; the County was immediately seeking assistance through the Army Corp of Engineers, Florida Department of Transportation (FDOT), and obviously FEMA; after a great deal of effort, the County finally got a commitment of some assistance from FEMA; the County has not received the money yet; but it will be receiving that probably in the next year to year and one-half.

Commissioner Goodson inquired could Mr. Denninghoff tell him the cost of the bridge and what he expects from FEMA.

Mr. Denninghoff replied he does not recall the exact numbers at this point; and he asked Mark Bernath, Public Works Director, if he knows what they are.

Mr. Bernath commented he does not have the exact number, but he thinks it was around \$1.3 million, or somewhere in that ballpark; but, as Mr. Denninghoff explained, staff has been working diligently since 2017 to recover funds; and that is a fraction of what it will cost the County to rebuild the bridge.

Mr. Denninghoff stated he wants the Commission to understand that, that was what the County is going to get from FEMA, the actual cost of the bridge is quite a bit more.

Commissioner Goodson noted he thinks the bridge is around 25.

Commissioner Adkinson stated these are not reoccurring funds that the County can count on.

Mr. Abbate remarked that is correct.

There being no comments or objections, the Board adopted Resolution No. 25-008, approving the Supplemental Budget for the second quarter of Fiscal Year 2024-2025; authorized the Chairman to sign the Resolution; and approved the Budget Change Request (BCR) and such actions as are necessary to implement the adopted changes.

Result: Adopted

Mover: Tom Goodson

Second: Katie Delaney

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

I.1. Approval, Re: Tourist Development Council FY 2024-2025 Marketing Support Program Recommendations

Peter Cranis, Tourism Development Office Director, stated this Item is the Marketing Support Program coming back; there are three requested actions of the Board; and the first one is to provide direction on the 44 events that were being recommended by the Tourist Development Council (TDC).

Chairman Feltner stated to just do this in pieces; and he asked if there were any questions for Mr. Cranis for that item.

Commissioner Adkinson stated she just kind of wanted to clarify that the County has a group of people who, in good faith, went through the process, expected to be reimbursed for their expenses; and she asked if that is correct, and that they met the criteria the Board requested.

Mr. Cranis responded yes, ma'am; the application process opened in October; there are some events that already occurred; but they did apply in good faith.

Martha Pessaro commented she is representing the Native Heritage Gathering Incorporated on behalf of the cultural community here in Brevard County; with an eye on this program as being one of the community-support issues that they have an Ordinance on and an expenditure of tax dollars coming back to the community, cultural grants; she was very much thankful for being a part of the workshop that was held to hear Commissioner Altman talk about the origins of this particular program; she would like to see, on behalf of the cultural community, a return of that sort of common sense that is inclusive of all of the County's organizations; and certainly to make sure the ones are funded that have already gone through processes, have committed to

their programs, and need that reimbursement. She continued by saying they would also like to see some involvement with the ones that were knocked out by the requirement for the 5,001 attendance from out of County; that is a very arbitrary number on her estimation based on what they have had to accomplish in the past and that rubric for coming up with that many out-of-County attendees was iffy if anything for them to understand why that was the new cap on qualifying for this grant; she expressed her appreciation to the Board for going forward and working hard on bringing back the programs that are inclusive for all of the cultural communities; and she stated it serves everyone, including the County's constituents and the wonderful people who come to visit Brevard County.

George Trosset stated he is a Surfing Santa; if one would have told him 16 years ago that Surfing Santa's would become, a family-friendly community event loved by thousands, he would have said there is no way; over the years the Space Coast Office of Tourism has been very kind to them, the County Commission of course supporting them; they have been able to put on what he likes to call the greatest show on surf; Surfing Santa's cost about \$30,000 these days to put on the event between the stage, website, insurance, and all of these things; and he would say that the \$30,000 expense is probably one of the best investments the County could make. He mentioned they have reached this crazy media success over the years, billions of media impressions; like last year they had 2.1 billion media impressions from their goofy, little Santa Surfing event, meaning 2.1 billion times somebody somewhere saw something about Surfing Santa's; it was over a 42-hour period, which amazes him; and by doing the math, their Surfing Santa event this year created 50 million impressions per hour for the first 42 hours when the report was run that came up with the 2.1 billion impressions. He pointed out people all over the world, all over the country, and all over the State are seeing things about Surfing Santa's, so for a small investment of \$30,000, they are returning some \$20 million back in advertising value to the County; he wants to see the cultural grants go back to the old way of where they spend money on the event and then get reimbursed through the County, through the office of Tourism; he reiterated that basically, they support the old program if that is a possibility; he would also like to introduce Space Surfing Santa; this guy's cousin went to space in August of '22 on a Blue Origin flight; he was stuffed in a suitcase, and he never saw him floating in space, which is what he wants to see; and if any of the Commissioners have any connections to Space X or Blue Origin and can get this guy in a capsule and get him floating in space, it would make him happy, and it would make a pretty good media hit over that.

Angela Johnson stated she is General Manager of Coconuts on the Beach; she believes most of the Board knows where Surfing Santa's have been held the last 11 years, besides COVID, and they are very proud of that; she grew up in Cocoa Beach, graduated from Cocoa Beach High School, and has worked at Coconut's since 1999; to say her heart and soul is in downtown Cocoa Beach is an understatement; being supportive of Surfing Santa's is huge; her staff looks forward to the event every year; they really went on the map as far as downtown Cocoa Beach, Cocoa Beach in general, because of Surfing Santa's; but as everyone knows, expenses rise; and every year they get quotes on how much things are going to cost. She noted the event is expensive, and they are asking for a little support; they are a huge sponsor of Surfing Santa's, but their pockets are only so deep; as George said, they are asking to go backwards on how the money is spent for that event in itself and overall the TDC; she asked the Board to reconsider that, as it would be much appreciated by those at Coconut's, as well as all of downtown Cocoa Beach; Kenny Wells is Cocoa Beach Main Street, the Commissioners may know her; they actually sit and look at some of these events; they have a cookie crawl that goes on, a tree lighting, which Coconut's sponsors; these are hallmark moments; this is their small, little beach town that is a hallmark moment, and they are very proud of that; but they do ask for more support; and they do appreciate the Board considering it.

Mr. Cranis stated action one is to provide direction on the applications that were already received, the 44 events that the TDC is recommending.

Chairman Feltner asked Mr. Cranis to tell him what that totals.

Mr. Cranis replied \$805,000.

Chairman Feltner noted just so the Commission is clear on that.

Commissioner Delaney asked if there is any way the Board could approve the change of how the money is spent, that it can allow these organizations to spend the money how they need to.

Mr. Abbate pointed out that is the third motion.

Chairman Feltner advised he is trying to keep them in pieces as well.

The Board approved the Tourist Development Council's recommendation to approve funding for the FY2024-2025 Marketing Support Program applications listed on Attachment A, including the events that already occurred in the grant cycle, for a total amount of \$805,000.

Result: Approved

Mover: Kim Adkinson

Secunder: Katie Delaney

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

Mr. Cranis commented the next part is to address the potential adding of \$100,000 for some of the smaller events; there were three options under that; the first option is for each District Commissioner to allocate \$20,000 to the event of his or her choice; the second choice is to do a distribution of the \$100,000 across the 11 smaller events; and the third is to use the previous year's criteria across the 11 smaller events, which comes out to a prorated amount for each, totaling \$100,000.

Commissioner Adkinson stated the Board's third option is to approve the use of the previous year's criteria; and she asked to include the organizations that did not qualify, and therefore did not apply, who is that alluding to.

Mr. Cranis replied so there are 11 events listed on Attachment B; he can read them off if Commissioner Adkinson would like; but there are 11.

Commissioner Adkinson explained she specifically means the ones that did not even apply.

Mr. Cranis advised none of those 11 applied as a result of them not qualifying.

Chairman Feltner asked if there are any more questions for Mr. Cranis on this issue; he asked what the thought process is; in discussion, what does the Board want to do with the \$100,000; he asked if the Board wants to give the \$100,000 back to TDC, or does it want to support some of these events; and does the Board want to save it for lifeguards next year.

Commissioner Altman mentioned one option is each Commissioner divides it up by five different Districts, so he provided the two projects that he would support; the reason he picked those two projects is they stood out, they were unique, they dealt with conservation, preservation, historic restoration, and echo historic tourism; he did not see a lot in the budget for that personally; that is probably his favorite type of tourism, so he put those two projects in,

Field Manor and Green Gables; if the Board were to take that approach, those are the two Items that he has selected. He went on by saying although he thinks that requires the Commission to vote on that; and he asked if that is correct.

Chairman Feltner replied yes, the Board could vote for the whole thing, or it could take up each District's Items and vote; that could be done, too; and he appreciates that Commissioner Altman picked one out of his District.

Commissioner Altman advised yes, he did; he looked at conservation, historic preservation.

Chairman Feltner noted there were two Districts that did not put anything, so he would like to go to that; and he asked what Commissioner Delaney's thoughts are.

Commissioner Delaney responded she has a question; and she asked if it is possible to give, if the Board did decide to break it up for \$20,000 each, organizations that have already received money extra money.

Mr. Cranis replied whatever the Board's pleasure is, he does not see an issue.

Mr. Abbate commented those unallocated funds would be available by Board vote for whatever he or she decides.

Commissioner Delaney stated she really appreciated Chairman Feltner's suggestion of possibly saving this money for lifeguards; and the Board has not really talked about that.

Chairman Feltner's mentioned that day is ahead of the Board; that is an option to just take that money, just leave it in the fund, and give the Commission a little room in the summer when that debate comes back up; and he asked if that is a possibility.

Commissioner Altman noted he would not be for using Tourist Tax dollars for lifeguards; and he thinks the Board should do that out of its General Fund.

Chairman Feltner pointed out there are a lot of things coming out of the General Fund this year; he asked what the Commission wants to do about the \$100,000 that it has in front of it; and does he or she want to save that in a fund for lifeguard discussion later, or does it want to appropriate \$20,000 for items possibly in his or her District. He stated it could just be left in the TDC; and he asked if Commissioner Goodson wants to do that.

Commissioner Goodson responded no.

Commissioner Delaney stated she wanted to make a motion to use this money for the lifeguards.

Motion died due to lack of a second.

Commissioner Goodson advised if one knows anything about lifeguards, the Board could not even get Cocoa Beach to pay for their full share, so now the County would be giving money back to lifeguards, which is going to put Cocoa Beach right in front of the County saying it has the money, and to pay for the whole thing.

Commissioner Delaney stated that is a fight for a different day; and at the end of the day she feels like public safety, it is the Board's number one job to make sure the County has safe communities, safe beaches, and if it has this money, it may as well be saved for that.

Commissioner Altman explained the reason why he does not think the Tourist Development Tax (TDT) dollars for lifeguards is the fact that if the Board were to make that a policy statement, it could just clean out the entire TDC budget, because lifeguard expenses are quite high; \$100,000 is not going to pay many lifeguards, so he thinks when the Board does spend the money from the TDT revenue, it should be spent in a way that has an impact on the original intent of the Statute that created the TDT, paid for by hoteliers; the County had an original referendum that brought everyone together; a compromise was built and the tax was passed; it took three times to pass it; and twice it did not pass. He stated he thinks a big public safety issue like lifeguards, the Board should anti up; that is a very important public safety policy decision the Board needs to make, and fund it through the General Fund; whatever it takes to work out whatever agreement the County has with the cities, the Board needs to roll its sleeves up and make that happen; and that is his opinion.

Commissioner Goodson commented as far as public safety, the Board does pay for its lifeguards on its beaches; and Cocoa Beach and Satellite Beach, those beaches said they could not afford it, did not want any part of it, did not care, and did not even want tourists, so make sure everyone understands that Brevard County pays for its lifeguards on its beaches.

Commissioner Delaney noted she appreciates that, but she was watching during that time, and the heat was up, so she wonders if they may have a different tone depending upon how the Board moves forward and builds relationships with its cities; and she would hate for things that happened last year to muddy-up the great relationships the Board could have with its cities moving forward.

Chairman Feltner stated he agrees that maybe there could be a renewed effort this year; hopefully, the Board could get a better product and partnership with the municipalities; if not for nothing, the money that comes out of Ocean Rescue as part of Fire Rescue; anything that the Board could do to help there is meaningful, so the Board could just today say to leave the \$100,000 in TDC, and this could be dealt with another day maybe when it is a little bit further down the road and have better information; and that may be the safe course.

The Board approved leaving the unallocated \$100,000 in the TDC fund for future discussions.

Result: Approved

Mover: Katie Delaney

Secunder: Kim Adkinson

Ayes: Delaney, Adkinson, and Feltner

Nay: Goodson, and Altman

Mr. Cranis advised that option three is just seeking direction on the use of the funds; there are two choices; and one, just leave the current method as defined in the Marketing Support Program criteria where the Tourism Development Office would do the marketing, or two, to allow applicants to choose between marketing-support provided by the Tourism Development Office, or they could get direct reimbursements for allowable expenses.

Chairman Feltner stated he thinks from the workshop, which in his mind was productive hearing from everyone, there is a differing opinion on that; he heard, he thinks, an equal number of people say that they appreciate that the TDC does the marketing on their behalf, because they are not marketing professionals, they are event professionals; but then he also heard people say it is not the marketing so much as they are trying to deal with the things like the cost of providing day of event police, traffic control, and those sorts of things, so he is sympathetic to that; it would be his preference that probably number two would be a good fit; and he asked if that would be a good fit for the TDC.

Mr. Cranis responded they can make that work, absolutely.

Chairman Feltner mentioned one thing nice about the TDC, there should be economies of scale when one is doing these things, they know the things that work well, the things that do not work well, and where they have gotten a good return on money; and would encourage all of these groups to take the TDC up on that.

Commissioner Altman stated he has a clarification, so this is to allow applicants to choose between marketing-support provided by the Tourist Development Office or direct reimbursement; and he asked do they have that choice.

Chairman Feltner responded affirmatively.

The Board directed staff to allow applicants to choose between marketing-support provided by the Tourist Development Office or receive direct reimbursements for allowable expenses. Further, based on the facts specified for each grant, by approval of this Agenda Item, the Board will make the legislative findings the Tourist Development Tax funds are authorized for marketing support pursuant to Section 125.0104(5)(a)3, Florida Statutes, and Section 102-119(3)a, (5)(6), of the Brevard County Code of Ordinances; each of the tourist-oriented cultural and sports events have as one of its main purposes the attraction of tourists and the entity and the Space Coast Office of Tourism both intend to ensure marketing and promotion of these events; additionally, authorized the Tourist Development Office Director the authority to negotiate and sign all necessary notice of awards, agreements, Budget Change Requests, and related documents to support the grants upon County Attorney and Risk Management approval; and authorized the County Manager to execute necessary Budget Change Requests.

Result: Approved

Mover: Kim Adkinson

Second: Katie Delaney

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

I.2. Discussion, Re: Workshop for Speak Up Brevard Citizen Efficiency and Effectiveness (CEER) Program for the Board of County Commissioners to Receive and Consider Citizen Recommendations

Commissioner Delaney explained she wanted to bring forward an idea of having the Board's participation in a Speak Up Brevard CEER Program workshop; when she checked last night, there are 46 submissions; one of the things that is very important to her is to trying to get the public back engaged in the County government; this Program showcases that; and the more that the public can be brought in and give them a sense of ownership of the decisions and choices that are made in this building, she thinks it is going to help with the Board's public trust issues and to bring the community back together, which is something she is very passionate about. She went on by saying she has the dates of February 18, 2025, and February 27, 2025 at 5:00 p.m.; and she was hoping to get support on this public engagement workshop.

Commissioner Goodson asked if it is true that staff has 120 days to review these.

Commissioner Delaney replied affirmatively.

Commissioner Goodson inquired if staff will be ready by February 18th since they have 120 days.

Commissioner Delaney advised her intention for this is not necessarily to get the staff's recommendation, it is more so to give the Board a fuller, better understanding from the people who are doing the proposing of their item; and that way she feels the staff can get a fuller understanding as well while they are making their recommendations.

Commissioner Goodson asked to help him understand, is it true these people come before the Board, they plead their cases, staff reviews it, and then says it is already being performed; and he asked what better understanding could the Board have other than staff researching them, studying them, and telling the Commission about them.

Commissioner Delaney noted even if something is already going within the Board's Policies, it could bring something else to light that maybe is not quite working well, or it could be expanded, or restricted; and like she said, this is about engaging the public and getting more public input to what the Board is doing.

Commissioner Goodson asked if Commissioner Delaney's constituents come to her office and complained about the issues.

Commissioner Delaney replied complained and had great suggestions.

Commissioner Goodson asked why Commissioner Delaney does not have a town hall with her constituents, and then bring back her findings to the Board.

Commissioner Delaney pointed out she talks to her constituents on a regular basis, and she has town halls she is working on scheduling, but this program and this workshop really was inspired by him last year when he proposed this.

Commissioner Goodson stated he really did not know he was going to be inspired to have numerous town hall meetings every time one turns around for issues that County staff should work on and come back to the Board.

Commissioner Adkinson asked if Commissioner Delaney expects that all of the applicants will be bringing everything before the Board; and is the Board going to give staff a chance to weed out some of the things the Board just does not have any control over.

Commissioner Delaney responded at this point she is open to that suggestion of weeding out the things that the Board has no control over.

Chairman Feltner stated he thinks it helps Commissioners to have a time certain situation when talking about a workshop.

Commissioner Delaney commented she thinks the standard workshops are usually two to three hours; and she is pretty open to what the rest of the Board is willing to do, even if this is kind of a trial run to see if this is something it would like to continue doing every year.

Chairman Feltner asked if Commissioner Delaney would propose possibly a three-hour workshop on this issue.

Commissioner Delaney replied sure.

Commissioner Altman asked what time of day Commissioner Delaney is proposing.

Commissioner Delaney responded she originally suggested 5:00 p.m.; that way people can be off of work and what not; but like she said, she is open to changing that time, really whatever makes this work for the Board.

Commissioner Altman noted he would prefer evening; and that would make it more available to the working public.

Chairman Feltner asked if Commissioner Delaney would consider taking the list, paring it down, and then coming back to the next Commission meeting with the list of items, so that Commissioners could sort of make a more informed decision on this, and is she open to that.

Commissioner Delaney replied sure.

The Board discussed a workshop for Speak up Brevard CEER Program for the Board to receive and consider citizen recommendations, but took no formal action.

J.1. Approval, Re: Ten Appointments to the Save Our Indian River Lagoon Citizen Oversight Committee

Virginia Barker, Natural Resources Management Director, stated this is appointments to the Save Our Indian River Lagoon Citizens Oversight Committee (SOIRL COC); sort of like the Tourism Item that went before this, it is a multi-step requested action, three-step requested action, so the first is to consider confirming the appointments of applicants selected by the League of Cities; the second request is to rank the remaining candidates for filling the Board's vacancies, read those selections aloud for the public record; she will tally them; she will bring them back to the Chairman while the Board proceeds with its Agenda; and then later in this meeting, the Board can consider those tallied rankings and consider appointment of the top-ranked candidates.

*The Board recessed at 10:19 a.m. and reconvened at 10:28 a.m.

Ms. Barker explained this is appointments to SOIRL COC actions; the three requested actions are first, consider confirming appointments of the applicants selected by the League of Cities for their vacancies; then to rank candidates to fill the County seats for its vacancies; she will then tally those vacancies, and bring them back to the Chairman for the Board to consider appointment of the top-ranked candidates; and she has blank ranking sheets if any Commissioner needs extra blank sheets. She went on to say the process is they will go down the roll call to see how each Board Member ranks.

Commissioner Delaney asked if in the Agenda Item it says that the League of Cities wants to appoint former Commissioner Curt Smith for the vacant seat for the Economics/Finance member.

Ms. Barkers replied affirmatively.

Chairman Feltner commented one can see in the yellow column, the asterisks there are the League of Cities choices, that is who they voted for, so on that sheet, if a Commissioner wants, he or she can accept their recommendations.

Commissioner Adkinson asked if Commissioner Delany could repeat what she asked about Mr. Smith to see if she followed her.

Commissioner Delaney responded when she originally looked at this she did not realize that

Mr. Smith was being selected by the League of Cities for that position, where the Board is responsible for the alternate.

Commissioner Adkinson pointed out she did not either; and she expressed her appreciation to Commissioner Delaney for clarifying that.

Chairman Feltner stated he supposed this is going to be done in a couple of pieces, and then if some of these people are selected say from the Space Coast League of Cities slots, then they are out for consideration on the other sheet; and he asked if that is fair.

Ms. Barker responded correct; she reiterated that action one is to consider appointment of the following applicants selected by the League of Cities: Curt Smith, the current alternate, for Economics and Finance; they would like to promote him from the Board's non-voting seat to their voting member seat; Richard Bankhead to be appointed for the vacant new Lagoon Commerce voting member seat; Kimberly Newton, to promote her from the Board's current alternate seat to the League's vacant voting member seat; and Nick Sanzone for the League of Cities vacant Science alternate seat.

The Board confirmed the appointments of the following to SOIRL COC, selected by the League of Cities: Curt Smith for Economics/Finance, Richard Bankhead for Lagoon Commerce, Kimberly Newton for Lagoon Education and Outreach, and Nicholas Sanzone as alternate for Science.

Result: Approved

Mover: Kim Adkinson

Second: Thad Altman

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

Ms. Barker advised that step two is to review the applications for the remainder of the vacancies, those are the ones listed on the Board's ranking sheet; the League's appointments she put in italics to try to make them easier; they do not need to be considered anymore, because the Board just appointed them; based on the applicants that are left, to rank those with number one as the Commissioners top pick, two is the second pick, and number three will be its third pick; and the rest of them will be given a rank of four for the public record by doing the roll call with each of those rankings; she will tally them; and she will bring those results back to the Board later in the meeting.

Commissioner Feltner asked if the Board has any questions; and he is going to wait for the Commissioners to make their selections.

Commissioner Delaney stated for the Science position she has Mark Schrope, Aaron Adams, and Frederic Goldstein; for Technology she has Sandra Sullivan, Richard Nipper, and Gary Aguinaga; for Tourism there is only one choice, Laurilee Thompson; for Lagoon Commerce Steve Justice and Aaron Adams; for Economics/Finance, Steve Justice, Bruce Larson, and Carol Spellman; and Lagoon Education/Outreach/Advocacy she has Stel Bailey, Sandra Sullivan, and Bruce Larson.

Commissioner Altman stated for Science he has Donald Deis, Richard Nipper, and Mark Schrope; for Technology, Richard Nipper, Donald Deis, and Mark Schrope; for Tourism, Laurilee Thompson; for Lagoon Commerce, Aaron Adams and Steve Justice; Economics, Frederic Goldstein, Carol Spellman, and Bruce Larson. He asked if he needs to rank them in order.

Chairman Feltner advised he thinks they assumed they were one, two, and three.

Commissioner Altman mentioned these are not necessarily that way, and to let him go back over that again; Donald Deis number one for Science, Richard Nipper number two, and Mark Schrope number three; for Technology, number one is Richard Nipper, number two is Donald Deis, and number three is Mark Schrope; Laurilee Thompson number one for Tourism; Lagoon Committee, number one is Aaron Adams, and number two is Steve Justice; for Economics number one is Frederic Goldstein, number two is Carol Spellman, and number three Bruce Larson; and for Lagoon Education, number one is Deborah Harmon, number two is Frederic Goldstein, and number three is Stel Bailey.

Commissioner Adkinson stated for Science number one is Donald Deis, number two is Richard Nipper, and number three is Mark Schrope; for Technology number one is Donald Deis, number two is Richard Nipper, and three is Mark Schrope; for Tourism Laurilee Thompson; for Lagoon Commerce Aaron Adams number one, and Steve Justice number two; for Economic/Finance Carl Spellman number one, Frederic Goldstein number two, and Bruce Larson number three; and Lagoon Education number one Frederic Goldstein, number two is Deborah Harmon, and number three is Stel Bailey.

Commissioner Goodson commented Science number one is Donald Deis, number two is Richard Nipper, and three is Mark Schrope; Technology, number one is Gary Aguinaga, number two is Richard Nipper, and number three Donald Deis; Tourism is Laurilee Thompson; Lagoon Commerce Aaron Adams number one and Steve Justice number two; Economics is number one Frederic Goldstein, number two Carol Spellman, and number three Bruce Larson; and Lagoon Education number one is Deborah Harmon, number two Frederic Goldstein, and number three Aaron Adams.

Chairman Feltner advised for Science number one is Donald Deis, number two Richard Nipper, and number three Mark Schrope; for Technology number one is Richard Nipper, number two is Mark Schrope, and number three Bruce Larson; Tourism is Laurilee Thompson; Lagoon Commerce is Aaron Adams number one and Steve Justice number two; Economics/Finance number one Frederic Goldstein, number two Steve Justice, and number three Bruce Larson; and Lagoon Education number one Stel Bailey, number two Frederic Goldstein, and number three is Deborah Harmon. He asked if Ms. Barker wants the tally sheets turned in to her.

Ms. Barker replied she just wants to check that she wrote them all down correctly; she will then tally them; and the Board can either turn them into her or to the Clerk.

Chairman Feltner noted the Board will take a pause on Item J.1., and go on to J.2.

J.2. Board Direction, Re: Request from Space Florida Connection Sykes Creek Wastewater (Merritt Island) Treatment Facility

Edward Fontanin, Utility Services Director, stated staff is seeking Board direction with regards to the request from Space Florida to connect to the Sykes Creek Wastewater Treatment Plant system; just to do a little recap, staff presented to the Board at the December 3rd meeting to kind of update the Board about the request of Space Florida, their dynamic, and their request on how they were seeking a partnership with Brevard County on utilizing the collection system in Sykes Creek; soon after, which staff shared at the December 3rd meeting, they met with the delegation at Space Florida on December 9th that included Space Florida, Brevard County, Economic Development Commission of Florida's Space Coast (EDC), and the State Secretaries from the State of Florida; and they discussed, at length, ways they could make this work. He went on to say that it was included, in essence, what it would take to make this work;

in the Board's Agenda Packet, it will be able to see a letter dated January 10th from Space Florida saying what it would take; typically, to go through a finite number it takes months of analysis, but staff has used estimation; obviously, from looking at it from a conceptual side, they have come up with what they feel is an adequate number, which is the \$130 million that they are seeking from Space Florida to do the improvements needed at the Sykes Creek Plant in addition to some outlined conditions that staff is sharing with Space Florida; for discussion purposes, they are seeking direction from the Board; obviously, it is a question of whether the staff continues with the dialogue with Space Florida; and lastly, there are representatives from Space Florida in attendance if there are any questions.

Frank Abbate, County Manager, commented he wanted to add a couple of things; this letter was drafted because Space Florida wanted an estimate from the County staff of what it would take to expand the Sykes Creek facility if they were only looking at an expansion of the facility; staff told them they would need more time to do that; they needed it because of their timetable, so the due diligence that Mr. Fontanin mentioned, this is the best estimate staff could come up with in this short period of time; when he helped draft this letter, he made the decision that before the County even sent a letter to Space Florida, it needed to come back to the Board just because of the sensitive nature of what was involved in all this, and in light of the prior discussions that the Board had when it was discussed back in December; and if in fact this letter goes out, that is what staff is looking for the Board's approval so that they could honor that commitment that Space Florida asked for to give them some estimate of what it would be. He pointed out that is not a firm number, there is a variety of contractual issues that would have to be looked at; staff discussed it with the Board, they put it in prior correspondence, things about making sure that all of the Board's rate payers in the utility system are not going to be impacted negatively in terms of their rates because of the addition of Space Florida, that the type of waste that comes had to be residential type, it could not be the industrial waste; then they would have very aggressive monitoring of the system; all of that would be stuff that staff would still need to work on if this is moved forward; if the Board says to move forward, staff sends the letter, and if they came back and said yes, they are willing to talk about it, it would have to be negotiated and worked out, and then brought back to the Board in terms of what a real pricing would be and all of the related items he just mentioned, as well as other items; and he wanted to make sure that the Board was clear that staff is bringing this because they are trying to have a failsafe and not move forward on something that the Board would not have an interest with. He stated they are trying to do an expansion, figuring the Board would be utilizing its capacity for the current rate payers, so if they were to expand the facility, it does not eliminate the potential of what is being done with the Defense Department and the Military Installation Resilience (MIR) grant, those are separate dialogues that would happen at future times; and staff is available to answer any questions.

Chairman Feltner stated he appreciates that Space Florida is here, so there may be some questions from the Board; and he asked if the Board has questions for staff.

Commissioner Goodson asked if it is \$130 million, and if they built their own plant, handled their own stuff, what the cost would be for them, roughly, just an estimate.

Mr. Fontanin advised there are a lot of conditions with that, because obviously, he does not know what their site condition is.

Commissioner Goodson stated to just assume it is perfect; and he asked if staff is telling him they are getting a wonderful deal.

Mr. Fontanin replied he does not have a number to compare with regard to their costs.

Commissioner Goodson inquired if the County would want to know that; and if the County is giving them \$130 million, and their cost would be \$300 million, are they not getting a hell of a deal.

Chairman Feltner explained he went to the meeting with Space Florida, and they are sitting around the big table, and just started to add up the things they would have to do; of course, in full disclosure, Mr. Fontanin does not have all of the factors, and does not know everything up there; but they very quickly got to a number that was something like close to a quarter of a billion dollars.

Commissioner Goodson reiterated so they are getting a hell of a deal; they have sat there 70 years; and all of a sudden, they are getting a fantastic deal.

Chairman Feltner noted the rational choice for them is hooking up to Sykes Creek.

Commissioner Goodson stated no, that is the County's choice; and they only want to do it because if it is \$700 million, he would want to do it for \$130 million, too.

Chairman Feltner advised the lesser cost option would be better for them.

Commissioner Goodson commented under industrial pre-treatment each sewer account with Space Florida will be responsible to report wastewater flow prior to the connection, provide the industrial treatment process, and equipment that will be implemented to assure no distribution in the County system; if one knows anything about government, that is a hell of a statement, implemented; and he asked if the equipment has to be on their site prior to them allowing one gallon to flow south.

Mr. Fontanin replied yes; he stated it is not unusual when doing an industrial pre-treatment program; part of the reason for that is because every location will have a different dynamic they will be reporting; this would be language that staff would really tighten up if the County proceeded to an agreement forum; the protocol is if there is any kind of disruption at the treatment plant; and the reason it is done is there would be sampling points that grab samples could be taken to see, basically, who the culprit is.

Commissioner Goodson asked what happens if it is contaminated industrial waste and it is in the line headed to the sewer plant on Merritt Island, does the County bring in trucks and pump it out and take it back there and give it to them.

Mr. Fontanin responded the County would continue to treat it as best it could; it would be disposed of through the deep injection well; and this would be language in regard to if the County proceeded in an agreement forum, it would talk about repercussions of any violations that would occur.

Commissioner Goodson inquired if the County would get fined by the Florida Department of Environmental Protection (FDEP) the minute they say something is bad in that sewage.

Mr. Fontanin replied yes, the County would get a consent order.

Mr. Abbate explained the County would have to have an indemnification language from Space Florida for any violations that occurred.

Commissioner Delaney asked if there is a way to guarantee that the County knows, if and when there were a problem with the industrial waste, after it leaves Space Florida land and heads to Merritt Island, to prove that it is them.

Mr. Fontanin advised the first symptom is when there is a disruption at the treatment plant; obviously, the operators would know if there is something biological occurring; as soon as that occurs, the County would have a protocol set up where grab samples at any known industrial pre-treatment site would occur; that is why it was outlined in the letter about every facility having it rather than a common, because if it is done as a common, then it is hard to define which account it would occur; when the agreement is gone through, it could be talked about there is sampling when an occurrence occurs but there is still sampling when an occurrence does not occur, and the frequency could be defined; and those could be used as preventative measures.

Commissioner Delaney asked if there is a way that the County could be the ones to choose who does the testing.

Mr. Fontanin replied that could be terms in the agreement.

Commissioner Altman asked if Dale Ketcham, Space Florida, read the letter and how he feels about it.

Mr. Ketcham replied yes, it is exactly what they wanted; they asked the County to give them a price; they said from the very beginning to put it in writing; they have a need for an additional wastewater treatment plant to continue to grow the Cape; they have absolutely no expectation that anybody other than Space Florida will pay for that additional impact; they have resources; Tallahassee and Washington are both very anxious to see this happen, because this is a national imperative to continue to grow the Cape; and they are ready to negotiate the issues of industrial wastewater, any sort of contamination. He noted there are hundreds of wastewater treatment plants across the country; this is not a problem that is unique to Brevard County; he is not a technical person in wastewater, but he can assure the Board that all of these issues are easily addressable, and are addressed at hundreds of locations around the country; and they are happy to negotiate an agreeable package with the County to get this done.

Commissioner Adkinson stated a crisis of his, has becomes the County's; she asked what Mr. Ketchem's thoughts are when this reaches capacity; and does Space Florida have a plan of what they are doing after this does not work anymore.

Mr. Ketcham replied they have been working with a number of people for a long time on a broader, regional approach; they are particularly excited about that, because that brings in more of other people's money from Tallahassee and Washington; they consider themselves part of Brevard County; the fact that the Federal Government has not kept up sufficiently to accommodate the commercial growth is a challenge for all; but in their defense, he does not think anyone expected the commercial space industry to blossom the way it has; it is a challenge that can be addressed; it is not on fire yet; but if nothing is done, it will be. He went on to say this is all manageable, the schedules that can work right now will work; and they are anxious to move forward.

Commissioner Delaney advised she has a question about the cost of this; and she asked if it turns out to be much more expensive, is there room in the contract that will be presented to the Board eventually, actual costs versus estimated costs.

Mr. Ketcham responded he would anticipate that would very much be a part of the negotiations with the County; he thinks the Board would find by looking at the prices that are being paid for similar facilities throughout the State of Florida right now, there is lots of margin in that money; but again, that is part of the negotiations; and that is what they want to do with the County is to sit down and move forward to make this work.

Commissioner Altman stated he knows launch schedules were being looked at and incredible opportunities are about to move to the Cape; and he asked he would assume that the possibility was not included of National Aeronautics and Space Administration (NASA) moving its headquarters to Kennedy Space Center, or would that growth be included in these numbers.

Mr. Ketcham advised they could accommodate that because, again, NASA headquarters is a Federal bureaucracy, so most of the waste coming out of that building is going to be domestic, which is exactly what a wastewater treatment facility needs; they can adjust for that; they are pursuing that as per the Governor's directive; they were looking at that even in advance; these are all problems that can be managed; and this is nothing out of the ordinary.

Commissioner Goodson remarked he has known Mr. Ketcham a long time, and he finds it interesting that he is not familiar with wastewater, but he is an expert on BS.

Mr. Ketcham pointed out he is a philosophy major.

Commissioner Goodson inquired why in 70 years NASA did nothing, no planning for 70 years.

Mr. Ketcham responded NASA had its own wastewater treatment facility for the Apollo Program.

Commissioner Goodson asked if it is no longer . . .

Mr. Ketcham replied they decided it was easier to ship it all over to Space Force Station.

Commissioner Goodson advised they have the two richest men in the world; and he asked if they can build their own sewer plant.

Mr. Ketcham responded that is certainly a possibility, but it would be, again, because Space Florida is part of Brevard County and it is an opportunity for additional other people's money to go into facilities, it would be better to be dealing with this, in their opinion, as a regional effort to grow the community collectively, because it is much bigger than wastewater.

Commissioner Goodson asked if Mr. Ketcham is aware there is a Federal law that says Federal land cannot be taxed, but structures can be taxed.

Mr. Ketcham replied yes.

Commissioner Goodson commented last year he thinks Blue Origin and SpaceX paid about \$6 million; half went to the School Board and half went to the County; and he asked if that is correct.

Mr. Abbate responded something close to that.

Commissioner Goodson expressed his thanks to Mr. Ketcham for that input; but to be careful to say they are part of Brevard County; this is the best time in one's life to put some of the North

Merritt Island water back on NASA and to make that a condition as well; they are adamant that they do not want to talk to the County about helping drain into a ditch that was there prior to NASA's existence, so if the County does not get them now, it will never get them; and he asked if Mr. Ketcham could sell that.

Mr. Ketcham pointed out they are not NASA, NASA is its own . . .

Commissioner Goodson noted he has the tie-ins and the technical.

Mr. Ketcham stated they have the responsibility for the overall Cape Canaveral Space Port; their jurisdiction and their ethical and responsibility is for the management of the whole system, which includes everybody outside, because everybody works at, nobody lives at KSC for the Space Center, they all work in the communities.

Commissioner Goodson mentioned if Mr. Ketcham wants the County to handle their poop, then he should handle some of the water on North Merritt Island; and he would make that a contingency.

Mr. Ketcham stated they would be happy to work with NASA on that, because they have tried to help, he thinks, before with that.

Commissioner Goodson pointed out that Mr. Ketcham said nothing, and that is why he is full of bullshit.

Mr. Ketcham advised he has a degree in it.

Commissioner Delaney stated for the public's sake, if there were an issue with the industrial waste that came from Space Florida lands, it says something in here about penalties, but from what the Board has seen in the past, penalties is sometimes very little compared to the damage that is done, so she would like to see in the final contract something that not only says that Space Florida would have to fix the problem, but then, unfortunately, also penalties for having the County have to deal with all of that; and she asked if that is something Space Florida would be okay with.

Mr. Ketcham explained he would have to think in negotiating this, again, he would default to the fact that this is not a unique problem, there are hundreds of other facilities across the country that deal with similar problems, he thinks there is a mechanism and existing template and best practices for addressing just that need; they want to make sure their agreement with the County is something it is happy with, because there is more to all of this growth that is occurring out there than just wastewater, so they are looking at this as a long-term partnership; and Brevard County is Brevard County because of what is going on out there, and they want to see that growth be beneficial for everybody. He noted good, solid agreements are a big part of making sure that happens in the future.

Commissioner Delaney mentioned she wants to mimic what Commissioner Goodson said, she thinks the stormwater issue is equally as important to the residents as this wastewater, so she hopes it will be a big part of this conversation.

Mr. Ketcham remarked again, that is a NASA issue, they are not the landlords out there, they cannot give access to canals that are on their land; they understand the problem; they would like to help and will continue; but he cannot comment about something that is not their responsibility.

Commissioner Delaney stated she hopes NASA is willing to come to the table and talk to the County about this.

Mr. Ketcham advised they will certainly encourage NASA to do so.

Chairman Feltner stated he is going to meet with the new Congressman soon, and he will mention about the stormwater in Merritt Island; the Board has the date of February 1 that Space Florida wants the Board to make a decision; and he asked when he was at Space Florida if they were pursuing an appropriation from the legislature, so he just has to assume, since the County has given them sort of a list, which he asked for and staff came up with, if Space Florida anticipates asking this of the legislature.

Mr. Ketcham replied affirmatively, and they anticipate making a significant ask of the legislature to move this forward, because they have expressed an interest in helping as well.

Commissioner Delaney stated while the Board is discussing this, she just wanted to put it out there that she has received a lot of concerns from her community about the potential of a regional plant; she kind of wanted to put it on the record that before that is decided, there is going to be a lot of public input, conversation, negotiation, and all of that; that is not the only option moving forward, so she just wanted to put that out there; and if he would not mind saying his peace about that as well so both sides are on the record for the public.

Mr. Ketcham mentioned he guesses the best way to approach that is there have been numerous efforts led by others, other than them to address long-term wastewater treatment issues, which confront every community, certainly here in Brevard County, particularly North Brevard as he understands it; the concept of that advanced regional wastewater treatment facility was part of studies and things of that nature, it was conceptual at best, because it was the very first step in learning that; they are happy to participate in whatever looks like it is best for everybody; like he said, Commissioner Goodson may not think they are in Brevard, but they are; their responsibility is a thriving, commercial spaceport; and that happens because people are living outside the fence and are happy, thriving, living, and having a good environment and good community is absolutely essential, because keeping the talent that is necessary to continue to grow this, there needs to be a good quality of life. He pointed out there needs to be clean water, a healthy river, good housing, and all of that is a part of what they see as their responsibility; and he hopes that makes sense.

Commissioner Delaney remarked she hopes the State and Federal partners are listening to this, because this is very strategic for national security, for the space race, and all of these great things being done in the County; but the people who live here cannot be forgotten about.

Mr. Ketcham stated absolutely, and they will be the first ones in the doors in Tallahassee and Washington making that case.

Commissioner Goodson asked what Mr. Ketcham's appropriation request is.

Mr. Ketcham replied it was nebulous, he thinks it was about \$75 million.

Commissioner Goodson asked if that is all, and if they are going to pony up \$65 million.

Mr. Ketcham responded the best way to explain this is it was a placeholder.

Commissioner Goodson asked what Mr. Ketcham thinks he is going to request, the full amount.

Mr. Ketcham advised he will be honest with him, he does not want to answer that because it will be a decision collectively.

Commissioner Goodson noted the one word that came out of the audience was transparency.

Mr. Ketcham pointed out he cannot tell the Board what he does not know.

Chairman Feltner stated it will be public record; no disrespect, sir, but very soon it will be public record; and once it has a bill number, it becomes public record.

Mr. Ketcham stated absolutely, he just does not know himself.

Mike Miller stated he works with Space Florida; he is vice-president of external affairs government; what they are working on right now is this number that the County is providing to them; then what they are going to do is to work with the Governor's office and the legislature whether it is \$75 million, \$130 million, or even more, they have not determined that until they had this conversation, so they needed to have this; he knows they are coming up against a deadline for the filing; but they also have the Governor's recommended budget, the opportunity to work with both House and Senate leadership, the Department of Transportation, Commerce, and even education, because that is one of the secretaries that came to their meeting; and they want to collectively make this a group effort, not only for wastewater, but for the entire community, so the ask itself, is still being made.

Commissioner Goodson mentioned he understands everything Mr. Miller said, and it sounds great; and he asked if he were to ask for \$160 million of Brevard County taxpayers' money for other stuff that is desperately needed like roads, bridges, and stuff like that in this County, if he would find that strange from the two richest men in the world.

Mr. Miller replied he cannot speak to the two richest men in the world, but he can speak to the State's priorities, and space is one of the State's priorities, so they are looking at this as an industry that they want to lead the world in, as Commissioner Delaney said; this is national security, the opportunity for them to go further than they ever thought; and they can do that only in one place in the United States of America, which is right here.

Commissioner Goodson stated he thought Texas was kind of good; but he asked if it is not.

Commissioner Delaney remarked not better than Brevard.

Mr. Miller replied no, Brevard surpasses them.

Chairman Feltner asked if it can come out of a committee or does it have to have a sponsor.

Mr. Miller responded they are not in the position where they are actually sponsoring a legislative ask at this point; their conversation right now is to go back, per the meeting they had in December, to talk to all of their agencies and then talk to the legislature, and then collectively figure it out; that is why when the Board asked Mr. Ketcham that question he was not sure where, because they have to find out not only are they going to do it through an agency budget, the Governor's recommended budget and then the legislature, so that chopping up of the ask is still to be determined; that is what is being done right now; that is when they will have to have a bill sponsored both in the House and the Senate; and they have lots of friends in the legislature, not only in this community, but around the State that care about aerospace, so he does feel like that is still to be determined. He continued by saying that will be something interesting to watch; but they are going to work hard to make sure they get that number.

Mr. Ketcham explained that is why they needed the number by February 1, it gives them the opportunity to be creative, because clearly this is very important to Tallahassee who will figure out the clever way to make it happen.

Commissioner Altman noted this is a beautiful example of government working together; he really appreciates the work Space Florida has done, and the staff, on a project that is probably one of the most exciting things to ever happen to Florida; he thinks a lot of the budget numbers will have to be flushed out because rate payers and users will pay for probably the vast majority of this revenue stream, so determining how much the users such as SpaceX, Blue Origin, NASA, or whoever, they will be paying rates that are fair to the people of Florida, the people of Brevard; he imagines there will be a lot work on these budget numbers; and he assumes it could be a member project or it could come out of a State agency as part of a bigger picture. He mentioned from what he is hearing, this is a national priority, a national security priority.

Chairman Feltner advised it is going to come out of the commerce package, he feels pretty confident of that.

Mr. Miller stated he does believe that it is a multi-step process that they are going to use the agencies, the legislature, their friends, and to Commissioner Goodson's point, it is a rate payer situation out there as well, so whatever SpaceX, Blue Origin, or any space entity is going to be using in terms of industrial wastewater cleaning it and getting it to the Sykes Creek facility clean, that is going to be their responsibility regardless of the cost; and he does feel like there will be participation at all levels.

Sandra Sullivan commented as a business analyst, the first thing she looks at when she reads this is all the costs are estimated; this is a dart at best at this point, it is a guesstimate, so they are getting legislation and money coming in and will not know the actual number; these guys are talking about other people's money, tax money; but the fact is they have been irresponsible; she has read and done records requests for the Blue Origin Contract, this is right in there; and they are talking about potential future use of the Brevard County utilities, so this has been on their mind for a long time, and then they come here pretending that this is an urgent thing. She went on to say when building and making all of these changes to that plant and build a pipe to the County's facility, they could build their own; Mr. Ketcham said after a previous meeting, it was not really industrial wastewater; the Board has no control on what they are doing on the other side; it has no control over what the County will be dealing with, and no way to pay for that; and as a business analyst, she just says this is a bad deal. She noted she wants to talk about the big secret in Brevard County, that taxes are not paid; the comment was made oh, it is Federal land, they do not pay taxes; she has looked up Federal law, and when it is leased to private entities, including military, Department of Defense (DOD) land, then those entities pay; the reality here is Space Florida is an Independent Special District, which means they are a taxing district; they chose not to levy any taxes; and that is what has created this problem. She noted they want to use other people's money; ultimately, the taxpayers are footing this bill, not the two richest men in the world; and the County will have no control and no way for them to pay until they pony up and they start doing some taxation. She showed the Board a copy from where Blue Origin does not pay taxes; she pointed out she is wearing an American flag and an eagle for a reason, America first; this is Air Bus coming, this is the secret deal for \$1.8 billion that is coming here; there is going to be a lot more growth that the Board is not even figuring out how that is going to get paid; this company is largely owned by France and Germany; and she strongly suspects that building the satellites, like the ones that were just launched for United Arab Emirates (UAE), China's friend, coming here and going to be building satellites, launching from here. She asked how about the County having two tax rates, one for American first, and one for these foreign entities coming here on American territory and expecting the rate payers here in Brevard County to pick up and pay for the infrastructure needed.

Commissioner Delaney stated she did not know if maybe staff could start looking into kind of that America first argument of is the County promoting American businesses here in Brevard County; she asked what the County is doing in that respect; and she pointed out she would really love to investigate that.

Jack Ratterman, North Merritt Island Homeowners Association and North Merritt Island Special Dependent District Board, remarked SpaceX, NASA, and Blue Origin are not good neighbors; everything they have built out there, they have pushed their floodwater, their stormwater, south to Merritt Island; it goes all the way to Pine Island Road, and it started to flood them again; it goes to Broad Acres; and after the last two hurricanes, those folks could not get to their homes unless they had a four-wheel truck. He went on by saying the history is they are not looking out after the needs of the citizens or North Merritt Island; the \$130 million, he thinks there ought to be a line in there that says 'all costs'; if it goes above \$130 million, and the phrase 'all costs' is in there, that will make them worry about what they are going to spend; he took a look at the letter; and he quotes, "Space Florida will be responsible to report with industry or what industrial wastes will flow and they will do the monitoring." He noted now the County is letting the fox guard the henhouse; they will be telling the County what kind of industrial waste they are pumping to it; he is not real comfortable with that; he asked can Merritt Island take all of this waste from NASA; they have a 2,000-foot deep injection well that goes below the aquifer; and if any of that industrial waste gets there, it will go below the aquifer as well. He concluded by saying he appreciates all of the effort that the County Commission works for the community, and he would like to note Commissioner Altman's discussion this morning about the Challenger disaster; this is the day; the Barge Canal Bridge is named Christa McAuliffe Memorial Bridge; and because of his long involvement with the space industry and with NASA, he thinks he should disqualify himself from any votes on this issue, because he does not think he could separate his last relationships from this very important issue.

Darren May explained hopefully he is going to represent somewhere in the middle of this; he grew up here, attended Florida Institute of Technology (FIT), worked in the space industry, actually being involved in most of the environmental compliance and permitting for these facilities being talked about, and as his career, he has been involved in all of the construction aspects, the design reviews, and all of the things that had to be gone through with this, so he has been through this many times with many discussions; he no longer is working for them or speaking for anybody; he is speaking on his own behalf as a citizen; and he would like to see getting everyone in the balance of the middle in trying to find solutions. He added, he wanted to hit a few points in the letter that has been proposed, and a lot of it has to come down with the flow; the historical flows they have had at the Cape, and it is public record, has roughly been about 500,000 to 600,000 gallons a day; that is for both Kennedy and Cape; that was also Shuttle era to now, so amounts being talked about coming from that .27 to .7, it does seem rather large for the percent being talked about of existing utilities; and that does lead to the question again, how much of that could be potentially industrial wastewater. He stated there are a lot of wastewater components, but he will not get into that, it is too much to get to, so the flows and all of that stuff has to be addressed; he thinks it is definitely something the public should be involved with, as Commissioner Delaney mentioned before; about the ownership for the lift stations, if there is going to be easements, things like that, rights-of-way, how is that property going to be coming through, because again, if spills happen, things occurred; back again to how it is going to be traced back, one of the recommendations in here is about metering based on water, which is a typical thing for a city, but this is a different environment working at the Cape; the Cape is a different animal; it is special; and here and Vandenberg are two completely different animals. He noted it is not normal flow, it does not act the same way, it is stair steps; that is why they plan, they have to know how to do those kinds of things; he is probably not going to have the time to go over all of the things, because he could hit every single topic the Board has talked about; he really would like to do that; his suggestion is to have

that public input; he thinks there needs to be, if not a workshop, a poster session in between this and making a final decision so the Board can get a lot of this input, because there are a lot of people in this community who worked in this industry; and he has one example he wanted to give to the Board as an option, which is a potential for doing the agreement, is a gigantic plant is not always needed to do this stuff. He stated he has always been a fan of the decentralized wastewater treatment; one option is to have that treatment, and there is one example called Hassalo on Eighth, which is in Portland, Oregon, done in 2015; it basically has an agreement that they hook to the city for sewer connection, but they have zero discharge, and they do an onsite for a four-block section for their commerce area; what it basically is an agreement with is they have the connection to sewer but it is basically for maintenance and emergency; the incentive they put on that basically was an incentive that if they do not discharge, they receive credits back; they were able to get millions of dollars in incentives for that company to come in and do the extra work; the County does not have a lot of incentives for its commercial to do that kind of stuff when doing things like this; and he reiterated there is basically ways to do that up front to dangle the carrot to say one can maybe have a connection, but can it be reduced. He noted he thinks the County needs to definitely look at volumes and talk to the constituents for that.

Chairman Feltner advised the Board is only being asked today to approve the letter going to Space Florida.

Commissioner Delaney stated she does not really have any more discussion on this Item, other than she just wanted to put out there that negotiation and final contract will have Board participation and final decision on the contract, so nothing will be accepted without all of the Commissioners' and public input, and a totally transparent situation going on.

The Board approved the draft letter to Space Florida for connection to Sykes Creek Wastewater Treatment Facility in Merritt Island, which states that the overall capital cost requested by Brevard County from Space Florida is \$130 million for capital improvements to the Sykes Creek Wastewater Treatment Facility to accommodate the additional flows from Space Florida and outlines key conditions requested by Brevard County to be included in any agreement.

Result: Approved

Mover: Kim Adkinson

Secunder: Katie Delaney

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

J.3. Discussion and Possible Direction, Re: Fire and EMS Impact Fee Studies

Billy Prasad, Interim Planning and Development Director, stated this is actually Commissioner Delaney's Item out of District 1; and he is here to answer any questions.

Commissioner Delaney advised as everybody is aware, the County's impact fees have not been updated in many years, and so she just felt like it is important to get this ball rolling if this is something the Board decides to look at, because there is quite a lengthy process of getting this done, so the sooner the better that the Board can get to a better place; her opinion is that growth does not happen forever; eventually the County will be completely built out; this is the time to get the County to a better place; and she asked Mr. Prasad to do a little presentation about where the County is, where it came from, and all of that kind of stuff as far as impact fees go.

Mr. Prasad explained Brevard County last conducted an impact fee study in 2015 at a cost of about \$164,000; that study was not limited to Fire and Emergency Medical Services (EMS); it also included transportation, correctional education, and libraries in addition to EMS and Fire; in September 2016, the Board accepted that impact fee study, but retained the then current fee schedule; and in other words, it did not act on that study's findings, instead it instituted 100 percent of the previous 2001 rates. He pointed out that is where the County remains today as far as the EMS and Fire rates; they were last amended in 2001; the reason the Board did that at the time was the moratorium on impact fees; during the same discussion, that was lifted, so he believes the Board did not feel like it was appropriate to increase the fees at the same time as it was lifting the moratorium, so that leads the County where it is today; if the Board were to consider increasing any impact fees, including Fire and EMS, it would have to do a study first, because the current data is more than four years old, which is the threshold in the Statute; and the Statute lays out numerous benchmarks, which is known as the Florida Impact Fee Act. He added, it lays out numerous benchmarks when increasing fees; for example, if used to justify a fee increase, the study must be adopted within one year of initiation of the study, so it is really something to keep in mind, as there is a very strict timeline that goes along with these impact fees; there are two processes for increasing the impact fees; one, he will call the normal approval process, that is required to be done in increments depending on the amount of the increase; he is about to talk about 25 percent, 50 percent, and over 50 percent; but if the study only justifies a certain percentage that is always going to be the not-to-exceed rate; assuming a study supports an increase of an impact fee, the impact fee cannot be more than 25 percent; and if it is not up to 25 percent, it has to be done in two equal increments over two years. He mentioned if it is between 25 and 50 percent, it has to be within four increments; generally the Statute says, an impact fee increase may not exceed 50 percent of the current impact fee rate; however, it does provide for another process, which he is about to call the extraordinary approval process, it is kind of a second track; assuming the study justifies that an increase of more than 50 percent is necessary, the Board would have had to adopt the study within one year; and the study must demonstrate the extraordinary circumstances necessitating the need to exceed those time frame limitations, as well as the cost limitations that he just spoke about. He stated there would have to be two publicly-noticed workshops; importantly, it would have to be approved by a supermajority vote; that is for any increase over 50 percent; other considerations that the Board may want to consider that taken together, once a study is adopted, it is good for one year to justify an increase over 50 percent, and four years to justify increases below 50 percent; impact fees cannot be used to fund previously-approved projects; and impact fees can only be used to fund the acquisition, construction, or improvement of capital facilities that has a rational nexus to new construction.

Commissioner Delaney mentioned to be sure she understands this correctly, all of the rates, except for the School Board rates, are from 2001.

Mr. Prasad advised he believes Solid Waste and Utilities he would separate from that; and all of the other rates, including transportation, is.

Commissioner Adkinson asked if Mr. Prasad could tell her, the study that was done in 2015 that the Board did not end up going with, how much did that cost the County.

Mr. Prasad responded about \$165,000.

Commissioner Adkinson asked can the Board assume that if this study is done it would cost what.

Mr. Prasad replied it would be speculation, but he would say double might be the estimate he would throw out there.

Commissioner Delaney asked if that is for all of the fees, or is that just the Fire and EMS.

Mr. Prasad responded that was all of the fees, including educational; he did go back and look at, tried to break out, what EMS and Fire would have been, under that scope of services, and then include the general thing, and the best he could come up with was \$50,000; whether that firm would have taken that job for \$50,000, he does not know; but by breaking out that cost, it would have been about \$50,000.

Chairman Feltner advised he asked a similar question at his briefing about if the study is done, does it cover all of the fees, so at least the Board would be able to have that information at the end of that; and he thinks that was staff's sort of position.

Commissioner Goodson inquired if it would have been adopted in 2015, how much money it would have raised.

Mr. Prasad replied that might be a better question for John Denninghoff, Assistant County Manager; and because the Board never wound up adopting it, he does not know what the study could have justified.

Commissioner Goodson asked if Mr. Prasad knows the reason why it was not adopted.

Mr. Prasad explained the Board discussion at the time was there was a moratorium in place, it was kind of coming out of the Great Recession so to speak, and the Board, rather than lifting the moratorium and at the same time increasing rates, chose to go back to the previous rate.

Commissioner Goodson asked if he understood Mr. Prasad correctly that the funds that it raises cannot be used other than for new construction.

Mr. Prasad replied new capital facilities related to the impact of the new construction.

Commissioner Goodson asked what that means.

Mr. Prasad responded there are very specific things that impact fees are used for, it is highly restricted; and for example, what it means is it could not be used for salaries, maintaining existing equipment, or things like that.

Commissioner Delaney commented it is her understanding that if the Board decided to go with the whole new study for all of the different areas, rather than just Fire and EMS, if it decided to go with an increased rate, that could go to roads, Solid Waste, and all of these different things that talk about growth and the impacts of the growth.

Mr. Prasad pointed out, each fund is treated individually, so if the study justifies any of those individual impacts, then the Board would have that option.

Sandra Sullivan remarked going back to 2016 when it came before the Board, the growth was higher than the pre-boom; at the time, just so the Board has a number, the transportation fee was recommended to increase for a single-family home by 67 percent, which is pretty significant; this can has been kicked down the road for decades, while there have been increases in transportation; in some years, it was 30 percent higher for asphalt paving; and there has been a lot of inflation. She continued by saying essentially, the fiscal crisis that the County is largely in now is due to kicking the costs of growth down the road; it is coming to rear its really ugly head at this time with more than a billion dollars in transportation deficit and billions in infrastructure; Brevard County is really poor in many respects; and she asked the

Board to just look at its buildings. She stated pertaining to this particular Item, her recommendation would be to move forward with only Fire and EMS at this time, because as a small study, this one could be completed quickly; with others, she would recommend a full study for all of them; she wants to just draw some information pertaining to Fire and EMS specifically; when looking at the 1998 referendum for Fire and EMS, for Countywide EMS, the recommendation by the study at that time was to raise the \$38 for EMS to \$305 to bring it to be comparable to the surrounding areas; and it has been a long time. She noted when looking at the County, it is bringing in about \$100 for Fire and EMS; Lee County, which is slightly larger than Brevard County, is \$766 as a comparison; the problem that is being faced is that in 2021, the County had a 33 percent increase; at that time, it was anticipated that in 2025 that the costs of growth would be \$6 million; in 2022 the County was \$620,000 as the cost to growth; it was predicted in last year's budget, that for 2025-2028 it was predicted at \$30 million; now it is up to \$48 million; and if the County does not get ahead of this growth, it has very substantial tax increases coming to Brevard County residents. She noted what has happened with the Fire budget is the County had a 33 percent increase in its fire assessment that was sold to the taxpayers to address and bring those wages to be comparable; so much of that has gone to addressing growth and not to addressing the promise that was made at that time; and she hopes the Board will move forward with this.

Diana Johnson commented the firefighters and paramedics have been there for her and her family many times; every time she needed them, they came quick; this County needs to pay them accordingly; the Board talks about keeping its talent, keep this talent; and the County needs this talent.

Chairman Feltner stated he thinks the action here would be to direct staff potentially to put out a request for a quote, for a study.

Mr. Prasad advised for a procurement, Request for Proposal (RFP).

Commissioner Delaney mentioned she is not sure if the Board had the chance to look at some of the attachments she put on there; it is just some of the other counties impact fees and what they look like; St. Lucie County actually put together a nice, little chart that made it easy to look at; out of these 22 counties in the study that St. Lucie did, Brevard County is the third lowest, the 20th out of 22 counties; when the formatting happened, this kind of got messed up, but this chart, St. Lucie County is not supposed to be factored into this average; the average fees, for all of these counties, including St. Lucie County's new, revised fee, is at \$400; and Brevard County is at \$93. She went on to say these impacts fees could go towards firehouses, ambulances, fire trucks, freeing up money for salaries; the County is down, the last that she heard, six ambulances, so this money is disparately needed for the growth of the community to be able to serve the people with a standard level of service; she is going to make the pitch for the County's other impact fees; the County has a major deficit when it comes to its road infrastructure and its needs for its transportation; her first choice is to do an impact fee study for everything; but if what the Board could do today is for Fire/EMS, that would be okay with her as well.

Mr. Abbate stated he would suggest, if the Board wants to look at it, that it does comprehensive and look at across the board, because a lot of what it would be doing for the one, and paying for the one, is duplicative; he asked why he or she would pay a second time; he advised the Board will see when it has the workshop, one of the first workshops staff is going to be presenting to the Board is Public Works; and there are significant capacity issues. He pointed out that staff has addressed a variety of things as it deals with maintenance, and they have made tremendous progress in that area; and it has been at the cost of capacity, so if the Board is going to look at it, he would suggest it may want to look at a single RFP, and go across the

board and look at what the consultant can provide for the Board so it has an idea of what the limits are of where it could go.

Chairman Feltner noted he agrees with that assessment; and he asked if there is a motion that Commissioner Delaney makes the motion so it is that the Board can look at all of the fees.

Commissioner Delaney asked if the RFP process will only include just the County's vendors of record, or will it go out to everybody.

Mr. Abbate replied it goes out to everyone; staff would even be happy to bring it back to the Board so it can see the RFP; staff can get it prepared and send it out; then let the Board see it, if the Board is interested in that; if time is more of the essence, the Board can just authorize staff today to do it; when they do it, they will do it similar to what was done in 2015; and depending on what the Board authorizes, obviously staff will identify the funding for it and come back to the Board.

Commissioner Delaney stated she would like to make a motion to go out for RFP for the County's comprehensive impact fees study.

Motion dies due to lack of a second.

Chairman Feltner asked if it is okay to bring this back at a later time.

Commissioner Delaney asked if the Board can have a discussion about that; she advised she is a little surprised at this; because of the Sunshine, the Board cannot talk about this outside of the public; and she asked if any Commissioner would mind sharing his or her concerns, and if he or she has any other solutions to start combating the County's growth issues.

Chairman Feltner stated he personally did not have a problem looking at this today; but as the Chairman, it is not something he wants to make a second on the motion; he thinks good information leads to good decision-making; and he does not have a problem with the Board looking at this in the summer, when the study would come back.

Commissioner Altman stated he would hope the Board could get a larger cross section of the community to get feedback before embarking upon a study; those who are working in the construction industry, those working in affordable housing, which has become a significant problem, and those fighting every day to afford to get into a home; the cost of housing has become serious; the larger economic discussion is worth looking at; but he reiterated he would like to have a broader section of the community to give input. He continued by saying he would have to think that this room would have been filled many times over had a lot of different parts of the community knew the Board was about to vote on an impact fee study; second, he would feel a little more comfortable, he understands the benefit of looking at all of the fees, if the Board was only looking at Fire/EMS, because that has been debated and discussed; it is an urgent issue that the Board knows it has now; but he thinks it is better that the Board bring this at another meeting, so it gives ample time and public notice before the Board discusses it.

Chairman Feltner pointed out in all fairness, it was on the Agenda; and he asked Commissioner Delaney if she would like to try to bring that back at a later date, or would she like to try to amend her motion for just the Fire/EMS impact fees.

Commissioner Delaney stated she would like to amend her motion; and she made a motion to go out for RFP for the Fire/EMS impact fees.

Commissioner Altman stated he would second the motion.

The Board directed staff to move forward with a Request for Proposal (RFP) on Fire and Emergency Medical Services (EMS) impact fees study.

Result: Approved

Mover: Katie Delaney

Second: Thad Altman

Ayes: Delaney, Feltner, and Altman

Nay: Goodson, and Adkinson

J.1. Approval, Re: Ten Appointments to the Save Our Indian River Lagoon Citizen Oversight Committee (continued)

Chairman Feltner stated the results of the votes of the Board for the appointments to the Save Our Indian River Lagoon (SOIRL) Citizen's Oversight Committee (COC) are in the Science Sector is Donald Deis, the Technology Sector is Richard Nipper, in the Tourism Sector it is Laurilee Thompson, the Lagoon Commerce alternate is Aaron Adams, the Economics/Finance is Frederic Goldstein as alternate, and then there is a three-way tie for the Lagoon Education and Outreach alternate; the choices are Stel Bailey, Frederic Goldstein, and Deborah Harmon; he thinks Frederic Goldstein is in the Economics/Finance area, so he cannot be elected twice; Mr. Goldstein will be removed from consideration for this category, so there is Deborah Harmon and Stel Bailey; and he asked how this should be done.

Virginia Barker, Natural Resources Director, replied she has extra sheets if the Chairman would like.

Commissioner Delaney asked if a motion can be made.

Chairman Feltner advised Commissioner Delaney can make her motion; and if it does not pass, then by default, it would be the other person.

Morris Richardson, County Attorney, explained the Board will need a second motion if the first one fails.

Commissioner Delaney stated she wanted to make a motion to appoint Stel Bailey as alternate to the Economics/Finance area.

Motion failed due to lack of a second.

Commissioner Altman stated he wanted to make a motion to appoint Deborah Harmon.

Commissioner Delaney stated she would second the motion.

The Board appointed Deborah Harmon as alternate for Lagoon Education and Outreach on the SOIRL COC.

Result: Approved

Mover: Thad Altman

Second: Katie Delaney

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

Ms. Barker advised that motion was only for the three-way tie, so staff needs a motion for the other five and given that the ranking was to promote Don Deis who is the League's current alternate into the Board's voting Science seat; and the League also provided a backup candidate, and backfill candidate of Bruce Larson to backfill Don Deis' seat, so she would like that to be a part of the Board action.

The Board reviewed application, resumes, and reference letters and ranked the candidates to fill the County Commissions vacant seats; and appointed the following to the SOIRL COC: Donald Deis for Science, Richard Nipper for Technology, Lauralee Thompson for Tourism, Aaron Adams for Lagoon Commerce, Frederic Goldstein for Economics, Deborah Harmon for Lagoon Education, and Bruce Larson as alternate for Technology.

Result: Approved

Mover: Katie Delaney

Second: Thad Altman

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

K. PUBLIC COMMENTS

Sandra Sullivan stated she wants to go back to the big secret about Space Florida, the lack of taxation, them as an Independent Special District, and also the County's right as the local jurisdiction; they talk about national security that this Federal land is exempt under national security; the thing is not everything happening in Space Florida is national security, so whatever percentage is national security, she gets that as it is an exemption, but not all businesses out there are national security; and a lot of stuff is being launched for other countries, particularly United Arab Emirates (UAE), which is of concern to her. She pointed out the County needs to address that they pay their fair share of taxes; she believes the contract that is being negotiated right now on bid on the County's site does not have a specification other than the study done by the Economic Development Commission of Florida's Space Coast (EDC); that is not the way business is done; there is no specification document for that regional sewage plant; her allegation here is that this is agenda 2030 happening right here, that this contract is being parachuted for Brightline, which is majority-owned by UAE as a toilet to tap facility by the globalist movement; and it should be America first. She added, in 2010, the property for the site planning and building permits for Space Florida was done through the City of Titusville, which is District 1, mainland District 1; seems to her that Space Florida is in District 2 on the barrier island, in the County jurisdiction, not in the City of Titusville jurisdiction; she asked why that would have happened; she commented when reading the Space Florida agreements with Blue Origin, just on Phase 2 alone, they brought in \$7 million worth of fill; the consequence of that is on the flood plain hydrology study that the County did, they are no longer on the flood plain; that is interesting; the stormwater on a 10-year flood plain has to go somewhere, so the 2018 Small Area Study shows that stormwater is increasing the flooding in the North Merritt Island residents; and to Commissioner Goodson's point, she very much respects what he said, the negotiation with Space Florida must include taxes to address the impacts to the flood plain, because it is well-documented, and the Board is looking at litigation. She noted the County needs to sit down at the table with Space Florida; she reiterated they need to pay their fair share of taxes, because it is not just that they are expanding, this is from the Lagoon board; they are expanding Space Florida, and on the flood plain, very dramatically; there is more coming; and the County, in particular one of the Commissioner's staff, was on staff of the County District when these under the table deals were made with Titusville.

L.7. REPORTS, RE: COMMISSIONER ROB FELTNER, DISTRICT 4, CHAIRMAN

Chairman Feltner stated they did have the first Tourist Development Council (TDC) meeting the other day with him as the Chairman; it was pretty uneventful; he thinks they had more discussion on picking a vice chairman; but they talked briefly about some of the issues raised by the Board before; and they will be revisiting some of the processes that the Board brought up today, so that will be coming in the future.

*At the end of the Regular Meeting, an Executive Session will be held for the purpose of discussing the status of Collective Bargaining Negotiations with the IAFF Local 2969 Rank and File Unit.

Upon consensus of the Board, the meeting adjourned at 11:59 a.m.

ATTEST:

RACHEL SADOFF, CLERK

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

As approved by the Board on April 3, 2025.