

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, February 20, 2024

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 AM

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

C. PLEDGE OF ALLEGIANCE

Chair Steele led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the December 5, 2023, Regular Meeting Minutes.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

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

E.1. Resolution, Re: Acknowledging Women in Construction Week 2024

Chair Steele advised this is Commissioner Pritchett's Item, but he believes Commissioner Feltner is going to read the resolution.

Commissioner Pritchett asked if they have the representative's here today for Women in Construction; and she asked if the Board could move the Item to the end of the meeting to give them time to maybe be here later.

Chair Steele replied absolutely, no problem.

F.1. Final Plat and Contract Approval, Re: Reeling Park North and Seville at Addison Village Phase 6 Developer: The Viera Company

The Board granted final plat approval; and authorized the Chair to sign the final plat and Subdivision Infrastructure Contract for Reeling Park North and Seville at Addison Village, Phase 6 – Developer, The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

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

F.2. Final Plat and Contract Approval, Re: Farallon Fields at Viera, Phase 1 Developer: The Viera Company

The Board granted final plat approval; and authorized the Chair to sign the final plat and Subdivision Infrastructure Contract for Farallon Fields at Viera, Phase 1 – Developer: The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.3. Final Plat and Contract Approval, Re: Laurasia - Phase 2 Developer: The Viera Company

The Board granted final plat approval; and authorized the Chair to sign the final plat and Subdivision Infrastructure Contract for Laurasia, Phase 2 – Developer: The Viera Company, subject to minor engineering changes as applicable, and developer responsible for obtaining all other necessary jurisdictional permits.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.4. Approval, Re: Disbursement of Educational Facilities Impact Fees

The Board authorized the disbursement of Educational Facilities Impact Fees in the amount of \$4,558,700.48 to the School Board of Brevard County, in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute necessary Budget Change Requests (BCR) to implement this disbursement.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.5. Acceptance, Re: Binding Development Plan with Charles Steven Douglas and Debra Kay Douglas, Trustees; and Sandra J. Douglas (Brittany LeCun)

The Board accepted and executed the Binding Development Plan (BDP) with Charles Steven Douglas and Debra Kay Douglas, Trustees, and Sandra J. Douglas, for all that portion of the east 398 feet of the west 1,248 feet of the south 329 feet of Lot 3, Section 11, Township 30 South, Range 38 East, Brevard County; and Tax Parcel 554, as Recorded in ORB 5798, Pages 4006-4007, of the Public Records of Brevard County.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.6. Resolution and Release Performance Bond, Re: Pangea Park, Phases 3 and 4 - Developer: The Viera Company

The Board adopted Resolution No. 24-013, releasing the Contract and Surety Performance Bond dated February 21, 2021, for Pangea Park, Phases 3 and 4 – Developer: The Viera Company.

Result: Adopted
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.7. Permission to Accept, Re: Florida Airports Council Internship Grant Funds Grant #23-03

The Board approved and authorized the Valkaria Airport Manager to execute Grant Agreement with Florida Airports Council for an internship at Valkaria Airport; and authorized all necessary Budget Change Requests (BCR) associated with this Agreement.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.8. Approval, Re: Sale of Surplus Real Property by Private Sale Process to an Adjacent Property Owner, Brevard County

The Board approved private sale of County surplus property to an adjacent property owner, pursuant to Section 125.35(2), Florida Statutes, and Section 2-243(a), Brevard County Code of Ordinances; authorized the County Manager, or his designee, to send notice of the County's intent to sell the section of this parcel to an adjacent property owner; approved negotiating the terms of the private sale, pursuant to Section 2-243(b), Brevard County Code of Ordinances, approved the purchaser to pay all closing costs associated with the sale of the parcel; and authorized the Chair to sign the closing documents.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.9. Rescind Board Policy BCC-94, Re: External Auditor Selection Procedures

The Board approved rescinding Board Policy BCC-94, External Auditor Selection Procedures, as it is duplicative of Section 218.391, Florida Statutes.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.10. Appointment(s)/Reappointment(s), Re: Citizens Advisory Boards

The Board appointed/reappointed **Tina Suiter** to the Art in Public Places Advisory Committee, with term expiring December 31, 2025; **Cynthia Stinson** to the Marine Advisory Council, with term expiring February 21, 2026; **Rebecca Stapleton** as Alternate, **Jennifer Thompson** as Alternate, and **Rich Ware** to the Transportation Planning Organization (TPO) Citizens Advisory Committee, with terms expiring December 31, 2024.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

F.11. Acknowledge Receipt, Re: Bill Folder

The Board acknowledged receipt of the Bill Folder, as submitted.

Result: Approved
Mover: Rita Pritchett
Seconders: John Tobia
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

**G.1. Resolution, Re: Petition to Vacate Public Utility Easements-1175 West Barefoot Circle-
"Barefoot Bay Mobile Home Subdivision, Unit Two, Part Ten" Plat Book 22, Pages
105-115 - Barefoot Bay - Todd and Patricia Sarris**

Chair Steele called for a public hearing to consider a petition to vacate utility easements at 1175 West Barefoot Circle – Barefoot Bay Mobile Home Subdivision, Unit Two, Part Ten, as described in Plat Book 22, Pages 105-115, as petitioned by Todd and Patricia Sarris.

Marc Bernath, Public Works Director, stated this is to vacate part of two public utility easements in Barefoot Bay in District 3; this is to combine a house and a garage with a breezeway; and there are no issues with this request.

There being no comments or objections, the Board adopted Resolution No. 24-014, vacating two utility easements in Barefoot Bay Mobile Home Subdivision, Unit Two, Part Ten, as petitioned by Todd and Patricia Sarris.

Result: Adopted
Mover: John Tobia
Seconders: Rob Feltner
Ayes: Pritchett, Goodson, Tobia, Feltner, and Steele

G.2. Ordinance, Re: Amending the Geographic Boundaries of the District 1 Road and Bridge Municipal Service Taxing Unit

Chair Steele called for a public hearing to consider an ordinance to amend Ordinance No. 94-06, amending the geographic boundaries of the District 1 Road and Bridge Municipal Service Taxing Unit (MSTU) to include portions of the City of Cocoa, Florida.

Marc Bernath, Public Works Director, stated this Item is amending geographic boundaries in District 1 for the Road and Bridge MSTU; in 2007, the County entered into a Stipulated Settlement Agreement; and on January 9, 2024, the City of Cocoa and the County entered into an Interlocal Agreement (ILA) to adopt an ordinance.

Katie Delaney stated as she was looking at this, she did not see anything about stormwater conveyance systems; from what she understands, that is also a piece of this that the County needs to be funding, or taxing for it; as she has been talking to her neighbors in this community, they are upset about how this is going on; little public knowledge is going out about this; and most people do not know this is happening, so, of course, she has been telling them. She continued by saying they already have major flooding issues in Canaveral Groves; if this

neighborhood goes through and connects to the County stormwater conveyance systems as it is planned right now, it is going to up the burden of the systems as is, so she hopes the Board pushes for another plan for this; if this development cannot be stopped from going in, this piece of land has a crazy amount of wetlands on it; she believes 70 percent is wetlands; the County has to find another way to do this, because this is going to flood people's properties; she understands the group that owns this property has their property rights for their property; but she asked what about everyone around them who has their property rights. She pointed out they have been there far longer than this group that owns this property; they bought this property knowing that access was an issue; they bought this property knowing that wetlands were an issue; and she asked at what point it is a buyers responsibility, why do the people have to pay for that, and why do their investments have to be at stake, because they did not do their due diligence.

Sandra Sullivan stated it is nice to have the cameras on; and she expressed her appreciation for the decision to fix that. She explained this Agenda Item goes back to a May 23, 2023, meeting with an access route to Grissom Parkway; she spoke to Commissioner Feltner on this Item, because she saw the lobbyist for Brightline, and he told her this was about burrow pits; when the County is talking about putting an egress that is going to impact and turn a rural road into a thoroughfare to a major road, that at least the people who live on that road, within 500-feet, should have been given notice; this feels like a lack of transparency and hiding things from the public, because under the Stipulated Agreement that governs this, the County is putting a road through a rural community to a large development, rather than the option for the County was to put in a road that would require eminent domain; and that was not done, the County chose the cheaper route. She reiterated the problem she has is the lack of transparency to the public; she noted the Stipulated Agreement includes two things, it includes MSTU for Road and Bridge and stormwater, so this was brought up when the Board talked about the stormwater issue; and she wants to read to the Board, when that Stipulated Agreement was approved, what the Assistant County Manager and former Planning and Zoning Supervisor said. She read, "This piece of property is recognized as being fairly wet just the way it's laid out. In your package you can see the white area that's proposed for residential development. Pretty much, everything that is not white is pretty much retention and open space, so they're already recognizing it as fairly constrained property. It behooves the developer of this property, to the greatest extent possible, to keep all of the stormwater within the property to avoid those two permits. If they choose, it will be insuring that they're not exasperating an already poor condition that exists in Canaveral Groves, and certainly not creating a new one." She pointed out the issue here is flooding; after the last meeting she talked to the County Attorney, he said he was going to issue a stormwater conveyance permit for them to move forward; and she questioned, and felt that this should come before the public, and have the public in those areas with some transparency weigh in on this very important decision since it, very likely, will flood their properties.

There being no comments or objections, the Board adopted Ordinance No. 24-04, amending Ordinance No. 94-06, amending the geographic boundaries of the District One Road and Bridge Municipal Service Taxing Unit to include portions of the City of Cocoa, Florida; providing for conflicting provisions; providing for severability; and providing for an effective date.

Result: Adopted

Mover: Tom Goodson

Second: Rita Pritchett

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

Chair Steele stated he wants to get through some of the mundane New Business portion of the Agenda and then move on to the Items that need to be discussed today; and he wants to begin with Item I.5.

I.5. Resolution, Re: Declaring the Intent of the Board to Not Make a Finding Of Critical Need Pursuant to Section 2.9.3.1(c) of the Brevard County Charter

Commissioner Tobia stated in 2008, 73 percent of Republicans, Democrats, and non-affiliated voters voted for a referendum putting a cap on annual increases on County ad valorem revenue; he previously brought forward a resolution seeking the Board's support and intent not to bust the voter-approved Charter cap; there is no fiscally-responsible reason, outside of a declared emergency, why it would be necessary to do so; while the Charter provides the County Manager is in control of the County's budget, it is the Board's job to give him direction; and therefore, being fiscally conservative, he asks for the Board's support in not busting a citizen-approved Charter cap for the 2024-2025 budget.

Sandra Sullivan commented the problem she sees with this is the County has been kicking the can down the road for a long time; it is nice to say for the Board not to bust the cap, but the reality is the County is not being very fiscally responsible in being proactive management versus reactive management; the case-in-point is back in 2016, there was an impact fee study done on transportation; there is a budget workshop coming up, hopefully that does not get cancelled like it was last year; and it was recommended a 65 percent increase for impact fees on single-family homes to meet transportation needs.

Commissioner Tobia asked Chair Steele for a point of order; he stated BCC-97(3)(h)(1) says, any person addressing the Board on an Agenda Item shall limit his or her comments to the Agenda Item that has been specified on the card filled out by the speaker; this Item is dealing with a Charter cap; it has nothing to do with impact fees; he is more than willing to listen; but these are two different subjects.

Ms. Sullivan noted they are related, because if a person is not proactive, then the cap has to be busted, as the Board is not being fiscally responsible.

Chair Steele advised he does not want to get off on the sidetracks today, and he wants to continue with Commissioner Tobia's subject.

Ms. Sullivan asked if she is going to be refused speaking on the Item that is going to cause the Board to bust the cap.

Chair Steele replied he is not refusing to let Ms. Sullivan speak, as he is going by the rules and regulations.

Richard Heffelfinger asked if Ms. Sullivan has to sit down, or if she can speak.

Chair Steele pointed out Ms. Sullivan does not have to sit down, she has to continue on with what is being talked about, which is the Agenda Item without getting off subject.

Ms. Sullivan mentioned it is not getting off subject by saying the reason the Board is busting the cap, and the reason it would need to bust the cap is not being proactive fiscally; for example, by not raising impact fees on the transportation; the County has a \$699 million deficit on capacity needs in Brevard County according to its budget last year, which she paid over \$50 for a Public Records Request on because the meeting was cancelled; there are impact fees for transportation that have not increased for 23 years; and other impact fees that have not

increased in 32 years. She stated the Board is kicking the can down the road; and the Board took a really sneaky vote before Christmas.

Chair Steele stated he resents that comment suggesting the Board is taking sneaky votes, it is out of order.

Ms. Sullivan stated people are involved with the holidays and not paying attention to what this Commission is doing.

Chair Steele asked Ms. Sullivan to please sit down, as he is not putting up with this.

Commissioner Tobia noted the Board needs to remind the speaker to adhere to Board Policy in making public comments; and if she cannot adhere to Board Policy and continues to disrupt the meeting, he thinks the Board asks her to vacate the lectern, and go from there.

Chair Steele advised which he just did.

Commissioner Tobia explained he just wanted to make that point of order so it is clear.

Commissioner Goodson advised he will not be supporting this because he knows the public voted for it, but at the same token, he cannot foresee the future of what might be needed, or what might happen, that the Board has to do something, where it is put in a position it has to vote; and he reiterated he will not be supporting this.

Commissioner Pritchett stated Commissioner Tobia brings this to the Board every year, and she has the same questions, so it is just the intent not to do it; it is just for this budget year; and she asked the County Manager, and he feels very confident that the Board will not have to do anything above what it is supposed to do, so that is what made it comfortable for her every year.

Frank Abbate, County Manager, stated the only comment he would make is this resolution does not mandate this, it only expresses the Board's intent; and then through the public hearing process, the Board will make the final determination relative to this, so this is expressing intent and giving him guidance on how to initially develop the budget, but that is it.

The Board adopted Resolution No. 24-015, declaring the intent of the Board to not make a finding of critical need, pursuant to Section 2.9.3.1(c) of the Brevard County Charter.

Result: Adopted

Mover: John Tobia

Second: Rita Pritchett

Ayes: Pritchett, Tobia, Feltner, and Steele

Nay: Goodson

I.6. Resolution, Re: Declaring the Intent of the Board to Adopt a Budget That Would Not Constitute a Tax Increase

Commissioner Tobia stated as the Board is aware, there is a difference between a tax increase and a cap, thus requiring two separate resolutions; this resolution will provide direction to the County Attorney that the Board would not vote for a budget that required a tax increase, as defined under Florida Statutes 200.065; a lot of cities do not raise the millage; but taxpayers are still paying more due to an increase in values, which the Legislature has gotten wise on and sponsored House Bill (HB) 1195. He went on to say these tax increases have been advertised,

and he does not want to give any more money to the *Florida TODAY*; he expressed his appreciation in a large part for the efforts of the County Manager who is clear that the County will be able to continue to move through the budget process without raising taxes; however, he is seeking support of the Board today to commit to its fiscal, conservative principles and promise not to raise taxes on the citizens of Brevard County.

The Board adopted Resolution No. 24-016, declaring the intent of the Board to adopt a budget that would not constitute a tax increase.

Result: Adopted

Mover: John Tobia

Seconded: Rob Feltner

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

Chair Steele expressed his apologies to Sandra Sullivan for being a bit angry with her; he does not want these meetings to go this way; he would prefer to do this just a little bit nicer; and he will try to make sure all of the rules are followed properly.

Ms. Sullivan commented she fully-expected there would be a budget increase, or a tax increase last year busting the cap related to the County's budget, so from her perspective, the County got through another year; she is waiting for that shoe to drop on this; many counties throughout the State have done impact fees because of growth-straining infrastructure, or at the very least the Consumer Price Index (CPI); the County charges the people CPI on the sewage infrastructure and such, but there is none on the impact fees; and she would just like very simply to say to please do an impact fee study to start addressing the costs the County is looking at and how to fix them, because on October 10th, the County requested from the State a new water plant for Mims, a new water plant, costs, and funding for Barefoot Bay, and \$170 million for Port St. John. She advised the County does not have a way to pay for those, so when talking about not having tax increases, it has to find a way to cover these expenses and to be proactive.

I.7. Approval, Re: Letter to Governor Ron DeSantis Supporting Interstate 4 Intercity Passenger Rail Improvements Appropriations Request

Frank Abbate, County Manager, stated this is a request to the Chair by Brightline asking for support for the Intercity Passenger Rail between Orlando and Tampa; the Transportation Planning Organization (TPO) issued a similar letter to the draft that is before the Board today for its consideration; and if the Board approves it, then the Chair will sign it and it will be sent off to the Governor.

Chuck Sheridan remarked he does not approve of sending an approval letter; Brightline is a private company, and they receive grants from the State; they also fund the project with Private Activity Bonds (PAB), which are zero interest that serve the public interest and get paid back over a long period of time; they built their terminal in Miami; the same parent company built two 38-story buildings next to it; and they are profiting from it. He continued by saying by looking at the train from Orlando to Cisco Park, it makes four stops at each place that there is going to be urban growth in Orlando; Brevard County has no benefit from the train at all other than if it owns a funeral home; and until the County receives a benefit from this train, he does not see any reason to send anything for approval. He noted if the County does not send a letter to the Governor, it sends the message that the County is going to have urban growth spreading and sprawling west just like they did in Miami; Brevard is sending at least two rockets a day up at least once a week now; it is going to bring in new business, new industries, and hopefully he is going to help to try to do that; with that, the County will probably get a train stop here; and there

is a catholic church in Melbourne that is building a concrete wall to keep the students from walking out to the train tracks. He stated the entire path from the airport to the St. Johns River is fenced on both sides of the track; it is not fenced in Brevard County; he drives across the tracks a lot; at least once a week he will see part of a car sticking over the tracks; and that train goes pretty fast. He advised he would not send a letter, which would be his position if he were on the Board.

The Board approved and authorized the Chair to sign a Letter to Governor DeSantis supporting Interstate 4 Intercity Passenger Rail Appropriations Request.

Result: Approved

Mover: Rita Pritchett

Seconders: Rob Feltner

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

I.8. Approval, Re: Rename Coconut Point Park in Melbourne Beach to Val M. Steele Park

Commissioner Tobia explained as many people are aware, Val Steele, Chair Steele's brother, was a County Commissioner for District 3, the same District he currently represents, from 1970 to 1984; he served as a Town of Melbourne Beach Councilperson, Melbourne Beach Mayor, and St. Johns River Water Management District Governing Board; he was described in *Florida TODAY* as a futurist; with his work, he is still impacting the County to this day; and some of his major accomplishments include moving the main courthouse to Viera, the building of Spessard Holland Golf Course, creation of the Archie Carr National Wildlife Refuge, and he was instrumental in protecting and restoring hundreds of thousands of acres of marshlands. He asked therefore, after all of the years of his service to Brevard County and the various communities, that the County rename Coconut Point Park in Melbourne Beach to Val M. Steele Park; he is going to turn it over to Chair Steele; he is in a somewhat similar position, as he too has a brother that has done absolutely wonderful things; he certainly lives in the shadow of his brother; and certainly, Chair Steele does not necessarily do that, but he is following in his brothers footsteps, which is amazing. He pointed out the funding for the signage and the plaque would be taken out of the South Brevard Special Recreation District fund.

The Board waived Board Policy BCC-58, Naming County Facilities.

Result: Approved

Mover: John Tobia

Seconders: Rob Feltner

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

Chair Steele advised probably his brother Val's most famous quote was, and he stole it from Ronald Reagan, "There's no limit to the amount of good you can do if you don't care who gets the credit," he stated as his brother was his hero since 1970, when he moved here he watched his brother, and so many things happened back then that the man did for this County, that he did not really care about who got the credit; and he just wanted to make sure that Brevard County moved forward in an area that was going to make it the best County in the entire State of Florida. He continued by saying he is not going to get into a long scenario about Val Steele; he thinks a lot of people know who he was, and a lot of people in government have figured out what he has done; he thought long and hard about what he was going to do with this issue himself, so he called the County Attorney and said he thought he should abstain from this vote because he does not want it to be any kind of conflict of interest; and the County Attorney said he cannot abstain from voting. He mentioned he loved his brother, and there are a lot of people

who loved his brother throughout the County; people who do public service for long periods of time deserve to have the recognition, specifically when they did things like moving the Titusville Courthouse from Titusville to where the Board is sitting here today; they used to have an old drawbridge on US 192 when he was a Young Republican President; they used to go out there and protest; and his brother intervened with the Department of Natural Resources and the Governor, and they finally got the funding for the Melbourne Causeway, Eau Gallie Causeway, and the Pineda Causeway. He stated he hopes and prays the Board decides to do this; and if the Board does not, he would be a little upset because he thinks his brother deserves it.

Sandra Sullivan stated as to the merit, she has no comment there; she finds it kind of odd that Merritt Island got raked over the coals for spending money on signs; yet this Item by District 3 is paying for signs and monies; the County is giving away its parks because apparently it cannot afford them, so it keeps giving them away to cities; and she asked why the Board is spending unnecessary money.

Commissioner Goodson pointed out this is no reflection on Val Steele or Chair Steele; and what he does not understand is the Board is renaming a park for a gentleman who served the County very well for 12 years.

Chair Steele noted 20 years.

Commissioner Goodson stated the Board does not name County parks for County employees that served agencies for 30 years; a park is not renamed for a little guy; he is no more special than anyone else; at the same token, he does have issue with this; but it is no reflection on the Chair or on Val Steele.

The Board renamed the park known as Coconut Point Park to Val M. Steele Park; and authorized the Chair to use South Brevard Special Recreation District Municipal Services Taxing Unit (MSTU) to fund the designed memorial plaque and the language to be placed on it.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

Ayes: Pritchett, Tobia, Feltner, and Steele

Nay: Goodson

I.1. Adoption, Re: Save Our Indian River Lagoon Project Plan 2024 Update, as Recommended by the Save Our Indian River Lagoon Citizens Oversight Committee

Virginia Barker, Natural Resources Management Director, stated this is the 2024 Update to the Save Our Indian River Lagoon Project Plan, which was unanimously recommended for approval by the Save Our Indian River Lagoon Citizens Oversight Committee (SOIRLCOC); there are a number of committee members present in case the Board has any questions; the Board has the standard list of requested actions associated with this plan so they can hit the ground running and try to move those projects along as quickly as possible; and this particular update adds \$27.2 million for nine new projects, modification of five previously-approved sewer to septic projects, and \$4.1 million to improve the cost-effectiveness of those sewer to septic projects. She continued by saying it also updates the revenue-growth rates for the 10-year collections of the tax, updates the inflation applied to the construction projects funded through the plan, and it adjusts the homeowner cost-share for septic to sewer connections where there is a pump involved, they have seen those go up quite a bit, so this increases that homeowner

reimbursement cap from \$18,000 to \$24,000; and that is her summary unless the Board wants additional details.

Sandra Sullivan stated the bottom line issue for her regarding the Indian River Lagoon that she is concerned with this plan, and she has been coming up here since, she thinks, since 2018 each year about the plan, is 96 percent of the seagrass is gone; as of 2010, it plummeted and continued to plummet ever since; she asked what changed since 2010, did the muck change, did the septic change, and did the sewer change; and she noted there was something that changed. She mentioned there used to have a very wonderful MRC Lagoon Plan report card; she provided the Board a picture of the last one that was produced; she stated in the year before this report card was produced, the County increased their herbicide budget by two and one-half times; it was no surprise that the County degraded from an F-plus, plus, to an F-minus, minus while other counties improved; Brevard County is the only County that is taxed; and yet, Brevard has the worst degradation. She pointed out two counties that banned their own use of herbicides, and they increased; what is shown in their monitoring is that even when water quality is above the target of the State, even when the nutrient loading is above the target, the County continues to lose seagrass; one of the Commissioners promised to ban spraying herbicides entering the Indian River Lagoon; but this is the second year for the Lagoon Plan that that has not been done. She advised her primary issue is the County is not addressing pollutants, they are still not in the Lagoon Plan even though she believes they are required to be according to the National Estuary Program Comprehensive Conservation and Management Plan (NEPCCMP); she asked what this tax is; she advised going back to December 2015, there is a *Florida TODAY* article that proposed creating a muck tax; and her request relating to the Indian River Lagoon Plan, since the County is spending she thinks 37 percent now on muck dredging, is that the County get a legal opinion from the Attorney General (AG) office, especially since the Board is looking at renewing it, on whether it is legal to use this tax, because in 2016 they tried to change the infrastructure surtax so that it would be legal to use this tax for muck, and that failed in appropriations. She noted that was the second time it failed, so maybe the County needs to get an AG opinion, especially when looking at it being renewed; her personal opinion is this is a bait and switch; she calls it the St. Johns River Water Management muck tax since they are responsible; she provided a picture of the canals being sprayed in South Patrick Shores, and the resulting of no seagrass corresponding to that timeframe; and she concluded by saying, they got mucked, because she believes the intent of this tax is why the taxpayers ended up with 66 percent muck tax that got rolled back.

Ron Meyr stated he would encourage the Board to vote in favor of this; he was one of the people involved in this; he would not even try to hook into the sewer since he is 350 feet away from the pipe; this would enable him hopefully to hook into sewer from his 38 year old septic system; and he asked the Board to vote in favor of this.

Chuck Sheridan remarked he moved to Brevard County from South Florida when he was six years old, so he grew up here; they used to be able to go out into the Banana River and catch 200 Trout in a few hours; he had his own views on what he thought the problem is with the Lagoon system; and he watched the Citizens Oversight Committee (COC) meeting the other day. He went on by saying he has sat on several committees, several boards, gone to State senate confirmations, and he found this committee is probably the best run he had ever seen as it looked into the science and explained it; he would be very much in favor of it; he would add that there are other options besides adding the sewer system to replace the septic tanks; there is an ozone Ultraviolet C (UVC) light system so an existing sewer tank can be put in and have drinkable water come out of it; he helped develop a hotel in Orlando; it was a two-mile run for a sewer system for a 180-room hotel; and it was cheaper to put an ozone UVC light in and treat the sewage. He pointed out there are small systems that are designed for septic tank replacements; that would be a lot better than Milford Point running a system down there for 30

houses when each of the taxpayers could put a system in themselves; again, he wants to compliment the COC; more committees are needed like that in this County; and they did an excellent job. He commented he actually spoke to one of the scientists, Terri Breeden, yesterday, because she had her seventh grade yearbook at his home that he found when he was cleaning things out.

The Board adopted the Save Our Indian River Lagoon Project Plan 2024 Update, as recommended by the SOIRLCOC on January 19, 2024; authorized associated Budget Change Requests (BCR); approved continued signature authority to the Chair (or authorized representative, in accordance with the threshold limits provided for in Brevard County policies and administrative orders) to execute agreements, task orders, change orders, contract renewals, amendments, and other contract-related documents, subject to review and approval by the County Attorney, Risk Management, and Purchasing, as appropriate, for projects and programs approved in the Save Our Indian River Lagoon Project Plan; approved authority for the Natural Resources Management Director to execute no-cost time extensions up to one year total, and approved the County Manager to execute no-cost time extensions up to two years total; granted permission to advertise and competitively procure goods and services needed to implement projects and programs approved in the Save Our Indian River Lagoon Project Plan, subject to available funding; and authorized staff to submit grant applications for leveraging cost-share for projects and programs approved in the Save Our Indian River Lagoon Project Plan.

Result: Approved

Mover: Rita Pritchett

Second: Rob Feltner

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

I.2. Board Approval, Re: Interlocal Agreement Between the Sheriff and Brevard County Board of County Commissioners for Fire Rescue Dispatch Services and the Utilization of the Combined Communications Center

Chief Patrick Voltaire, Fire Rescue Director, stated this is an interlocal agreement between the Sheriff and Brevard County for Fire Rescue dispatch services to authorize the Chair to sign the attached combined communications center agreement; and it is also requested that the Board delegate the County Manager authority to approve necessary and appropriate Budget Change Requests (BCR), addendums, agreements, transfers, or other required administrative actions during this transition period.

Michael Bramson stated he is the President of the Brevard County Firefighters Union; he is addressing Brevard County as a whole to thank the dispatchers, that are currently working as he speaks, for the service they provide Brevard County Fire Rescue; he expressed his appreciation to the Board and to Fire Rescue for its actions, call to actions, and dedication to provide the essential service as the true first responders to Brevard County; he pointed out he read the interlocal agreement, and it is absolutely obvious that the culture of the Brevard County Fire Rescue will be forever changed; and it should be noted that they not only recognize the need for help in public safety in Brevard County, and that they understand the progress they were working towards in said agreement, will better the work space of the dispatchers, will create a more comfortable work life balance, and in hope, reduces mandatory overtime for the dispatchers. He commented they also understand and have read the State's outline in the Florida Communications Number 9-1-1 State Plan; for the sake of the emergency response services of Brevard County, they are very anxious for their brothers and sisters during this imposition, and remain supportive of their dispatchers as the services they provide are

essential; and he again expressed his thanks to the dispatchers for their service and their call to action in Brevard County.

I.3. Approval, Re: BCC-62 - Restrooms and Changing Facilities in County Buildings to Comply with Section 553.865, Florida Statutes

Commissioner Tobia explained the change is to Policy BCC-62, to effectuate House Bill (HB) 1521 passed by the Legislature in 2023; he expressed his appreciation to the Blaise Trettis, Public Defender, for his hard work on this; he noted Mr. Trettis had quite a bit of opinion and time that went into this; he thinks the Board has a copy of that; and since he is much more familiar with State Statute, and has clearly dedicated quite a bit of time, he would certainly like for Mr. Trettis to come up and speak to this more eloquently than what he could. He went on to say to be clear, there are two versions of this, one from staff, and one that comes out of District 3.

Mr. Trettis stated the issue is the Policy's implementation for the Safety and Private Spaces Act that was passed by the Legislature in 2023 effective July 1, 2023; this Act makes it a first degree misdemeanor crime for a person to use the restroom or changing facility of the opposite sex; however, it excludes county, city, and state employees from that criminal conduct; in other words, it would not be a crime for a County employee to use a restroom or changing facility of the opposite sex; and the Act goes on to say, however, that the city, county, state government shall enact policy of discipline for county, city, and state employees who use the restroom or changing facility of the opposite sex. He mentioned the Human Resources (HR) Department of Brevard County has written policy to implement the Safety and Private Spaces Act; he looked at that and disagreed with the HR policy in two important respects; the first respect is that the HR policy says that when a County employee sees a person using the restroom or changing facility of the opposite sex, they shall notify the department director; the department director then may look at this and may call law enforcement if appropriate; and he would argue that is terrible policy, it is terrible instruction for a warrantless arrest being made for this crime, as law enforcement has to witness it in person. He continued by saying what the HR policy says is to go away, not call the police, not call the Sheriff, but to inform the department director; by then the person is long gone, there will never be any apprehension or prosecution if that Policy were enacted; the Commissioner Tobia policy eliminates that instruction; with its elimination, it is simply left that law enforcement is to investigate it; and the employee will know that they should call law enforcement, and an on-scene arrest can be made as a result. He stated the second area in which he disagrees with the HR policy is that the HR policy says for a County employee who sees another County employee use a restroom or changing facility of the opposite sex, they shall be subject to the merit systems Policy of Brevard County, which is a progressive, disciplinary Policy, and it can leave up to five violations before a person is fired; he submits that is totally wrong as well; a County employee who is using a restroom or changing facility of the opposite sex has a serious problem, he would say a serious mental problem; there should be no second, fourth, or fifth chances; that employee should be fired; and that is what Commissioner Tobia's policy says to terminate them from County employment. He advised he recommends those changes; and he hopes the Board votes for Commissioner Tobia's policy.

Morris Richardson, County Attorney, advised he is happy to answer any questions the Board may have; he thinks the policy that staff has proposed that he reviewed is in keeping with the Statute, and there are certainly reasons why the County adopted the Policies it did, as far as personnel, to make it consistent with the County's personnel Policies and Collective Bargaining Agreements; and it should be noted that the personnel side of this applies to only Brevard County Government employees, so the Public Defender will still be able to supervise and instruct his employees regarding this issue in the way he feels appropriate.

Chair Steele asked if the Board merge both of these proposals at this point in time.

Attorney Richardson replied they are competing proposals; there is one that is advanced by staff, Human Resources (HR), and the County Attorney's Office and then there is the revision as proposed by the Public Defender and forwarded by Commissioner Tobia.

Chair Steele advised he is not seeing that on the Agenda, he is only seeing Commissioner Tobia's on the Agenda.

Frank Abbate, County Manager, pointed out it is an attachment.

Attorney Richardson noted it is under the same Item, the initial attachment, which are the numbered pages on the Agenda.

Chair Steele remarked he has it.

Commissioner Goodson asked if the County Attorney would explain what staff proposed.

Chair Steele stated that is what he was hoping that would happen.

Commissioner Tobia asked if Attorney Richardson could explain the difference between the two versions, because there are some substantial differences with the initial proposal.

Attorney Richardson explained most critically, the version of this forwarded by staff is consistent with the County's existing personnel Policies; it provides for an employee who violates the Policy may be subject to discipline, up to and including termination; as with all of the County Policies, there is a chance for mitigating circumstances, there are due processes and hearing rights involved, so the County treats this as any other offense under its personnel Policies; and obviously, a serious offense could be subject to termination on the first time, but that may not be appropriate in every imaginable instance of a Policy violation. He commented for example, the proposed policy also governs things such as designations of restrooms, so if the version forwarded by the Public Defender was implemented, where maybe signage is not apparent, theoretically that could be a termination offense; staff thinks it should just be in line with the County's other personnel Policies and Collective Bargaining Agreement; as far as reporting of the criminal aspect of it, it is important to note that the first things a governmental entity employee is required to do if someone is in the restroom who should not be, a member of the public in the wrong restroom, is they are supposed to ask them to leave; only if they do not leave then does it become a violation; the whole idea is they are supposed to leave the idea that staff is somehow going to detain them until law enforcement arrives is beyond what any of the County's employees should be doing; and the County does not want employees attempting to detain someone in a restroom until law enforcement arrives, as there are other ways to address people who have committed a violation like that and have left. He stated also because there are a number of exceptions under the Statutes, and when reading the Statutes, some of them are quite complex, and they wanted staff to delegate to someone with some supervisory responsibility, the decision to make that call when it is an area where mistakes can be made.

Mr. Abbate commented consistent with the County's Merit System Policies, which the Board knows he has been over for 34 years now, the progressive discipline that was discussed, it is different than what the Board heard; this does not mean that a person will get a slap on the wrist, oral or written reprimand, et cetera; if it is a violation of an existing Policy, which this would be, an employee would be subject to insubordination that could be a dismissal offense, that first offense, dependent upon the circumstances that are involved, so he thinks it is important that

the County stays this way, with the policy the way it is written, because it is consistent with the Board's Policy; and it only applies to Board employees.

Chair Steele asked how the Board is going to, once one of these are passed, get this information out to its staff and people who are in the field.

Melissa Powers, Human Resources Director, replied once a policy is adopted by the Board, that would be communicated, first at the Directors level, and then subsequently they can provide whatever communication and training that is necessary to make sure everyone is understanding what their roles and responsibilities are.

Chair Steele asked if Commissioner Tobia had further comments.

Commissioner Tobia responded no, he thinks Attorney Richardson and Mr. Abbate have done a very good job explaining the difference between the two policies; he thinks both of them meet the statutory guidelines; and it is just a decision that the Board wants to go in.

Commissioner Feltner inquired if Commissioner Tobia is aware of any other municipal, County Constitutional Office, or any other governmental offices in the County who have taken up the alternative version as their policy input in their employee handbook today.

Commissioner Tobia replied he has spoken quite extensively with the Public Defender on this one, he has not spoken with any of the other Constitutional Officers on that, but should it go in a different direction, he may have an amendment that may give them the opportunity explicitly to go in a different direction.

Commissioner Feltner added, just to clarify, nothing the Board does today imposes anything on the Constitutional Officers and how they run their offices; and he asked if that is correct.

Commissioner Tobia noted that is his understanding.

Mr. Abbate remarked that is correct, yes.

Commissioner Tobia made the motion to approve the District 3 Commission Office language option for the new Brevard County policy, BCC-62, Restrooms and Changing Facilities, in County buildings.

Motion died due to lack of a second.

Commissioner Tobia stated he thinks this will be a friendly amendment; he spoke to this in an unforeseen instance, it was speaking to what Commissioner Feltner was dealing with, so the amendment, motion would include authorization, but not a requirement, for elected County Officers, the Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, Tax Collector, and any other agency occupying or co-located in a County building, to install signage on or near the doors of the restrooms under their control, indicating that such restrooms have been designated for exclusive use by males or females; he expressed his appreciation to the County Attorney for helping with the language on that; but his understanding is this would give the Constitutional Officers the ability to go in a different direction, if they were so inclined.

Commissioner Goodson asked if the County Attorney and Mr. Abbate agreed with the motion.

Attorney Richardson advised it would only affect those restrooms under the control of the Constitutional Officers, so it seems reasonable that, that is under their discretion.

Mr. Abbate responded there is no issue from a staff perspective; and staff is happy to follow whatever the Board's direction is.

Commissioner Goodson stated he will second the amendment.

Chair Steele called for a vote on the motion.

The Board authorized, although not a requirement, for the elected County Officials, including the Clerk of Court, Property Appraiser, Sheriff, Supervisor of Elections, Tax Collector, and any other agency occupying or co-located in a County building, to install signage on or near the doors of restrooms under their control, indicating that such restrooms have been designated for exclusive use by males or females.

Result: Approved

Mover: John Tobia

Second: Tom Goodson

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

The Board approved a new Brevard County Policy, BCC-62 – Restrooms and Changing Facilities in County Buildings, to comply with Section 553.865, Florida Statutes.

Result: Approved

Mover: Rita Pritchett

Second: Tom Goodson

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

I.2. Board Approval, Re: Interlocal Agreement Between the Sheriff and Brevard County Board of County Commissioners for Fire Rescue Dispatch Services and the Utilization of the Combined Communications Center (continued)

Commissioner Tobia stated, with the Chair's approval, he would like to go back to Item I.2. and make a motion on the Item, as he believes the Board missed a motion there.

The Board approved and executed the Combined Communications Center Interlocal Agreement with Brevard County Sheriff for Fire Rescue Dispatch Services and the utilization of the combined communications center; and authorized the County Manager to approve Budget Change Requests (BCR), addendums, agreements, transfers, or other required administrative actions during the transition period.

Result: Approved

Mover: John Tobia

Second: Rita Pritchett

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

I.4. Proposed Amendment, Re: Brevard County Home Rule Charter Adding Term Limits to the Offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections

Morris Richardson, County Attorney, stated this was a request by the District 1 Commissioner for Board discussion and direction regarding a proposed amendment to the Brevard County Home Rule Charter that would add term limits to those Constitutional elected County Offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections; as proposed, the term limits would be three consecutive full terms, or full-year terms;

no terms commencing prior to the November 5, 2024, election would be considered for purposes of calculating the term limits; the request today is to approve legislative intent, it is not to adopt this resolution itself, to put the Item on the ballot, which will ultimately require four members voting in favor to do that; and today is just to do legislative intent to move forward with the resolution, give any direction with regard to that resolution, and then authorize staff to then submit the proposed amendment and ballot language to the three-attorney panel required by the Charter, which reviews proposed amendments for compliance with the Florida constitution, Florida Law, and the Brevard County Charter.

Commissioner Pritchett advised last year she had mentioned she was going to bring this forward sometime this year; when the Board discussed changing the Charter, there was a lot of information that came in about people wanting term limits; she is a proponent of three term limits; but she thinks what has been discussed is two term limits many times; and when she brought this forward, her thought was not to affect anybody that is currently in office. She went on to say after this, it may be correcting something that would potentially be a problem down-the-road; once a person takes office as an incumbent, it is really hard to beat them, so she thought this would help this situation, and there is such a strong support of community nationwide of wanting term limits on elected officials; again, the Board is not voting to put term limits on Constitutional Officers; and this is just to perhaps put it on the ballot and let the people decide what they would like to do.

Chuck Sheridan stated when he received his general contractor's license in 1978, he used to go to the County Commissioners office to get his culvert pipes; he had been there for years and years; if there had been changes in term limits, there may have been better drainage systems; an elected official is a public servant; and he or she is there to serve the public, as it is not a career choice, it is to serve the community. He mentioned once an elected official has served a couple of terms, new people bring new ideas and thoughts, and it should not be a career choice; an incumbent is hard to beat; some people get into it as a career choice; and he would be very much in favor of term limits.

Eileen Sepp commented she has lived here for 33 years; she is here in opposition to this; not that she is opposed to term limits, but term limits apply when talking about policy-making positions; the administrative positions that are being proposed would be a great disservice to this County; there are outstanding people in these positions who have worked their way from the bottom up in many cases; and she is seeing right now that the County has the highest level of integrity among that administrative staff than she has seen in all of the years she has been in the County. She reiterated she does believe in terms limits, but policy is different; she stated when someone comes into a position making promises to make the changes that are needed, that is one thing, but an administrative position, and she has been in those positions, when a person is taken out who is really effective, there is no replacing them; there is a significant drop in productivity as a result of that; the County needs people who are experienced in these administrative positions; and they are not making decisions, they are following the guidance that is given to them by the Board and by laws of the State, so she would rather not see this on a ballot mostly because sometimes people do not really read between the lines and they do not really know the people who have earned those positions. She pointed out they should be able to stay in those positions as long as he or she is able to do the job; the citizens do elect them every four years; and she thinks that is sufficient.

Katie Delaney stated she is against this; she had gone to every single one of those meetings three years ago; the only time that term limits were brought up was when the Board's appointee, Robin Fisher, tried to extend the term limits from eight years to 12 years for County Commissioners in Brevard County; the people were adamantly against that; but none of that had to do with Constitutional Officers, it had to do with policy makers. She continued by saying

she is very against this; Brevard's Constitutional Officers most of the time run unopposed, because he or she is doing a great job; this is very disheartening to see this; she appreciates Commissioner Tobia for putting in his Form 8B, because of his conflict of interest with running for that office; and she would appreciate it if Commissioner Pritchett would do the same thing since she is now running for one of those offices. She pointed out this needs a four-person vote; the Board does not have that, this is a moot point; and in her opinion, this should be a dead proposal.

Richard Heffelfinger asked if the Board is asking for three terms on this; if it is three terms, why not two terms; he noted the conflict of interest was interesting as he had not even thought about that; he guesses this will go on the ballot in November; and if it was approved, nobody will be booted out that is currently serving in the office. He asked again if it would be eight years or 12 years.

Chair Steele responded 12 years.

Mr. Heffelfinger remarked 12 years is a long time; a lot of damage can be done in 12; a lot of good can be done as well; and he does not know why it is not consistent with the County Commission.

Kristin Lortie commented she is a Cocoa resident and the founder of Brevard Cares Citizens Coalition on FaceBook where they are commenting about this, having some vigorous debate on this proposal; she stands against it, she is opposed to it; she agrees with the two female speakers who articulately spoke on why the Constitutional Officers are so much different than the Commission, because she is in favor of term limits for the Commission; but the public is not always aware of this. She went on to say she became aware through the Citizens Academy last year when she heard two excellent presentations from the current Tax Collector, who is now challenged by Commissioner Pritchett, and from the current Clerk of Courts who took the time to give them a tour of the entire County courthouse and a presentation to citizens who were interested enough to find out more; she is passionate about these positions; she is in total disagreement that these chairs need to be upset every twelve years for every reason; case in point, if this went forward, sitting here 12 years from now, then what would happen is all of the Commissioners would have an easy chance to get into these chairs; as Commissioner Pritchett just said, it makes it very hard to beat them; and people will then be thrown out of their seats who might be doing a fantastic job as has already been ascribed. She stated she also appreciates that in the Charter Review Commission, the individual who actually went to all of the meetings and who reported on social media, and never saw Commissioner Pritchett there, but she pointed out that at those meetings there was no contest about the Charter positions; but Commissioner Pritchett in the paper said, "We got information during those meetings that the voters wanted this, there was an overwhelming consensus from all of the voters that they want term limits on all of the elected officials;" she explained she believes there is a conflation happening here between the two types positions; the Board is making policy, these folks are implementing policy; she sleeps better at night having good people in these seats; she will be now petitioning for at least two of these candidates because she knows they are doing a rock-solid job; and the others may be as well. She stated and even her comment to the Board, because she has emailed each Board Member, with some questions about the Sheriff's position; she has thought through that further and realized that she does not even support term limits for that, as that will not solve the problem; she reiterated she is opposed to this in both the premise that Commissioner Pritchett stated for this, and the content; she appreciates that the conflict of interest was called out by Commissioner Tobia; Commissioner Pritchett should not even be voting on this matter, so she was inspired to come to this meeting and to found a FaceBook group, in order to be able to talk about these prior to the elections; and she will have a strong opinion come referendum and Tax Collector election.

Nathan Slusher mentioned he found it wise to come today to speak on this topic, as it is a topic he spoke on for years; he is a huge proponent for term limits for every elected politician in the United States of America, from President, to Congress, to State House, to County, to citywide elections; he does not believe there should be a single politician who does not have term limits, none of them; he wants to share his support today; but he does not want to do it not knowing what the public wants. He explained on Sunday afternoon he released a poll to the people in North Brevard just to get a quick idea of whether or not they supported term limits; there were two polls on two different platforms; one of them received 58 votes with a 95 percent approval rating; he did verify three of those voters are not Brevard County residents, so out of those 58 votes, he will take three away, and it is still pretty high; and the other one was 100 percent of Brevard County voters, and it was a 94 percent voting rate. He pointed out the citizens want term limits, but the citizens cannot put term limits on the ballot, but the Commission can; it has an option to give the people a voice; no one is deciding to put limits on the people that are in office; does he agree that people in office are doing a good job, yes some of them are; however, he asked should they do a job for 12, 16, or 20 years; and he advised, no, he does not think so as that creates a lot of problems. He stated none of these positions have a requirement for any knowledge or a resume; they can be won by anybody in the field; there is a reason that experts are hired to help in these departments; he fully-supports this proposal; however, he would ask for an amendment to it; he asked to make it eight years instead of 12 years, 12 years is too long; and he would fully-support an amendment to make this eight years.

Sandra Sullivan stated first of all, she just finds it a coincidence of announcing running for the Tax Collector at the same time as putting out this Item, is just a great way to get publicity, which is probably what the result is.

Chair Steele asked Ms. Sullivan to please not get into that.

Ms. Sullivan noted while she is a proponent of term limits, she is not for the Constitutional Offices; she was at most of the Charter Review meetings and the discussion about term limits; those term limits were not about the Constitutional Officers, they were about the Commissioners; they were prompted by District 1's appointee twice, one at the beginning of the Charter and one at the end proposing extending term limits, which would benefit District 1 and 3 potentially; she reiterated the timing of this is off; and this should have had discussion, and the way the Charter review works, at the time of the Charter review. She continued by saying she agrees it is for the voters to decide, but the time to have done this was during the Charter review; and this is very political.

Lisa Cullen, Tax Collector, expressed her congratulations to Chair Steele on the naming of the park after his brother; and she remarked, what a beautiful way to memorialize. She stated she is here to advocate for the Charter review process, which she does think is very effective; she urged the Board to allow this to go through Charter review where the citizens have multiple chances to come speak on the subject; she has been through several of those Charter Review Commissions; she believes the public does get engaged; and they live in a wonderful County where Brevard County citizens get it. She advised a lot of those primary voters do their homework; the Board can look at its officers that serve this County and see that; she asked the Board for the Charter Review Commission to handle this; and she stated if it goes through that, then let the public vote on it.

Rachel Sadoff, Clerk of Courts, expressed her appreciation to the Board for allowing her and the others to have a few minutes to discuss their opinions on this topic; she explained she tries to be accessible to the citizens of Brevard County at all times; this did not start when she became the Clerk of Courts, it started when she took the oath to become a Deputy Clerk in 1997; as she moved throughout her career in different positions, and today as the County's

elected Clerk and Comptroller, she has learned a lot and has continued to learn; and it is a career she has dedicated herself to, just like everyone in this room. She stated everyone that stands for the County and State employee have dedicated their years of service, and they did not expect a date to tell him or her when to leave; those who stepped up as leaders did so to do the right thing by this County; many leaders of this County would have been discouraged to run for office with term limits for an office that is not a policy-making office, but a management office; there would be a decline in the services and in the forward-thinking of these offices; she is not trying to dispute some of the ideas that the Board has about this, and she is not trying to discourage this to not be brought to others to discuss; but she asked the Board not to vote on this for today. She pointed out she did not have any idea what the Tax Collector was going to say, but she echoes what she said about bringing it back to the Charter Review Commission, as that was a good point she had not thought of; she leaves the Board today asking it not to consider doing this; and she 100 percent respects however the Board votes today.

Dana Blickley, Property Appraiser, stated she has to disagree that a Property Appraiser cannot be taken out for doing a bad job, as she did a pretty good job of that; she is coming with a different spirit, not just necessarily the institutional knowledge to do the constitutional duties that they are prescribed to do, but once in a while it is having enough institutional knowledge, skillset to be able to read the law, wherewithal to know that a person has to know the legislative process when they are making changes that affect what a Constitutional Officer does, or maybe what the Commissioners do, and to be able to catch those mistakes so the property owners and constituents do not pay a price for that; and that is the spirit of cooperation that she thinks Commissioner Pritchett was hoping that they would continue after the budget series last year, and one that she knows the County Manager and County Attorney depend on.

Commissioner Goodson asked if Commissioner Pritchett would need three votes for this to move on, not four.

Commissioner Pritchett responded affirmatively.

Commissioner Goodson asked Commissioner Pritchett why Commissioner Tobia does not want to vote, but she wants to vote; and is there any reasoning there.

Commissioner Pritchett replied she thinks Commissioner Tobia's reasoning is because he felt there was a conflict of interest; she spoke to the County Attorney a little bit; she has no plans on being in office more than two times if this opportunity did happen; she does not think there is anything wrong with the Charter Review either; but there is a strong consensus with people nationwide wanting term limits. She stated she just thought the Board could put it before the voters and let them decide what they want to do; she made it so it was exempt for the people who are in office currently, so she cannot imagine the Sheriff wanting to be a sheriff into his 80's; she loved what Ms. Blickley said, and she is a great Property Appraiser; she had to unseat someone who had been doing the job for 20 or 24 years, which was not a great Property Appraiser; and it was a tough battle, so she thinks this might help with opportunities for someone who is not doing a good job in an administrative position, because nobody can really do anything with it. She advised the employees cannot do anything with it; a person cannot do anything with it and come against their boss without losing their jobs; this is nothing on the ones who are already in position; but she thinks, as she agrees with Mr. Slusher, that every elected official should have a limit on his or her terms.

Commissioner Goodson remarked not knowing the questions asked by the gentleman in North Brevard, if a person thinks about it, people hear about term limits all of the time, term limits are bad; if a person knows anything about Tallahassee, what that has done is people have starting electing 20 year olds to make decisions for people that have not had a family, has not lost a

job, does not have a mortgage, but they just left moms and now they are a State Representative; he asked if this would be term limits, Representative Altman, first State, then House, Senate, House, and Senate; he asked if that is term limits; and he noted he guesses so, because he has been doing it for 20-something years. He went on to say another issue he finds funny about term limits on these people would be if a person wants to run for office and a person picks those, be prepared, if they are a quality that Brevard County has, for a fight, because they are good; they have done a wonderful job; he is all for term limits; it seems to him that America wants term limits in Washington, DC; that is not going to happen, because they are a member of the best country club in the world, so why would someone want to give up that; and there is where term limits are needed. He stated he is happy with eight years; he is only going to serve four; Representative Posey said he was only going to do this one time; he has been there 18 years; and he wants Commissioner Pritchett to sign in blood that she will only do it for two terms.

Commissioner Pritchett advised he has it; she expressed her appreciation to Commissioner Goodson for his comments; and she stated she respects what he is saying.

Commissioner Goodson explained he is a little bit different than everyone else.

Commissioner Pritchett commented the Board today is not voting to put term limits on them, it is just being voted on to be put on the ballot for the people to choose; again, it is a good discussion; and she will just have to see where the other Commissioners want to go with it.

Chair Steele asked with the tentacles of this going potentially to a referendum, how many votes the Board needs today to pass this.

Attorney Richardson replied ultimately the Board will need four votes to put it on the ballot, but today to move it forward to direct staff to draft final language, or accept the language proposed, and move it to the three-attorney panel, that direction can be given with three; and then staff can bring it back to the Board with the decision of the panel, and it can decide whether or not to place it on the ballot.

Motion by Commissioner Pritchett to approve legislative intent.

Motion died due to lack of a second.

The Board denied request for legislative intent to adopt resolution amending the Brevard County Home Rule Charter to add term limits to the offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of Courts, and Supervisor of Elections.

Result: Denied

Mover: Rita Pritchett

E.1. Resolution, Re: Acknowledging Women in Construction Week 2024

Commissioner Pritchett stated she received a text the representatives are not going to be able to make it to the meeting, so she would like Commissioner Feltner to read the resolution.

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-017, recognizing and proclaiming the week of March 3-9, 2024, as Women in Construction Week.

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

J.1. Report, Re: Frank Abbate, County Manager

Frank Abbate, County Manager, stated there are only two items scheduled for the upcoming March 7, 2024, Zoning meeting; these items were advertised before the staff discovered that there were deficiencies that are going to prevent the Board from hearing them at that time; and he asked since the Board cannot hear those items, would the Board want to consider cancelling the meeting, and direct staff to re-advertise the public hearing for a future date once those issues have been addressed.

The Board approved cancelling the March 7, 2024, Zoning meeting; and directed staff to re-advertise the public hearing for a future date.

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

J.3. Report, Re: Rita Pritchett, Commissioner District 1, Vice-Chair

Commissioner Pritchett asked when the budget meeting is scheduled.

Frank Abbate, County Manager, replied it is February 29th.

Commissioner Pritchett advised she is looking forward to the meeting and seeing everyone there; and she thinks it will be a productive meeting.

J.6. Report, Re: Rob Feltner, Commissioner District 4

Commissioner Feltner stated inspired by renaming Coconut Point Park today after former Commissioner Val Steele, he was thinking about another park named after another Commissioner, and his name is Joe Wickham; he has a letter here that he proposed that the Board give direction to the Chair to sign to send to the City of Melbourne; he would like to read it real quick, and ask that the Board approve it; and he read the letter aloud.

Commissioner Tobia stated in the past Commissioner Goodson had mentioned he was in favor of County parks that were in the jurisdiction of cities about the transfer of that property; he asked if there is something unique about Wickham Park, or has his opinion changed; and he advised the only reason he is asking is because as the Board goes further on this one, he is just trying not to waste other people's time.

Commissioner Goodson stated Commissioner Tobia is referring to the city parks in Cocoa.

Commissioner Tobia pointed out he is referring to everything.

Commissioner Goodson explained the County pays about \$1.3 million to maintain them, they only kick in \$400,000; he just wants them to sign their agreement to the Board which says they will pay their 50 percent; that is the only issue he has with parks; he does not think Wickham Park does that; and the County pays for Wickham Park maintenance and it is a County park.

He noted the Board is talking about supporting city parks; they even charge the County for the water up there for their own park, the County has to pay the water bill; they charge the County for television, internet, and they do not pay half of the costs to rebuild the buildings, which they should by the agreement the County has; but they have not signed it in seven years; and that is his problem with parks up there.

Commissioner Tobia expressed his appreciation to Commissioner Goodson for making that extremely clear; and he stated as the Board moves forward, he was just trying to get the lay of the land.

Commissioner Goodson remarked he is always with Commissioner Tobia, he always protects his back.

Commissioner Tobia stated he hopes the Board can stick there when it talks about lifeguards; if the Board votes as he expects it will, 4:1 on this one, he thinks it sends a pretty clear message to Melbourne; it saves his staff from moving forward on this; and while he cannot support this motion, he will be going the other way on this one.

The Board approved and authorized the Chair to sign the Letter referencing Wickham Park to be sent to the City of Melbourne.

Result: Approved

Mover: Rob Feltner

Second: Tom Goodson

Ayes: Pritchett, Goodson, Feltner, and Steele

Nay: Tobia

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

Commissioner Tobia stated he does have a real Board Report; he thinks Commissioner Pritchett started this; before he wrangled the County Attorney's Office with some work, he wants to see where the Board is on this; currently, Brevard County Code, Section 74-102(b) (7), grants an exemption for sex offenders and predators to enter into a thousand foot radius of a park, "as a result of fulfilling legally allowable duties imposed by gainful employment;" and this was deeply concerning to him on multiple levels. He advised therefore, he would like to bring back to the Board two things; number one, an amendment to Brevard County Code, Section 74-102, restricting the exemption that offenders, predators who have committed an offense where the victim is a minor cannot work in a school/childcare facility, park, playground, or other place where children regularly congregate; this is consistent with Florida Statute 775.21, Section 10b; and the second item coming forward would be a change to the County's grant applications. He went on to say to add into the application for all County-issued grant programs, including but not limited to, sports grants, major event grants, cultural grants, and the application must certify that they will not employ sexual offenders or predators directly or indirectly through their subcontractors; if they choose not to do so, then they would be ineligible for the grant; while he does not have specific language on this, it will require a little bit of time; the County Attorney, who got him most of this language and said it was permissible under Statute, he wants to see whether the Board would be willing to move forward with those two things; and to give the County Attorney the leeway to investigate that a little bit further.

Commissioner Feltner commented he will absolutely support that.

Chair Steele advised he will support it.

Commissioner Tobia noted he will bring this back at a later date once the County Attorney has moved forward with that. He remarked, on a lighter note, today is National Comfy Day; he is not sure what a comfy is, but it is; the useless Florida fact is the concept of spring break began in 1938 when a swimming coach from Colgate University brought his swim team to Florida to train in the new Olympic-sized swimming pool in Fort Lauderdale; shortly after, this idea spread to other swim coaches and became the annual tradition for swimmers nationwide; by around 1960, students began to come to the towns in great numbers, and local businesses took advantage of the influx by offering specials, such as all a person can drink beer for \$1.50; and eventually the Town gained the nickname of Fort Liquordale, and became the primary destination for students interested in partying during spring break for years to come. He expressed his appreciation to Yvonne Minus for kicking his butt on this one, as it is Black History Month; for this day in Florida History, on February 20, 1960, students at Florida A&M University and others from around the country held a sit-in at Woolworths' lunch counter in downtown Tallahassee; when they refused to leave, 11 were arrested and charged with "disturbing the peace by engaging in riotous contact and assembly and the disturbance of public tranquility;" rather than pay their fines, eight students opted for jail time, effectively launching one of the first jail-ins of the civil rights movement; and among those jailed was Patricia Stevens and her sister Priscilla. He pointed out while in prison, Patricia wrote a letter about their experiences and her thoughts on civil rights, which reached leaders like Martin Luther King and Jackie Robinson; and Mr. King wrote back to Stevens "you are suffering to make men free;" and that is very important stuff. He stated the employee recognition is Larry Lytel, Reprographics and Scanning Specialist in Public Works, with five years of service; Mr. Lytel assists the public, County agencies, and other government agencies in reproduction, scanning, and research of historical maps, aerials, subdivision maps, survey books, road plats, and various other types of public records; he has appeared in background roles in various movies, including a 1990's protester in the One and Only Ivan; he loves animals, and cares for two dogs, Lance and Romeo; and he cares for several cats, Mama, Baby, Bandit, Charlie, and Max. He expressed his appreciation to Mr. Lytel for his service to the County and the people therein.

J.3. Report, Re: Rita Pritchett, Commissioner District 1, Vice-Chair (continued)

Commissioner Pritchett advised she forgot to ask this when the Board finished with the last Item; she asked the County Attorney how the Board goes about, following Dana Blickley's recommendation, that the Board would send that to the Charter Review; that does not meet for another two years, four years; and she asked if that is something the Commission is going to need to bring up later to send it to the Charter Review for review.

Morris Richardson, County Attorney, replied he needs a little time to investigate that and send it back to the Board.

K. PUBLIC COMMENTS

Sandra Sullivan stated before the last meeting, she had a rally outside, and she received an email from Morris Richardson, County Attorney, prior to her rally, stating per County Policy BCC-54 that she was restricted way out by the corner, way away from the County Commissioner building; she is going to allege that this is a First Amendment violation; she would like to see it corrected; and her request is for the County to correct this Policy. She went on to say online on the American Civil Liberties Union (ACLU), it reads, "Your rights are strongest on what is known as traditional public forum, such as streets, sidewalks, and parks. You're also likely to have the right to speak out on other public property like plazas, in front of government buildings, as long as you're not blocking access to the government building or interfering with other purposes the property wasn't designed for;" she noted by walking out by

the Department of Motor Vehicles (DMV), a person will see it is not just for protesters, it is also for people soliciting; there are people in the hallway who are there every day; and she asked if this was selective enforcement because of the issue that she had. She provided the Board a picture of them protesting out there; she stated a lot of people could not find them, because they thought they were going to be in front of the building; another legal issue she has is about the midreach; per Policy BCC-97, "In the event of a serious allegation of misconduct or competence are alleged against any County employee, the Board may abate the matter and request the County Manager to investigate the allegations;" on this issue she is requesting that the County investigate these allegations; and recently on the Department of Environmental Protection (DEP) Oculus System, there is a request, the County requests a notice to proceed for construction of beach re-nourishment. She went on by saying it is alleged that the upcoming 2023-25 re-nourishment is more or less identical in scope, schedule, and methodology as 2019; attached to that is a Federal (FWS) document which says if the plan changes, it requires a new biological opinion; the plan did change in scope; she had a conversation with the Natural Resources Management Director the other day after the SOIRL meeting; she was told that they changed the fill design, the amount of sand is horrifically more, the amount of the reef buried was prohibited from putting it on reaches, insignificance on four to six, and again it was horrifically buried; and she will send the Board more documents and request a formal investigation, as well as their First Amendment right aspect, that Policy reviewed.

Richard Heffelfinger commented the Board is so gracious to give the public these Agendas, but it does not follow them; he thinks the Agenda comes out five days prior; it is published on Legistar; he asked when the Board sees it; he noted typically, Roberts Rules says the Board takes a motion to approve the Agenda; and if a person has a problem or wants to amend the Agenda, that is the time to do that. He remarked if there were Items the Commissioners want to bring up in Board Reports, the time to do that is not Board Reports, the time to do that is when the Board approves the Agenda; he does not know how much time the Board gets to look at the Agenda or talk; he knows there are Sunshine rules where the Commissioners are not supposed to talk; but if he or she has something cooking, he thinks the opportunity should be taken to try to put it on the Agenda, because if stuff is being done in Board Reports, making votes, and moving motions, and he inquired when he gets to have an input on that; and he noted he does not. He advised this is kind of a little Roberts Rules sloppy stuff; the Board has an Agenda, it approves the Agenda, and it votes to amend the Agenda; he did not see a vote to amend the Agenda; the big chunk of stuff the Board wanted to think was not important, it moved to the beginning; he does not know what all that was about; but the Board did not even vote on that. He pointed out the Chair just said to do them first; the Board is confusing the public; and it is stopping the public from getting some insight from what the Commission is doing and making comment. He stated he thinks the Board needs to think about what it is doing regarding Roberts Rules, because he does try to participate, but not if he does not know what the Board is doing; he does not know if it is intentional; some people would say it was intentional; he does not think it is; he just thinks it is a little sloppy; he asked what the Vice Chair stuff is; and how much time does Commissioner Tobia spend putting stuff on doing that. He noted he does not know how much value that has to the public; he asked is the Chair in charge of Public Comment or is Commissioner Tobia; he advised that was a former Chair thing; he asked if the Chair does not want to run the Public Comments; he stated a lot of time spent on a lot of stuff that he really does not know how important it is; and talking about bathrooms for that long is a little weird.

Katie Delaney stated as she has been talking with the public, she has been hearing the same thing from the people in North Brevard; one of the major issues people are upset about is the over-development that is going on, or irresponsible development that is going on in North Brevard; they have major flooding issues in North Brevard; and all of this irresponsible development is adding to that. She went on to say like she was talking about earlier with the

property in Canaveral Groves, that is just one of many examples; there is also Sherwood Forest, which is a beloved neighborhood in North Brevard; people adore that neighborhood; the construction that is going to come in that, that community is fighting right now is going to destroy their homes; it will destroy the atmosphere of that area; and people come from all over to come to that neighborhood for Christmas and Halloween. She explained Senate Bill (SB) 102 is another issue, the Live Local Act, she has spoken about it many times; the Board waived the impact fees for SB 102 projects; she asked the Board to turn that around; the County needs impact fees, especially on those projects, because they are not going to be paying property taxes; she inquired how the infrastructure is going to be paid to better the community if no one is paying impact fees; are the Commissioners intentionally trying to get rid of the middle class, because people are not going to be able to get insurance; and when that happens, people are going to have to foreclose on their homes as they will not be able to abide by their mortgage contracts. She advised this needs to be looked at very differently; and she asked the Board to take this seriously.

Kristin Lortie mentioned she would like to start by supporting Ms. Sullivan's concerns that she spoke about a few minutes ago; one, about the treatment of protesters and having to go to a specific spot on the property, that looked very unpleasant and not quite right; she was there that evening and would have liked to have seen them when she was driving in; Ms. Sullivan is putting out a lot of interesting data on drowning a reef with sand and how it raises public concerns; and her topic she wants to speak on today is about the Speak up Brevard Program that she started talking about on February 6th. She noted on January 3rd, she wrote to the Board and she provided a recommendation regarding the Speak up Brevard Program; for anyone who is not familiar with it, she is sure they are, but it is the process where citizens can weigh in and provide suggestions on efficiency and effectiveness of their government, then the County does something with those recommendations, and they have to be voted on; the email had a recommendation about leaving the Speak up Brevard County website open all year to receive citizen recommendations throughout the year; sadly, her comment came in two days before the website closed because it closes on the 1st; and she asked how it is efficient and effective for her to have to wait a year, because the County's website is not available and the next recommendation form open date is December 1, 2024. She asked again, how effective is that to wait a year to receive her recommendation; what she did since she wrote the email is she further reviewed the Policy documentation on it; Policy BCC 95 says that the form will be available for downloading and submission on the County internet home page; she followed up and has written to Frank Abbate, County Manager; and she looks forward to his response about her Policy concerns that comes on the tail of her recommendation to keep the website open all year round. She pointed out she is confused on the process itself, because in the Policy it states that the County is required to take some action within 45 days of receipt of the recommendation, so if her recommendation comes in June, why is the County not going to do anything about it until right now; it looks like the whole process rolls from January 1st until 120 days later; she has confusion on that; and she reiterated she looks forward to the County Manager's response, and she will write to everyone once she receives that response.

Upon motion and vote, the meeting adjourned at 10:54 a.m.

Result: Approved

Mover: John Tobia

Second: Rob Feltner

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



RACHEL SADOFF, CLERK

A handwritten signature in blue ink, which appears to read 'Jason Steele', is written above a horizontal line.

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

Approved by the Board on April 23, 2024