

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, May 21, 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**

Commissioner Tobia led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the March 12, 2024, Regular Meeting, and the April 4, 2024, Zoning Meeting Minutes.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** John Tobia

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

**E.1. Resolution, Re: Honoring the Academic and Athletic Achievements of Jaida Williams-Goins**

Commissioner Tobia read aloud, and the Board adopted Resolution No. 24-042, honoring the athletic achievements of Jaida Williams-Goins, who is a source of pride for the County and shows resounding promise as a future leader.

**Result:** Adopted

**Mover:** John Tobia

**Second:** Tom Goodson

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

Commissioner Tobia pointed out that Ms. Williams-Goins' mother Shantell Williams is here, and her wonderful father is City of Cocoa Councilman Alex Goins.

Chair Steele asked Ms. Williams to help him with training for speed, because a lot of the decisions he makes around here he has to get out of there real fast.

Commissioner Tobia stated Mr. Goins wanted to be here but he guesses he is at a VPK graduation, so he has so much success in the family that he has to split the time; and he is sorry to lose her to Memphis, but he is happy the County has her now.

Jaida Williams-Goins asked if she has to say something.

Chair Steele responded she does not have to, but the Board would like her to, because she is impressive.

Ms. Williams-Goins expressed her appreciation to the Board for recognizing her at this meeting.

Commissioner Tobia stated Ms. Williams-Goins has a wonderful father who does great work for the citizens of Cocoa; it is great working with him; and clearly, he has some great kiddos.

Ms. Williams-Goins expressed her thanks to Commissioner Tobia.

**E.2. Resolution, Re: Acknowledging Emergency Medical Services (EMS) Week**

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-043, proclaiming the week of May 19-25, 2024, as Emergency Medical Services Week.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Rita Pritchett

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

Chief Patrick Voltaire, Fire Rescue Director, expressed his appreciation to the Board for recognizing the Brevard County Emergency Medical Services Week; he stated staff appreciates the Board for the support it gives to them in allowing them the things they need to do to make the County safer; he would like to turn it over to Chief Dominguez, EMS Chief, just to let him to say thanks for allowing him to stay to the cutting edge and increase survivability rates in Brevard County; and that is the main goal in keeping the community safer and doing things to keep everybody happy and healthy.

Chief Orlando Dominguez expressed his appreciation to the Board and to the dedicated men and women who do this work day in and day out; he stated to put it in perspective, last year they responded to over 90,000 requests for emergency services, and transported close to 57,000 community residents to the hospital, which is huge; in addition, they are doing treatment, modalities in the field that only a few organizations are doing across the country; to let the Board know, the average cardiac arrest outcome nationally is about 11 or 12 percent; and these folks moved the needle in Brevard County from 16 percent to 32 percent, so a great debt of gratitude to these individuals who are staffing the front lines.

Chair Steele commented he knows he is speaking for the entire Commission when he says each and every one of the EMS staff means so much; and it appreciates more than they know the dedication they have under very hard situations sometimes. He expressed his appreciation to them for all that they do.

Commissioner Feltner advised he tells constituents all of the time that he hopes he will never have to take a ride in the big red box, but if he does, he is glad that the folks are there so he will get the appropriate care.

**E.3. Resolution, Re: Recognizing Drown Zero International and the Surfing's Evolution and Preservation Foundation**

Commissioner Steele explained there is generosity and things that happen in Brevard County that he really thinks are miracles; he has a friend, Malcolm Kirschenbaum, who was at his house one evening with his wife; they were talking about lifeguards; Mr. Kirschenbaum told him that two floors below him in his condominium, the woman who takes care of the foundation for Ron Jon would be more than happy to support and give to the County some money to put together the Drown Zero program; and he texted her and asked her to come up to his condo. He continued by saying Jacqueline Youngs came up and asked him what he needed from Ron Jon, the foundation will take care of it; today the Board has the opportunity to show the audience members some of that stuff; but he can tell people, in addition to that, Ron Jon gave the County \$80,000 for a facility to take care of this equipment that is out there; and he can say, the County absolutely needed it. He read aloud the resolution.

Motion by Commissioner Feltner, seconded by Commissioner Goodson.

Commissioner Tobia advised supposedly the goal of this organization is to reduce and prevent drowning deaths; at the March 7th Cocoa Beach meeting he said, "I fought this battle with the County when I was lifeguard chief to get more guards, and I can't believe the state lifeguards were in;" he stated Mr. Werneath further went on to say, "We should not pay for an organization that is providing us with USLA professional lifeguards, and is not meeting USLA standards;" and he asked why he has moved away from valuing lifeguards instead of working to increase lifeguards funding, effectively removing them from the most popular beaches in the County, and now encourage to replace them with a ring on a post.

Wyatt Werneath expressed his appreciation to the Board, County Manager, County Attorney, and staff, as well as its public safety services; he advised that was a very passionate presentation that he gave, maybe some things that came from the heart outside of professionalism; he knows he could have done things better; he has apologized to people for that; but to be clear, in no way is he replacing lifeguards, as he still advocates lifeguards. He went on to say this is actually beach safety week, as well as EMS, and he reached out to the lifeguards and he wants to provide them with a prestigious membership that a lot of them have not ever heard of, the USLA membership; each lifeguard has it; he offered to pay for that as he fosters lifeguarding; what they are doing is a force multiplier; there are 210 beach accesses in Brevard County; at the peak of the season, there are like 25 towers; and that still leaves a huge gap. He pointed out when he was lifeguard chief, he spent his whole career trying to fight for the year-round program that the County has today; he is very honored with that; what he was disappointed about is they had a drowning in front of the lifeguard tower; the chance of drowning in front of a lifeguard is one in 18 million; they were that one; regardless of how it is sliced, and there is a lot of investigation going on, lifeguards do a preventative job, they practice victim recognition and dry land guarding; and if a lifeguard has to go into the water, something has gotten by he or she. He stated on that day, the tapes show that the lifeguards were not very observant; he was upset about that, because he saw the tapes on that; he pulled out, as lifeguard chief, 26 people from the ocean, did CPR, and they did not make it, so he is very passionate about this; what he has done, again, is create a force multiplier in areas where there are no lifeguards, and during times there are not lifeguards is from 10:00 a.m. to 5:00 p.m.; and he is excited to report today, since the Board approved them in April, they have had 50 assists with these. He noted that means there were 50 people, and there were no lifeguards around; there was no EMS response because a lot of times the people take care of it, much like surfers have, which are called undocumented rescues; they are also working to improve this by providing technology; they had a meeting yesterday with the City of Cocoa Beach, the County is next, as well as Melbourne Beach, to implement technology that when it is pulled, it is no different than a fire extinguisher in a building; an alarm will go off, a dispatcher will go, it is like a fire alarm, and they roll out; and that is in the absence of lifeguards, or if they do not have them. He advised they did not in any way replace lifeguards.

Commissioner Tobia stated he had him when he apologized; he had not heard that; he understands sometimes people say things when he or she is getting passionate; he appreciates him doing that; he is sure he did it before; and he expressed his appreciation to Mr. Werneath for saying that. He continued by saying unfortunately, it went a little sideways from there; he wanted to make something extremely clear, because Mr. Werneath's perception of reality and facts are completely different; he is going to stand up for the County lifeguards; he is not going to say it, but will pass it on to Chief Patrick Voltaire, Fire Rescue Director; Mr. Werneath should know this stuff as a former lifeguard that there is a field of vision that lifeguards work in; his thought is it was 75 feet either way, so the field of vision is 150 feet; he cannot imagine watching the number of swimmers, God knows how far a person has to watch out, but 150 feet is long; and Mr. Werneath said someone drowned within the field of vision of

150 feet. He advised he would like to pass it over to Chief Voltaire, because his recollection and Mr. Werneath's are quite different.

Mr. Werneath asked if Commissioner Tobia has seen the tapes.

Commissioner Tobia pointed out he is very passionate about County employees; when one is disparaged, it is kind of a travesty; and he asked Chief Voltaire if the person who drowned was within that 150 feet.

Chief Voltaire commented it was north of that.

Commissioner Tobia asked how much north if he recalls.

Chief Voltaire replied he believes it was almost a block; and he will say he has gotten the preliminary, he thinks Cocoa Beach did the investigation, and from the lifeguard chief, it was found well outside of the reasonable means of the lifeguard tower to be in their visual.

Commissioner Tobia explained it is a terrible situation; but to say or characterize that someone drowned in front of a lifeguard is not helping the situation; not only that, but it is not factually correct; he thinks that is extremely unfortunate; and he does not appreciate disparaging the hard working men and women that are out there doing their best to make sure that people are safe.

Chair Steele advised he does not think there needs to be any more comments in regards to this.

Commissioner Pritchett stated she heard Mr. Werneath say that he is working on making those so they activate emergency medical; she thinks that is a wonderful idea; she loves it when people come along with new innovative ideas; usually it is the public who has to come up with some of these things; and she expressed her appreciation to Mr. Werneath for that, as she thinks that is a really good thing.

Chair Steele noted as soon as that happened, Frank Abbate, County Manager, called him into his office and they talked about it; he told Mr. Abbate that Mr. Werneath was very passionate about this; he recognizes his passion; he recognizes what he is doing here; this is going to protect lives on Brevard County's beaches; and he expressed his appreciation to Mr. Werneath.

Chair Steele called for a vote on the motion. The Board adopted Resolution No. 24-044, recognizing Drown Zero International and the Surfing's Evolution and Preservation Foundation, for their efforts to prevent drownings by expanding water education, awareness, and rescue equipment availability on Brevard County beaches.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Tom Goodson

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

Chair Steele asked if Mr. Werneath has anything else to say other than talking about the Cocoa Beach lifeguard situation.

Mr. Werneath replied apologies thrown all over the place; he thinks what needs to be taken into consideration is the lifeguards know; he would be remiss not to recognize the volunteers they

have; this program is a 501(c)(3), and it is run by volunteers; some were gracious enough to show up today; and they represent the rotary clubs. He went on to say the rotary clubs have been instrumental in them maintaining, monitoring, and keeping them alive; there is Indian River and Melbourne Beach Rotary Clubs, as well as Cocoa Beach; and he again thanked the Board.

#### **E.4. Resolution, Re: Acknowledging National Public Works Week**

Commissioner Feltner read aloud, and the Board adopted Resolution No. 24-045, designating the week of May 19-25, 2024, as National Public Works Week.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** Tom Goodson

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

Chair Steele asked after all of that stuff on Sunday or whenever Mr. Bernath's day off is and his wife asks him to cut the grass, what he says to her.

Marc Bernath, Public Works Director, replied they have contracted it out; he expressed his sincere gratitude to the Board for supporting Public Works Week; it has grown into an international event; in this context, it is not just the department that he leads for the County, but rather a broader community of professionals to help manage roads people drive on to the efficient waste management systems people rely on, and many critical lines of efforts in between; he is speaking on behalf of the primary County departments and directors these tasks, and nearly 750 County employees that they collectively represent; and the theme this year is 'Advancing Quality of Life for All' underscores the vital role that Public Works professionals play in enhancing the well-being and safety of all individuals within a community. He went on to say it promotes the idea that the work carried out directly contributes to improving the overall quality of life for residents by providing essential services and infrastructure; by recognizing Public Works Week, the Board is acknowledging the hard work, dedication, and expertise of these professionals; these are unsung heroes and first responders who work tirelessly behind the scenes to ensure the community functions smoothly and efficiently, and their efforts, dedication, and expertise support their daily lives; they are also reminding themselves of the importance of investing in the infrastructure and the people who maintained it; and he expressed his appreciation once again to the Board for its support of this Resolution.

#### **F.5. Approval, Re: Florida Department of Environmental Protection Indian River Lagoon Grant Funding Agreements**

Sandra Sullivan stated this is pertaining to the grants from Florida Department of Environmental Protection (FDEP), specifically \$10 million for the Grand Canal Project; the issue she has with this Item is the health concerns and impacts of potential liability for the County in moving forward with this; the residents have communicated issues with hydrogen sulfide, which in testing, there are some exceedances of the residential at certain times, but not overall eight hours; it does raise a concern; they also tested for flammable Volatile Organic Compounds (VOCs); but she asked why not VOCs. She went on to say the fire department has this equipment; they came to her yard, she knows they do, to test for VOCs; people know now that Per- and Polyfluoroalkyl Substances (PFAS) contamination is more of a VOC than they previously thought; and it is an inhalation hazard, so that is a very big red flag because they had the equipment and they only tested for flammable VOCs, not the VOC of concern. She pointed out Patrick Air Force Base is the third highest contaminated base in forever chemical in the entire country of military bases; here the County is dredging muck that people know is

contaminated with it; it recently got Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) designation as a hazardous material; she added, there are issues in other areas of the country where they are putting sewage sludge on agricultural land; they had that as well here in Brevard testing and found it elevated, so the muck will be an additional source of that; and she spoke about an article from St. Petersburg. She commented this was arsenic, which was part of that contamination; it was arsenic at the residential cleanup target going on agricultural land; Brevard County is putting arsenic at the commercial cleanup target, which is six times as much; the problem with Grand Canal is that there is much more organic material in the muck, which means when it goes out on the fields, just like this article, it decomposes and it concentrates the contamination, whether it be PFAS or arsenic; and the County is not testing those fields. She explained she has advocated very strongly since the very beginning that this muck, for the health and safety, which is the primary government role, is checked for PFAS, that these fields that are going upon the flood plains of the St. Johns, south of the drinking water source, that the County should be testing these materials. She noted there are ranches all across the country; people do not know what agriculturally this is being used for; she asked if cows are eating it; is it growing; she stated either way, these chemicals uptake into the plants or in the cows; and farm land is being contaminated and made worthless across the country.

**F.6. Permission to Reject Sole Proposal in Response to Bid # B-6-24-29, Re: Natural Resources Management Department, Save Our Indian River Lagoon Program - Eau Gallie Muck Removal Project**

William Coughlin mentioned he is here today representing Gator Dredging as its owner; this project includes very important components for muck removal and disposal, as well as return water treatment; those three facets of the project are very difficult to perform in concert, and require a very specific knowledge in order to prepare an engineer's estimate, which is what their bid was compared against; Gator Dredging has spent over 300 man hours precisely evaluating all components and specifications of the project; and they have applied their innovative, proven methodologies, experienced, and recently completed an ongoing Indian River Lagoon muck removal, and their proven technologies for decant water treatment; they understand the constraints on the consulting engineers and County staff in estimating costs for such an intricate project given today's ever increasing costs in manpower, materials, chemicals, equipment needs, and disposal costs escalations; that said, given the opportunity to collaborate with Gator Dredging in an open and transparent post-bid communication process, the belief of Gator Dredging is they can substantially reduce a contract award amount can be achieved; during their intense evaluation of this project, they have identified several value engineering opportunities that he does not believe have been considered during the bid process; and given the opportunity to communicate with County staff and their consulting engineers, they believe a successful completion of the Eau Gallie Muck Removal Project can be achieved. He noted with that, he respectfully requests that this Board consider tabling Item F.6. until the next available Board meeting so that they have time to collaborate with County staff and their consulting engineers; and he expressed his appreciation to this Board for its consideration of this request.

Chair Steele stated he believes their bid was twice as high as the original thing; he asked if Virginia Barker, Natural Resources Management Director, needs some time to look at this, because the bid was so high; and he asked that she make some comments.

Ms. Barker commented staff would normally go back and attempt negotiations with the sole bidder before asking to reject bids; they moved this quickly onto the Agenda because of the June break; the bidder tells staff that he thinks he has a way to make some modifications that would get it within the County's budget and still achieve a nutrient load reductions that are the intent of the project; the question is whether those changes are significant enough that the

Board would actually prefer that it be rebid, so the Board can ask staff to re-negotiate, table it to July and ask staff to negotiate, or it can reject it now; and the choice is the Board's.

Chair Steele stated the Board appreciates the hard work that Gator Dredging has done; in this particular case, in his opinion, the bid needs to be rejected now, and then they will have other discussions with the County then; but that will be up to the Board.

Sandra Sullivan explained originally, the original Eau Gallie Project was done; she looked it up on the Lagoon Plans, they are not online, but she keeps copies of them in her repository so she can refer back to the information that is not in the current one; she has a graph that shows the original Eau Gallie Project was 750,000 cubic yards of muck for a little over \$26 million; this project is a little over 330,000 cubic yards of muck, so about half of the amount of muck; that previous project the County did at Sarno, the Sarno lands the County wants to give to the City of Melbourne; and she thinks the issue with this project, and she has been lamenting about this, is the County is now sending muck 8.1 miles via the pipeline with transfer pumps down to BV52 in Palm Bay. She stated imagine if the County used the other site; she thinks she would encourage going out to bid and utilizing the Sarno site with the bid differences with a change in scope and specifications; it raises the questions of what will be ran into in the Satellite Beach and Indian Harbour Project, which has 13.1 miles to pump muck, so literally, with almost \$50 million on this Eau Gallie Project with half as much muck, it is a four-fold increase in costs over what the project was for the 2017 and 2019 Eau Gallie Project; and she hopes the Board rejects this bid and revises the specifications.

**F.11. Approval, Re: Permission for the Space Coast Transportation Planning Organization to Apply to the Rail Crossing Elimination Grant on Behalf of Brevard County**

Sandra Sullivan stated this is regarding improving safety on the crossovers and utilizing money from the gas tax; quite frankly, the County has a fiscal crisis, transportation-wise, in Brevard County; as presented at the budget workshop a year ago, because this information is missing from this year, \$699 million is how much the County is funding; if it utilizes all four of its funding sources, which the County chose none this year and kicked the can down the road for another year, it does not have enough money to fund the County's needs for transportation; it has no business taking \$1.1 million from the very small amount of money it has towards transportation, and putting that to Brightlines' responsibility for these crossings; and it is their responsibility for 18 years, upon which after that, the County will be here for these crossings. She continued by saying in the meantime, it is about time to take a private entity and hold them accountable for their own rail crossings while they still have that responsibility.

**F.23. Discussion, Re: Fred Poppe Regional Park f/k/a Palm Bay Regional Park/Cellular Communications Tower**

Michael Rodriguez, Chief Deputy City Attorney for the City of Palm Bay, advised he only put a card in, in case the Item was pulled or if the Board had any questions.

**F.19. Approval, Re: Adoption of State Fiscal Year 2024-2027 State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (Estimated \$2,648,427)**

Sandra Sullivan remarked this is about ship and sale, which is housing assistance; her request is that, and she does not know if the County can do this, is to put limitations on who gets affordable housing or housing assistance to people who are US citizens or are legally here in the country; people hear about Florida having a lot of illegals coming in; there are concerns in



other states, and certainly here, on using public funds to provide housing to illegals; and she wrote Ian Golden, Housing and Human Services Director, about what the requirements are here for checking. She stated Mr. Golden said that for SHIP State funding and HOME Federal Funding Projects, the County has valid identification, as well as homestead established residency, which means they check a person's driver's license making sure they live here essentially; that is not enough; the County should be fiscally conservative and actually America first . . .

Chair Steele advised he thinks the card she filled out was for "Topaz".

Ms. Sullivan stated oh, the Topaz one; and she just covered another one.

**F.25. Resolution, Re: Modification to the Proposed Economic Incentive Agreement between the North Brevard Economic Development Zone and Project "Topaz" in Titusville**

Sandra Sullivan stated the Topaz one is only this, the County is paying \$1.2 million for Topaz under the North Brevard Economic Development Zone; this is public money; she thinks that not saying where this project is or any details about the project, when using public money, she thinks public disclosures are appropriate; the fact that this project is veiled in secrecy, she thinks that is their prerogative; but when asking for public money, she thinks that there should be disclosure; and further, it is like magic numbers. She noted some of the numbers, she has read the reports previously before, and some of the employees they are generating are in fact service members with Patrick Air Force Base (PAFB), with Space Force; that is not generating jobs; and those are positions that would be there anyway working in that position, so it is just like a handout to wherever the County wants to put funds, but not having the fiduciary responsibility to the taxpayers of Brevard.

Chair Steele stated this is not being disrespectful to Ms. Sullivan in any way, but he wants to tell her that some things the United States of America has to keep secret, and this is one of those things; and he is sorry, it is not going to be released to the general public, period.

**F.1. Cost-Sharing Agreements 39141 and 39282 with St. Johns River Water Management District (SJRWMD), Re: Brevard County West Arlington-Basin 1304B Project, Brevard County Angel Avenue - Basin 1066 and Brevard County East Main Street Mims Nutrient Removal Project**

The Board approved and executed St. Johns River Water Management District (SJRWMD) Cost-Sharing Agreements 39141 and 39282; authorized execution of the to-be-received East Main Street Mims Nutrient Removal Project Grant Agreement, substantially in the form of other executed MN034 Cost-Sharing Agreements, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; granted permission to execute grant amendments and modifications, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; granted permission to execute all competitively procured construction and Construction Manager at Risk (CMAR) contracts, amendments, and change orders; and authorized associated Budget Change Requests (BCR).

**Result:** Approved

**Mover:** Rita Pritchett

**Seconder:** Rob Feltner

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

**F.2. Florida Department of Transportation Joint Participation Agreement, Re: Cost-Sharing and Nutrient Credit Sharing of the Sykes Creek Zone N Septic-to-Sewer Project**

The Board approved the Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) for cost-sharing and nutrient credit sharing of the Sykes Creek Zone N Septic-to-Sewer Project; authorized the Chair to execute the JPA; authorized the County Manager to execute any future amendments; and authorized the County Manager to approve related Budget Change Requests (BCR).

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.3. Temporary Use Agreement, Re: Provide Temporary Office Space & Equipment Storage for County-wide Vegetative Harvesting Program**

The Board approved the Temporary Use Agreement for County-owned property at 1800 Lake Drive, Cocoa, Tax Account No. 2423199, to provide temporary office space and equipment storage for the Countywide Vegetative Harvesting Program.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.4. Approval, Re: Certification of Lands as required for the North Reach of the Brevard County Federal Shore Protection Project**

The Board approved and executed the Certifications of Lands Certificate Number Two for the North Reach of the Brevard County Federal Shore Protection Project as prepared by the County Attorney's Office.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.5. Florida Department of Environmental Protection Indian River Lagoon Grant (continued)**

The Board authorized the County Manager to execute the grant contracts, amendments and modifications, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services, in order to accomplish work proposed in the following awarded Florida Department of Environmental Protection (FDEP) Indian River Lagoon (IRL) Grant Agreements:

- LG001 – IRL, Septic Upgrades to Advanced Treatment Units (100 sites),
- LG002 – IRL, Quick Connects to Sewer (200 homes),
- LG003 – Grand Canal Muck Dredging Project – Phase VI,
- LG004 – South Beaches Zones O and P Septic-to-Sewer Project,
- WG004 – Merritt Island Zone C Septic-to-Sewer Project,
- WG005 – Merritt Island Zone F Septic-to-Sewer Project,

- WG006 – Merritt Island Zone G Septic-to-Sewer Project,
- WG094 – South Banana Zone B Septic-to-Sewer Project,
- WG011 – South Central Zone D Septic-to-Sewer project, and
- LGXXX – Sykes Creek Zone T Septic-to-Sewer Project;

authorized the County Manager to execute task orders and change orders, including those in excess of \$200,000; authorized competitive procurement following County Policies and Procedures for constructing projects receiving funds from these Grants; authorized the County Manager to execute competitively procured construction contracts, modifications, amendments, and change orders, as needed, including those in excess of \$100,000; approved necessary Budget Change Requests (BCR); and authorized staff to submit grant funding applications to the State by June 30, for Fiscal Year 2025 Water Quality and IRL Grant Programs (pending the Governor's approval of the Legislature's \$75 million appropriation for FY25).

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.6. Permission to Reject Sole Proposal in Response to Bid # B-6-24-29: Natural Resources Management Department, Save Our Indian River Lagoon Program - Eau Gallie Muck Removal Project (continued)**

The Board rejected the sole proposal in response to Bid #B-6-24-29, Natural Resources Management Department Save Our Indian River Lagoon Program for the Eau Gallie Muck Removal Project.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.7. Approval, Re: Transportation Impact Fee Technical Advisory Committee for the Central Mainland Benefit District Project Funding Recommendations**

The Board approved the disbursement of \$42,874 in transportation impact fees in accordance with the recommendations prepared by the Transportation Impact Fee Technical Advisory Committee of the Central Mainland Benefit District; and authorized the Budget Office to execute any Budget Change Requests (BCR) necessary for implementing these appropriations.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.8. Approval, Re: State-Funded Grant Agreement and Resolution with the State of Florida Department of Transportation for the Traffic Management Center**

The Board adopted Resolution No. 24-046, authorizing execution of the Grant Agreement; approved and executed State-Funded Grant Agreement with Florida Department of Transportation (FDOT) for the Traffic Management Center; authorized the County Manager to execute any necessary supplemental agreements (amendments) and resolutions, contingent

upon approval by the County Attorney's Office, Rick Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests (BCR) associated with this request.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.9. Approval, Re: Dedication of Sidewalk Easement from Sierra Cove Neighborhood Association, Inc. for the Pineda Boulevard Four-Lane Widening Improvements Segments "C" and "D" Project**

The Board accepted the Sidewalk Easement from Sierra Cove Neighborhood Association, Inc. for the Pineda Boulevard Four-Lane Widening Improvements Segments "C" and "D" Project.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.10. Approval, Re: Memorandum of Agreement with the City of Palm Bay for Climate Pollution Reduction Grant**

The Board approved and executed the Memorandum of Agreement with the City of Palm Bay establishing the Climate Pollution Reduction Grant Coalition.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.11. Approval, Re: Permission for the Space Coast Transportation Planning Organization to Apply to the Rail Crossing Elimination Grant on behalf of Brevard County (continued)**

The Board granted approval for the Space Coast Transportation Organization (TPO) to apply for the Rail Crossing Elimination Grant (or any subsequent opportunities) on behalf of Brevard County; authorized the Chair to sign, on behalf of the Board, a Letter of Support for the Project; authorized the County Manager to execute any necessary supplemental agreements (amendments), documents, and/or contracts contingent upon approval by the County Attorney's Office; and authorized the County Manager to approve any necessary Budget Change Requests (BCR) associated with this request.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.12. Resolution and Release Performance Bond, Re: Bridgewater South at Viera, Section 2 Subdivision - Developer: WCI Communities, LLC**

The Board executed and adopted Resolution No. 24-047, releasing the Contract and Surety Performance Bond dated May 17, 2022, for the Bridgewater South at Viera, Section 2 Subdivision – Developer: WCI Communities, LLC.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.13. Approval, Re: Dedication of Utility Easement from Wickham Summerbrook, LLC for the Construction of Space Coast Credit Union**

The Board approved and accepted the Utility Easement from Wickham Summerbrook, LLC for the construction of Space Coast Credit Union.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

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

**F.14. Resolution and Release Performance Bond, Re: Harbor Island Beach Club - Developer: Phoenix Park Fund V, LP**

The Board executed and adopted Resolution No. 24-048, releasing the Contract and Surety Performance Bond dated May 19, 2020, for the Harbor Island Beach Club – Developer: Phoenix Park Fund V, LP.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.15. Legislative Intent and Permission to Advertise, Re: Code Revisions to Chapter 62, Article XI, Flood Damage Protection, Division 1**

The Board granted legislative intent and permission to advertise an amendment to the following Codes in Chapter 62, Article XI, Division 1, Sections: 62-4001, “Definitions and Rules of Construction; 62-4005, “Basis for Establishing Areas of Special Flood Hazard and Adoption of Flood Insurance Rate Map”; 62-4061, “General Standards”; and 62-4062, “Specific Standards”.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.16. Task Order Amendment Approval, Re: Sykes Creek Regional Water Reclamation Facility Deep Injection Well (DIW) System Mechanical Integrity Testing (MIT) and DIW Component Replacements**

The Board approved Task Order No. 16, Amendment No. 1, for the Sykes Creek Regional Water Reclamation Facility Deep Injection Well (DIW) System Mechanical Integrity Testing (MIT) and DIW Component Replacements Project; and authorized the County Manager to sign the Task Order Amendment.

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.17. Amendment 4 - Public Transportation Grant Agreement (PTGA) FM# 440772-1-94-01, Re: Hangar Development Construction Phase Funding at Valkaria Airport**

The Board approved and adopted Resolution No. 24-049; approved and authorized the Chair to execute Amendment 4 to the existing Florida Department of Transportation (FDOT) Public Transportation Grant Agreement (PTGA) FM# 440772-1-94-01 for hangar development at the Valkaria Airport; and authorized all necessary Budget Change Requests (BCR) associated with this Agreement.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.18. Approval, Re: New Lease Agreement between Brevard County (COUNTY) and the Brevard County Mosquito Control District (DISTRICT)**

The Board approved and authorized the Chair to execute a new Lease Agreement between Brevard County Mosquito Control District and Brevard County (Valkaria Airport).

**Result:** Approved

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

**F.19. Approval, Re: Adoption of State Fiscal Year 2024-2027 State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (Estimated \$2,648,427) (continued)**

The Board approved and adopted Resolution No. 24-050, for State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) for Fiscal Years 2024-2027; authorized the Chair to sign the required State Certifications and sign any amendments that the Florida Housing Finance Corporation (FHFC) determines necessary to meet the requirements of State Statute 420.907-9075; approved the Housing and Human Services Department, as contract administrators, to use competitive procurement to seek contractors to complete proposed activities and projects; approved the Housing and Human Services Director to endorse agreements, amendments, and modifications for activities and projects identified in the LHAP and procured by the Housing and Human Services Department, after approval from Risk management and the County Attorney's Office; and authorized the County Manager to approve any related Budget Change Requests (BCR).

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

**F.20. Reallocation, Re: American Rescue Plan Act (ARPA) Funds to West Cocoa Stormwater Improvements**

The Board approved the use of American Rescue Plan Act (ARPA) funds for West Cocoa Stormwater Improvements; authorized the County Manager to execute all necessary Budget Change Requests (BCR) for the ARPA-funded expenditures approved by the Board; authorized Purchasing Services to issue and award competitive solicitations; and authorized the County Manager to execute all contracts, contract amendments, task orders, work orders, and any necessary extensions, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services.

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

**F.21. Approval, Re: Group Health Plan Design Changes**

The Board approved plan design changes for calendar year 2025 as recommended by the Employee Benefits Insurance Advisory Committee (EBIAC).

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

**F.22. Gulfstream Towers, LLC v. Brevard County, Re: Authorization to Commence Appeal in Eleventh Circuit Court of Appeals (Board Denial of CUP Request for Wireless Tower on Property Owned by Hope Episcopal Church, Inc. in Suntree)**

The Board authorized the County Attorney, through insurer-assigned outside counsel, to commence an appeal in the Eleventh Circuit Court of Appeals for Gulfstream Towers, LLC v. Brevard County, on or before June 5, 2024.

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

**F.23. Discussion, Re: Fred Poppe Regional Park f/k/a Palm Bay Regional Park/Cellular Communications Tower (continued)**

The Board confirmed that the location of a cellular communications tower at Fred Poppe Park in Palm Bay will not violate a use restriction set forth in the County Deed conveying the Park to the City.

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

**F.24. Appointment(s)/Reappointment(s), Re: Citizen Advisory Boards**

The Board appointed/reappointed of **Dilesh Patidar** to the Tourist Development Council, with said term expiring December 31, 2027.

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

**F.25. Approval, Re: Resolution for a Modification to the Proposed Economic Incentive Agreement between the North Brevard Economic Development Zone and Project "Topaz" in Titusville (continued)**

The Board approved and adopted Resolution No. 24-051; and approved and authorized the Chair to execute the modified version of the proposed Economic Incentive Agreement for the economic development project known as Project "Topaz".

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

**F.26. Acknowledge Receipt, Re: Bill Folder**

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

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

**F.27. Revision of BCC-56 Policy, Re: Public Use of Meeting Rooms at the Brevard County Government Centers**

The Board approved proposed revisions to Policy BCC-56, Public Use of Meeting Rooms at the Brevard County Government Centers.

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

**G. PUBLIC COMMENTS**

Heather Elko commented she wants to speak briefly about Erna Nixon Hammock; a couple of weeks ago there was a bit of a panic, because people learned that there was no full-time staff there now, there is only the rotating maintenance people; she wrote to her Commissioner, Mr.



Steele; he directed her inquiry to the Parks and Recreation Director who said the positions will be filled; she hopes they will be filled in a timely manner; and Erna Nixon Hammock is a very popular park near the mall. She stated she knows many people have seen it; it has a fabulous boardwalk; that boardwalk is used by people who have trouble walking on uneven ground, so that beautiful, nice, smooth boardwalk is particularly attractive to them, as well as people who come from lunch and after work from a lot of the contractors' offices around there; she asked why was there such a panic; she advised, in her opinion, and she has lived here 42 years, and probably in the last eight years been pretty rattled by some of the news people get by various means, people do not feel the trust he or she would like to feel; and a few months ago, they read that Wickham Park was going to be traded off to Melbourne. She went on to say a few months prior to that, they learned that the arts funding was going to be zeroed out; the point is those were corrected, so they did not zero out the arts funding or get rid of Wickham Park; they did not for any number of reasons; it was the same decisions that were kind of made from a power base without citizens being informed; but worse than being informed is being considered. She noted the quality of life in this County for many of the citizens is the parks, the arts, and the security that the Board is looking out for the citizens' best interests; the trees on Rockledge Drive now stand naked with no limbs or no canopies . . .

Chair Steele asked if that is on the Agenda later on.

Ms. Elko advised she is still on Erna Nixon.

Chair Steele explained he understands, but if it is on the Agenda later on, the Board does not need Ms. Elko to be talking about it.

Ms. Elko stated the trust that has been broken through those kinds of decisions, and kind of a hard-edged, non-responsiveness is why they panicked about Erna Nixon Park; she hopes it will be filled in a timely manner; and that is her request.

Chair Steele pointed out he thinks his staff has responded to Ms. Elko's emails quite candidly and nicely, and Mary Ellen Donner, Parks and Recreation Director, has replied very nice; the County is working on those things; and some of the things Ms. Elko talked about where boats are changed in the middle of the stream is because there are emergency situations that the County has to make decisions on, so he reiterated the County apologizes if it cannot give all of the information to the general public; but sometimes that has to be dealt with on an emergency basis. He expressed his appreciation to Ms. Elko for her comments; and he stated the County will try to do better.

Chuck Sheridan stated this is probably the last thing he wants to do is to criticize a County department, which is not his intent at all; he has a friend who lost her husband about a year before he lost his wife; she lives in a gated community close by to here; two weeks ago, she had a roof put on her house; he went to look at it while it was under construction; and he noticed the dry-in inspection has already been signed off on, with only a quarter of the roof being removed. He continued by saying over the weekend, she developed a leak due to apparently bad flashing, has to have drywall removed, insulation replaced, and the ceiling painted; he does not know if the Building Department is overtaxed or that this roofer does about four houses a week in this neighborhood, but this was a new crew with him where he built up a trust and feels like he does not have to go on the roof, which as a general contractor, he would have loved; he has been a general contractor for 40 years; he was appointed two terms by the Governor to the Building Code Administrators and Inspectors Board; and that is why he feels he should say something, because the reason they have building inspectors is to give that second view as it is hot out there and people make mistakes. He advised the supervisor did get

up on the roof before they proceeded at different stages, progress inspections he guesses; but the Building Department never got on the roof and signed it off.

Chair Steele asked how Mr. Sheridan knows the Building Department never got on the roof.

Mr. Sheridan replied he was there.

Chair Steele asked if Mr. Sheridan was there all day and night long.

Mr. Sheridan responded when he signed off on one of the tickets, yes; she has cameras around the house; it is something to maybe look into; it is probably an isolated case; and there were storms coming that day.

Chair Steele stated there is nothing the Board can do about his Public Comments today, but if he ever wants anything done, to probably try to do it with an email thread, and go from there, because, quite candidly, this will fall through the cracks today; and it is always best to do an email thread so one can track where these things are.

Sandra Sullivan commented she wants to talk about the Indian River Lagoon sales tax and the degradation of trust with the people of Brevard County; there was a vote here regarding the right-of-way on Rockledge Drive; the Board asked Marc Bernath, Public Works Director, if they were going to cut trees, so they came in and they chopped trees; she provided pictures of the trees to the Board; and she advised after leaving some of the partial trunks, some of the owners said they wanted them cut down. She mentioned this is not tree trimming, it is tree butchering; it is a very scenic drive, a State scenic drive, and a Federal scenic drive; these are just some of the pictures, there are more, as she was out there yesterday; it is horrendous what this has done; she just wants to say that it is very concerning to her because this sewer project on this road has been on there since the original Lagoon Plan; and the residents have advocated a lot on the protection of these trees. She asked if the Board knew that Save Our Indian River Lagoon (SOIRL) Plan has funded five septic tanks, advanced septic tanks, of nearly \$100,000; she stated according to the GIS system, this septic, putting in sewer, is in progress; then there is the Grand Canal issues, which she brought up, and the trust issues there; then there is Flamingo Drive, so they in South Patrick Shores have a seedy motel, thanks to Tobia, a bar that is open all night, and a strip club, the only protection South Patrick has from these influences is a County Ordinance that says to have a tree buffer; and then the County is going to come in, cut down the trees, to expose her neighborhood to unsavory elements, and to violate its own Ordinance. She added to put in an exfiltration system, which the groundwater is 10 inches beneath the ground; the project is flawed at the outset; the Board is going to expose the community; the County has three projects that the people have stated they are in opposition to; yet, it steamrolls ahead ignoring the people; and maybe it is time the people vote no for the Lagoon tax.

Sarah Hodge remarked she wants to agree with everything Ms. Sullivan said; she has been just devastated ever since those trees have been butchered, not cut; she asked if any of the Board Members have gone to look at these trees; she advised she has talked with a lot of people who grew up here, and they are devastated; the mother tree was 350 years old; and generations will never see trees like that again. She asked if the County was to trim those trees; she noted it butchered them and broke them down; some of them are down to the ground; there was no reason for that; those trees are important for the filtration, erosion on the soil, and they are important for so many things; and she knows people who just come to visit Rockledge Drive, just because they care about the history they had there. She explained she cares about it; she has family who would go down there when someone passed away in their family, because that meant so much to them to get peace; there is an autism group that was using that road for

therapy once a week; those families do not know what they are going to do now; she asked why the County butchered those trees; she pointed out there is no excuse for it; she is telling the Board that people will not forget; she has a list of people who have talked to her about this that she grew up with that are not happy; she asked again why the County would do that; and she stated it is unconscionable. She stated the County told people it was going to trim their trees and it cut them down, 350 year old trees, people who need therapy, and it does not matter to the Board at all; it is devastating, it really is; a lot of people from the tree committee did not come today because they are devastated and they could not sit up here and talk; the Commissioners do not know what it has done to this County; and people will not forget it.

Commissioner Goodson asked Mr. Bernath to come up, as he wants to rebut some of the comments of the speakers. He asked if it was correct that there were 65 total trees.

Mr. Bernath replied yes, there were 65, four of them were actually done by residents before the County got there.

Commissioner Goodson inquired out of the 61 left, how many were totally destroyed and cut down.

Mr. Bernath responded first of all, they did not cut down any without the expressed permission and a right-of-entry from the residents themselves; there were roughly, from recollection, about 14 that staff defined as major plus, plus; certified mail was sent out to the actual residents; they were very explicit what was being done, which is cutting it on the right-of-way line or the edge of pavement; and at the residents option, the trees were taken out.

Commissioner Goodson explained Mr. Bernath is answering way too much; and he asked, as he would like to know, how many trees were cut down on the County's right-of-way.

Mr. Bernath advised he believes there were two, but it was at the property owners' request.

There was an outburst from the audience.

Commissioner Goodson stated to please let Mr. Bernath talk, and they can come up and talk all they want, because undoubtedly the County raped, pillaged, and plundered the whole River Road; and he asked if that is correct.

Mr. Bernath replied when one goes down Rockledge Drive there are a handful of trees that staff has done the major plus, plus cutting; and otherwise, the trimming half of them were minor trimming, the others were major trimming, but really just limb trimming.

Chair Steele stated, Sarah that is enough.

There was an uproar in the audience.

Chair Steele remarked you sir, put that down now; the Board is not going to put up with this stuff; it is trying to do this in a kind, calm fashion; yet, he is starting to raise hell; and he advised no more.

Commissioner Goodson asked if Mr. Bernath would say most of the trimming, or could one go down there, and was most of it above his head.

Mr. Bernath responded it was at the 14-foot record, which is both the County Code, the State Code, and the Federal Code minimum regulations; it is actually 16 feet, six inches; but after a

technical evaluation by the County's Traffic Engineer, staff decided they could lower it so that they could maximize the amount of trees they did not have to touch.

Commissioner Goodson asked if there was a wreck yesterday on River Road with a school bus that even hit a tree.

Mr. Bernath responded affirmatively.

Commissioner Goodson asked if it was one of the trees the County trimmed.

Mr. Bernath advised it was a tree that staff trimmed at 14 feet; and they still managed to hit it.

Commissioner Goodson inquired if Mr. Bernath knows why or did it just happen.

Mr. Bernath replied it appears that the tire and the frame were slightly over the edge of pavement, while the tires themselves were on the pavement, it looked like it was over by about two inches.

Chair Steele asked to be excused for a second; he stated he is going to warn Kristin one more time; no more signs today, or she will be escorted out of this meeting; and it is the last warning he is giving.

Commissioner Goodson asked if the trimming is 100 percent done.

Mr. Bernath responded yes, sir; he pointed out there was one more tree this morning that was being worked on, and that was a major plus, plus; then, there will be some stump grinding; again, it was at the request of those property owners to have those trees taken down; and staff agreed that they would remove it completely, so there is some of that cleanup today.

Chair Steele asked if Mr. Bernath received written confirmation to do this.

Mr. Bernath responded in the affirmative.

Commissioner Goodson inquired if staff is done as far as trimming; and if other than stump grinding, they are done with trimming.

Mr. Bernath replied and the one tree that he mentioned that should be going on now.

Commissioner Goodson asked if it will be finished today hopefully.

Mr. Bernath responded correct.

Commissioner Goodson asked if an arborist came down there; he asked if they viewed all of the trees prior to trimming and said these are unhealthy or healthy; he inquired how much retention an Oak tree has as far as holding storm surge, because the River Road, if one knows it, is pretty much level as one gets further south to the river elevation; he stated it is not like it takes much for it to flood; he asked how much an Oak tree retains in water; does anybody know; and he advised he does not know.

Mr. Bernath replied that is not something he is able to answer; and he can say definitively though, when Natural Resources Management was up here with him, they had thoroughly reviewed it, and the minimal amount of trees being impacted is not an impact to the Indian River Lagoon.

**H.1. Public Hearing, Re: Ordinance Rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation**

Chair Steele called for a public hearing to consider an ordinance rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation.

Karen Conde, Assistant to the County Manager, explained Item H.1., is requesting the Board of County Commissioners to consider adopting an ordinance rescinding the Economic Development Ad Valorem Tax Exemption for Erchonia Corporation, and seek claw back of the 2023 exemption granted in the amount of \$722.10.

There being no comments or objections, the Board adopted Ordinance No. 24-08, repealing Ordinance 2015-20 and Ordinance 2017-04 granting to Erchonia Corporation, certain ad valorem tax exemptions, for failure to meet the criteria for such exemptions; and providing an effective date.

**Result:** Adopted

**Mover:** Rob Feltner

**Second:** John Tobia

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

**H.2. Public Hearing, Re: Ordinance Rescinding the Economic Development Ad Valorem Tax Exemption for BK Technologies, Inc.**

Chair Steele called for a public hearing to consider an ordinance rescinding the Economic Development Ad Valorem Tax Exemption for BK Technologies, Inc.

Sandra Sullivan stated with all of the ad valorem tax exemptions that have been rescinded, including this one, the previous one, and other ones at other meetings, she hopes the Board does not bring forth, this fall, a referendum to do ad valorem taxes; it really brings into question, from her perspective, the effectiveness of the Economic Development Council (EDC) when there are so many projects not bearing out with these tax exemptions; and maybe the Board should be rethinking about restructuring the North Brevard Economic Development Zone (NBEDZ) and having accountability there internally.

There being no further comments or objections, the Board adopted Ordinance No. 24-09, repealing Ordinance 2019-010 granting to BK Technologies, Inc., certain ad valorem tax exemptions, for failure to meet the criteria for such exemptions; and providing an effective date.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

\*The Board recessed at 10:13 a.m. and reconvened at 10:19 a.m.

**H.3. Public Hearing, Re: Emergency Management Ordinance**

Chair Steele called for a public hearing to consider an ordinance for establishment of an Emergency Management ordinance.

John Scott, Emergency Management Director, stated on April 23rd, the Board provided staff intent to develop an Emergency Management ordinance; they have done that; they are back

with that ordinance; and as a reminder, the ordinance is focused upon making sure staff has the operational flexibility they need to quickly respond to disasters, and that they are structured in a manner that they can both ask and receive Federal and State support in a much more efficient manner.

Chair Steele stated he took a walk through the Emergency Operations Center (EOC); the County is right where it needs to be with that; he expressed his appreciation to Mr. Scott for all of his hard work with that; it is incredible; and the citizens of this County should be thrilled with what is coming up.

Commissioner Feltner asked when the open house is for the public.

Mr. Scott replied the open house for the public is the 1st and 2nd of June, so that is next weekend, from 11:00 a.m. to 4:00 p.m.

There being no comments or objections, the Board adopted Ordinance No. 24-10, pertaining to Emergency Management; deleting in its entirety Chapter 94 – Solid Waste, Article VII. – Debris Removal from Private Road Right-of-Way and Other Private Property; amending Chapter 42 – Emergency Services, Brevard County Code of Ordinances, and creating Article V. – Declaration of Emergency; creating Section 42-131. – Definitions; creating Section 42-132. – Declaration of Legislative Intent; creating Section 42-133. – Declaration of State of Local Emergency; creating Section 42-134. – Delegation of Emergency Powers to be Exercised by Chair, Vice Chair, Other County Commissioner, or County Manager; creating Section 42-135. – Additional Emergency Management Powers and Delegation of Such Powers; creating Section 42-136. – Disaster Debris Removal; creating Section 42-137. – Temporary Housing Units Permitted When Individuals are Displaced from Their Homes Due to Damage from a Disaster; creating Section 42-138. – Federal Reimbursement; creating Section 42-139. – Penalties for Violation; providing for resolution of conflicting provisions; providing for severability; providing for an area encompassed; providing for an effective date; and providing for inclusion in the Code of Ordinances.

**Result:** Adopted

**Mover:** Rita Pritchett

**Second:** Rob Feltner

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

Chair Steele advised he has an apology to make; he hopes not a whole lot, but on occasion he is incorrect on his assumption on signs; the public is welcome to have a sign in this meeting as long as the sign is held by one person, and it is not to be moved back and forth to disrupt the view of the people; he apologizes to Kristin Lortie for making the comment on the warning, and to Sarah Hodge for the sign; and he hopes they accept his apology.

#### **H.4. Public Hearing, Re: Brevard County HOME Investment Partnerships Program (HOME) Fiscal Year 2024-2025 Annual Action Plan**

Chair Steele called for a public hearing to solicit input into the Annual Action Plan, as required by the United States Department of Housing and Urban Development (HUD), prior to the proposed Action Plan being published for final comments.

Ian Golden, Housing and Human Services Director, commented this Item starts the annual action plan process for the year; this is the first public hearing; there is no vote; staff just solicits input; there will be a public meeting where more public input is solicited; it is in the notice that

was put in the newspaper; and staff will then develop the plan and bring it back for the second and final public hearing in July.

Chair Steele asked Mr. Golden if a motion is required for the Item.

Mr. Golden replied no, just any input or any cards.

There being no comments and objections, the Board conducted a public hearing to solicit input into the Brevard County HOME Investment Partnerships Program (HOME) Fiscal Year 2024-2025 Annual Action Plan as required by HUD prior to the proposed Annual Action Plan being published for final comments.

**H.5. Public Hearing, Re: Resolution Electing to Not Exempt Property Under Section 196.1978 (3)(d) 1.a., Florida Statutes, Commonly Known as the "Live Local Act Property Tax Exemption"**

Chair Steele called for a public hearing to consider a resolution electing to not exempt property under Section 196.1978(3)(d)1.a., Florida Statutes, commonly known as the "Live Local Act Property Tax Exemption."

Commissioner Goodson stated he is going to have the County Attorney to explain this, because he has more knowledge of it, and what State government is trying to do.

Morris Richardson, County Attorney, explained as the Board knows, the Live Local Act, which became law last year, established, among other things, the new ad valorem tax exemption for the owners of certain newly-constructed, multi-family rental developments that provide affordable housing opportunities to persons who meet certain income thresholds; one of the thresholds was for qualified property used to provide affordable housing at 80 to 120 percent of the area median income; properties in that category received a 75 percent exemption from the assessed value on those affordable units; however, units in that range are often marketed as luxury apartments; and they are not traditionally what one might consider to be affordable. He went on to say during the recent legislative session, a Bill was passed that allows local governments to opt out of that particular exemption; a person has to meet certain criteria under a study that is published annually; the County does meet that criteria, which shows that the number of affordable and available units is greater than the number of renter households in the area in this particular category of affordable housing, so the Board is able to opt out of this under the new statutory provision; if the Board were to opt out, the resolution to do that would take effect on January 1, 2025, and it would expire two years later unless the Board renews it before that time; this was advertised according to the statutory requirements; and he is happy to answer any questions that the Board may have.

Commissioner Tobia expressed his appreciation to Commissioner Goodson for staying on top of this stuff; he noted he knows Commissioner Goodson follows what is going on in Tallahassee, he has a unique insight here; in all honesty, he wishes he would have jumped on this one; but Commissioner Goodson certainly beat him to the punch. He went on by saying he strongly supports this; what he is really curious to hear, he hopes the Bright Ministry is here because those folks are really on top of affordable housing issues; they are constantly calling the Commissioners to meet at his or her offices; here it is on the Agenda; and he really looks forward to hear what they have to say about this since they have come together and taken this as their major issue. He pointed out he says that sarcastically because he does not see any of those folks out there; they have not contacted his office via telephone, letter, or email; that being said, many times Commissioner Goodson and he do not see eye-to-eye; this time hats

off to him; and he expressed his appreciation to Commissioner Goodson again for being on top of this one.

Commissioner Goodson commented any time Commissioner Tobia says anything nice about him, he is nervous; he asked is this the answer to everything; he stated no, it is not; he asked the public to be patient with Tallahassee and with the Board, because affordable housing is just a terrible thing to try to get one's hands around that can make it work; affordable to him is totally different than what may be affordable to another; that is always the kicker; and he again asked the public to bear with the Board as it goes through this.

Attorney Richardson stated before the speaker comes up, he should have noted that this will require four votes from the Board in order to pass, pursuant to the Statute.

Chair Steele pointed out, it is a super majority vote.

Ted McKercher stated he is just here to request that the Board votes yes to this opt-out option of granting ad valorem property tax exemptions to developers on the Live Local projects.

Lenox King advised he is the same as Mr. McKercher, he would like the Board to vote that the County does not give them this benefit; Suzie Kirzerski, he is sure all of the Commissioners have received different emails from her in the past; she lives in their neighborhood, and she has been on top of this from the beginning; he thinks she has spent hundreds of hours talking to everybody; she was going to come up today, in fact she was going to ride with him because she was not very familiar with Viera, but yesterday morning her husband passed away; and obviously she could not make this meeting. He stated he again requests the Board to not allow them to have this benefit.

Sarah Hodge remarked if the Board does not opt-out, there are going to be people who cannot afford their taxes; these are local taxes, 75 percent, that people here are going to have to pay for their luxury apartment; the County has not raised impact fees since like 1982; here the County is going to pay all of the developers impact fees; and she has heard the developers are coming from other areas, also out of country. She asked why the County is subsidizing the rich developers; and she advised she supports everyone who wants to opt-out today.

Sandra Sullivan stated she called the Live Local Bill, "You will own nothing and be happy Law;" it is funny how Tallahassee gives names to Bills that is what it is not; Live Local, one would think it was local rule; but it is a Bill to take away local rule to circumvent local planning and zoning laws; in addition, it takes away this automatic 75 percent tax exemption, so she is grateful for the change for HB7073 that at least gives local government the right to do this tax exemption, and hopefully protect some of the citizens from losing their homes; and with the combined the effect of inflation, insurance, and obviously tax increases, because their tax exemptions are the people's tax increases. She mentioned the County will see the elderly, veterans, and people on fixed incomes increasingly having to sell their homes; that is why she calls it the "You will own nothing and be happy Law;" this is the first step; she commends the Board if it votes for this; it is a super majority vote to opt-out to help safeguard the residents' tax increases; that would be being a fiscal conservative; there are other ramifications related to this Bill; as the Board knows, HB7073 also increases the density even further; beachside, the Board just passed the Emergency Management Ordinance; and evacuation becomes an issue, because the County is critical evacuation deficient. She noted she hopes in other ways this County will push back on government overreach; she believes the Live Local Bill is a violation of the State Constitution, which guarantees the local government for planning and zoning; it hides this from the planning and zoning process; and it is exempt under public records to even be able to do public records on existing. She asked what the fiscal impact is if the Board does



not do this; she stated she noticed it was missing from the Agenda Item; she again asked what the fiscal impact is if the Board does not exempt these taxes; and she advised she would really appreciate it if this Commission would revisit the tax exemption, the impact fees, on waiving the impact fees that was passed at the end of last year, because the impacts to the people are great with this Bill.

Katie Delaney commented she is here to weigh in support of this Item; the residents definitely need to be exempt from these tax exemptions; she hopes that as this is looked at and looking forward towards the future, that the Board also looks again at its impact fees; it should not be exempting impact fees from these Live Local projects; and again, she is in support of this.

Chair Steele pointed out he is not voting in favor of this issue; this Bill, the Live Local Bill, is a good Bill; the reason for the Bill is simple, to get permits done faster so that low income housing people can get homes; and one can laugh all he or she wants, but it is the Governor's Bill, the President of the Senate's Bill, and it is a good Bill, so he is voting not to accept this.

Commissioner Feltner stated with all due respect, the committee Bill that allows the Board to opt-out was also the Governor's Bill; he signed that Bill to allow the County to opt-out; the Board has few opportunities to undo a preemption; and he thinks the Board should support this today.

There being no further comments or objections, the Board adopted Resolution No. 24-052, opting out of the property tax exemption authorized by Section 196.1978(3)(d)1.a., Florida Statutes, known as the "Live Local Act Property Tax Exemption."

**Result:** Adopted

**Mover:** Tom Goodson

**Second:** Rob Feltner

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

**Nay:** Steele

**H.6. Public Hearing, Re: Defeasance of a United States Department of Housing and Urban Development (HUD) Section 108 Loan (\$1,064,646.77 Grant Funds)**

Chair Steele called for a public hearing to consider a defeasance of a United States Department of Housing and Urban Development (HUD) Section 108 loan (\$1,064,646.77 grant funds).

Ian Golden, Housing and Human Services Director, stated the County has two Section 108 loans; this is for defeasance of one of them; staff did a 30-day public comment period that ended yesterday; no comments were received; this is the final step for Board approval; and this will allow the community that has the Section 108 loan to come back and start submitting projects 13 years sooner than they would have normally been able to, as well as help the Department with part of its regulations under HUD relating to timeliness of expenditures.

There being no comments or objections, the Board authorized the Housing and Human Services Director to take all steps necessary (including endorsing documents) to complete the defeasance of a United States Department of HUD Section 108 (West Canaveral Groves B-14-UC-12-0011-A) loan upon approval of Risk Management and the County Attorney's Office; and authorized the County Manager to approve any related Budget Change Requests (BCR).

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

**H.7. Public Hearing, Re: Consideration of Proposed Vested Rights Order in the Matter of Air Liquide Large Industries, US, LP, Subject Property: 7007 N. Courtenay Parkway, Merritt Island, FL 32955**

Chair Steele called for a public hearing to consider a proposed vested rights order in the matter of Air Liquide Large Industries, US, LP, with the subject property located at 7007 N. Courtenay Parkway, Merritt Island.

Morris Richardson, County Attorney, stated this Item is a little unusual procedurally, so he is going to spend just a minute talking about the procedure to hopefully save some time and answer some questions on the front end; this is a consideration of a vested rights petition being pursued by Air Liquide Large Industries, US, LP; the nature of the vested rights determination regards noise emanating from their business operations on North Courtenay Parkway in Merritt Island; and Air Liquide was served with a Notice of Hearing and Statement of Violation in Code Enforcement proceedings, which has been stayed pending the outcome of this vested rights determination. He went on to say today the Board is asked to consider a recommended order prepared by a Special Magistrate after several days of public hearing in consideration of both the County and Air Liquide; the Board is requested to either uphold the Special Magistrate's order which denied vested rights or did not find vested rights, reverse the Special Magistrate's order, essentially granting vested rights, or grant vested rights with conditions; with so doing, the Board may either adopt the Special Magistrate's proposed order, or direct the County Attorney to prepare an order for the Board to enter after the motion is voted upon; he noted in this case, the County is being represented by outside counsel, Cliff Repperger, due to the nature of this proceeding, in order for him to be able to represent the Board in his capacity as the decision-makers here; he cannot also advocate on behalf of County staff, so Mr. Repperger is going to do that; and he also did that at the vested rights hearing in front of the Special Magistrate. He commented today, under the County's rules and procedures for the vested rights determination, each party is going to be allowed 10 minutes to present their case beginning with Air Liquide; no new evidence will be taken by the County Commission; this consists of argument about the Magistrate's proposed order and the findings of fact below are bound by the record below; no public comments or consideration of citizens under the Code; they had 14 days prior to this hearing to submit written arguments; all timely submitted arguments were provided to the Board as part of the package; and with that, he is happy to answer any questions, or if the Board desires, it may call Air Liquide to present their case.

James Rogers, Akerman LLP, stated they have previously made a request to table this, so they can reach a resolution with the homeowners that was acceptable to all of the stakeholders, and then bring that to the County; in essence, they have spent a lot of time developing a 400-foot, 14-foot tall noise buffer that they are proposing; they would like to have a County meeting with the residents, so they have asked to table this; they got on this Agenda, because it was the last meeting before the break; but their initial request was to table it to allow them to have a community meeting to see if they could get buy-in for the proposal to then bring it back to the County to see if that resolves the issue before anybody spends a whole lot more money fighting in court, writs of proceedings, Code Enforcement, takings of claims, and all of those things. He asked if they could address that before getting to the meat and potatoes, because he does not want to waste the Board's time.

Attorney Richardson stated he would suggest if the Board is going to consider the request to continue or table this to a future meeting that it do so before receiving the argument of the parties.

Commissioner Pritchett advised typically, she is always in favor of tabling because it gives everybody an opportunity to come to a conclusion; she did not know anything about it; and she would like the Board's thoughts on that.

Attorney Richardson pointed out, he thinks in fairness to staff, as they may have a position on that; and the Board may wish to hear from Mr. Repperger on behalf of staff.

Cliff Repperger, Attorney for the firm WhiteBird, stated he is representing the Planning and Development Department, as Attorney Richardson said, based on the conflict as special outside counsel; as to the request to table, the issue has been outstanding since 2020, and that was when Air Liquide initially filed its initial petition for vested rights; staff does not dispute the fact that the Air Liquide facility provides a critical function and is essential; they also recognize that they have made a proposal to try to resolve the noise violations; however, what is before the Board today is the determination as to whether they are vested from the noise standard at all. He went on to say staff believes they need to get a resolution on what standards actually apply to the plant; there are a number of opportunities to stay the matter in the Code Enforcement realm after this proceeding today is done; while they recognize that Air Liquide certainly wants to work on an acceptable resolution, he thinks staff is more than willing to consider that after today's proceedings are done; and staff is asking that the Board not approve tabling and to move forward based on the impact on the facility to the neighborhood and the fact that it has been going on as long as it has been.

Mr. Rogers asked for two minutes to explain to the Board why it is a good idea, he would be happy to.

Attorney Richardson advised that is within the Board's discretion, if it wants to hear that.

Mr. Rogers stated he wants to point out that this plant has been there for 56 years, which is obviously older than anyone on this fine Board; and it has been providing both life-supporting facilities of oxygen and nitrogen that is absolutely essential to the Kennedy Space Center; without the nitrogen from Air Liquide's plant, rockets will not launch, they cannot launch, because the nitrogen is inert; and it blankets the launch facility, preventing inadvertent explosions. He reiterated that this facility has been there for 56 years; back in 2002 when residential was rezoned there, the Commission stated that it was like a person buying next to an airport and complaining about airplanes; the plant is just a large compressor; it takes ambient air and separates it out into oxygen, separates into nitrogen, nitrogen goes to the pipeline to the Kennedy Space Center, and the oxygen then is put into canisters that is then sent to the hospitals; it supports four out of the five largest employers in Brevard County, which are the hospital system and the National Aeronautics and Space Administration (NASA) systems, as well as Lockheed Martin and all of those other people; and without the nitrogen, it is not going to launch, and the hospitals are not going to work. He stated, as he provided the Board with a slide, this is the pipeline right here that goes from the Air Liquide facility all the way to every one of those launch pad, so they are passionate about this; they believe it is vested because it has been there for 56 years; but they are also passionate about working something out; they did not think it was possible, but there are Occupational Safety and Health Administration (OSHA) requirements that specifically state how many line of sights one can have, what can be done, and things of that nature; and at their hearing, they had public comment, which was great, and the public specifically asked if they could find a work around. He noted they spent months engineering a work around, which is the wall shown in the slide; they have not had time to sit

down with the residents to ask them if they would like to speak with him before this hearing; they have not had time to have a community meeting to sit down with them and make sure this is what they want, because they do not want to spend a million dollars building this if it is not what the residents actually wanted; some of them might, some of them might not, and some of them might want it moved, they do not know; they are asking for a couple of weeks to meet with those residents; and he provided a slide showing what the wall will do. He remarked right now when it is running full bore, there is 70 and 75 Decibels (DB's); that is when the Launch Service Program (LSS) is running because NASA tells them they have to; the pumper trucks are running, which are very loud; if they get the ability to sit down, get a buy-in with this, and create the proposal, they can knock that down to 59 and 65, which can alleviate everyone's concerns; if they have to go forward with the vested rights, they are going to have to file a petition, and the County is going to have to respond; they are going to have to move forward with Code Enforcement and fight that fight; they are going to have to move forward with takings claims; and all of this is very expensive for them and for the County. He asked the Board to give peace a chance right now, because the more money that Air Liquide has to spend fighting, the less they have to move forward to a resolution; with all due respect to everyone here, one never knows what a court is going to do; if Air Liquide wins, they certainly are not going to build a noise wall; all they are asking is to put a pin in this to give them a chance to meet with the homeowners to make sure this is what they really want, and then to bring a proposal to the County; and if everybody signs off, it resolves the issue without a whole lot more lawyer fees, legal fees, and tape.

Mr. Repperger advised staff has pretty much stated their position; they are in opposition; and obviously, it is the Board's discretion as to what to do as far as table.

Attorney Richardson stated as this is a Quasi-Judicial matter, if the Board has any disclosures to make that were not already made in writing prior to the meeting regarding contacts about this matter outside of the meeting, now would be the time to make those.

Mr. Rogers commented the plant has been there for 56 years essentially doing actually the same thing; it is only a compressor that takes ambient air, turns it into oxygen, it turns it into nitrogen; it has worked hand-in-hand with NASA to ensure there are safe launches; this was never an issue until the area was rezoned in 2002 to residential; every one of the complainants moved to the facility, it did not move to them; he understands that time changes and residences change, but they all moved and bought a house next to the airport; and without the nitrogen, rockets cannot be launched. He explained each of those launch pads have to be blanketed with nitrogen or else rockets explode; they get a mandate and a call from NASA that says to run the LSS, and they do what they have to as they do not have a choice; without the LSS, the rockets do not go up; he believes firmly that the issue here is there is more space activity going on; they cannot control that; but they have been doing the same thing for 60 years, and are now being penalized because people moved to that facility. He added, they have asked for vested rights to allow them to continue to do that, which is the standard as the County probably knows; it an act or omission by the County, that they relied upon in good faith, to substantially change their position; with respect to the act of the County, it is all in this document that he provided to the Board on the slide, which is in the record as well; there is a file for Air Liquide with a specific note in it that says Air Liquide would be considered under the old loud and raucous noise standard, not the DB meter readings; and that was an act by the County that went into Air Liquide's file, which was followed for more than 20 years. He noted people would show up whenever a complaint occurred, they would determine if it was loud and raucous, and they would dismiss complaints; County officials specifically went to Air Liquide at their facility and told them time-and-time again, do not worry because they are grandfathered under the loud and raucous standard; they do not have to worry about the DB standard; that is the act that Air Liquide relied upon; and it relied upon that act, and he showed documents of testimony that

showed the Board it was an act, showing some of the Code Enforcement actions that were closed. He went on to say there was at least five of them; some of them were closed directly at the zoning official's direction, because Air Liquide was vested under the loud and raucous standard; they were grandfathered under the noise complaint; the stated policy was not to hold them to a DB standard, but to hold them to the loud and raucous standard for 25 years; that is all they are asking to continue at this time; he asked what Air Liquide relied upon at that time; and noted they have poured over \$20 million into that facility in order to increase the ability and the pipeline system to provide that nitrogen, and to increase the oxygen output, particularly during COVID, because during COVID, Air Liquide supplied 90 percent of the oxygen used in the hospital systems that kept people alive. He pointed out it is an essential facility; the act or omission was that they were told they were under the loud and raucous standard; they relied upon that act or omission by investing twenty-some odd millions of dollars into that facility in continuing its operation; this is kind of important as well; in a moment of truth when asked, everyone that was questioned at the hearing was asked whether or not the cars on Courtenay Parkway were louder than the facility; and everyone admitted that the cars going down Courtenay Parkway are, in fact, louder than the facility, which again, has been there 60 years doing the exact same thing. He advised when asked about compatibility with Air Liquide, when people were asking to rezone, they filed letters that specifically said that they were not worried about compatibility, because they knew the facility was there; when the residents who are now complaining were asking to rezone, Air Liquide filed a letter saying this is a bad idea, because there is a facility here, and they are going to get complaints that it is loud; those concerns were overruled; immediately after this, the note went into Air Liquide's file that specifically said to not worry about as they are under the old loud and raucous standard; it is not a coincidence that the rezoning occurred, that Air Liquide objected, that residents said they are fine with this, and then a note specifically went into Air Liquide's file, the act that said they are vested with respect to the loud and raucous standard, they do not have to worry about the DB meter; and at the end of the day, their only question is what is fair. He reiterated again that Air Liquide has been there for over 50 years; it is quieter than it has ever been; it has to operate more than it ever has because NASA is making them; NASA cannot function without them, and the hospitals cannot function without them; they do not want to be that loud, but they have to be, they have no choice; and they are trying their best to make a proposal that they want the community to buy-in on, they want their support, because while they are passionate about this facility and the Space Coast, they are also passionate about being good neighbors. He remarked they simply want an opportunity to try to resolve this; they do not want to spend a bunch of money here, because if they spend a bunch of money here and they win, there is no incentive to do anything more about it, so they respectfully request that Air Liquide be held under the loud and raucous standard as a vested right.

Commissioner Goodson advised Mr. Roger stated they made \$20 million in upgrades; and he asked if that is right.

Mr. Rogers replied yes.

Commissioner Goodson noted he did not state that they spent any on noise reduction.

Mr. Rogers noted it is part of the agreement they made in making those upgrades; they installed a large swath of shrubbery that covers the entire north side of Courtenay Parkway; the trees were specifically specified of what they had to plant; and they have offered to plant more trees, but that proposal was shut down, so they came up with the wall proposal.

Commissioner Goodson asked how much they spent for noise reduction for trees or shrubbery.

Mr. Rogers responded they also installed a second wall, directly next to the compressor as a result of the first Code Enforcement action that they received about three or four years ago; they spent \$470,000, he thinks, on building that wall that changes the tone of the compressor to meet the DB standards; but they are still getting complaints; and he does not know the final number that was spent on the trees. He mentioned the wall they have already put in is substantial, and the wall they are being asked to put in is \$1 million or more.

Commissioner Tobia noted according to the Sheriff and the Special Magistrate, "The sound emanating from the plant has serious, negative effects on the health and welfare of the families in the community. The sound levels are, in fact, excruciating, unbearable, stressful, horrendous, and unnatural;" and he inquired if Mr. Rogers believes the Sheriff and the Special Magistrate have the ability to make those determinations.

Mr. Rogers replied he is not sure how to answer that question, because he does not know what their individual abilities are, but they presented an expert who went out and did significant noise readings, and who does this for a living; he said if anything is excruciating and terrible, it is when an 18-wheeler goes down Courtenay, because that exceeds this by 25 decibels; and that is the thing that is excruciating.

Commissioner Tobia stated his understanding is that Mr. Rogers filed for vested rights in 2020; and he asked if that is correct.

Mr. Rogers replied yes, COVID.

Commissioner Tobia asked how many decibels have they reduced the best part of three-plus years, how many decibels has his mitigation, he talked about \$400,000, but from sound levels, how much was it decreased.

Mr. Rogers advised the installation, he wishes he had a picture of it, of the noise barrier that goes around the compressor, the loudest piece of equipment on the plant is the compressor, because it is a very large compressor that takes in ambient air.

Commissioner Tobia remarked he is just looking for decibels, because that is a measure.

Mr. Rogers replied here is the interesting part, he is not trying to be difficult, tones are as important as the volume of the noise, so certain tones, even though they are lower or more excruciating to human beings, are louder tones if they are just flat; what the wall did was just change what was a very shrill tone into a flat tone, and then also brought the ambient DB down by about five or so; and it lowered by five by putting that wall there, but it also changed the tone on the decibel scale so that it is more palatable to the human ear, so it is like a hum as opposed to a more shrill tone.

Commissioner Feltner asked if noise is a form of pollution.

Mr. Rogers responded he is not a pollution expert.

Commissioner Feltner asked if Mr. Rogers thinks most people would consider noise a form of pollution.

Mr. Rogers replied it is possible, but when moving to something like that, that is where he has a problem with one suddenly calling it pollution.

Commissioner Feltner mentioned he does not know if he was suddenly calling it, that he thinks that Mr. Rogers said earlier that their business had increased greatly over the years; and he asked if that is fair to say.

Mr. Rogers advised the number of times they are required to run has increased because NASA tells them to; but the plant does exactly the same thing that it always has.

Commissioner Feltner stated okay, but there is more activity there, they are producing more.

Mr. Rogers explained because there are more rockets going up.

Commissioner Feltner pointed out he gets that part; and he asked if it would be fair to say that homeowners have a right to peace and quiet inside their own home.

Mr. Rogers responded if they meet certain requirements and do not necessarily move to the nuisance.

Commissioner Feltner explained he is just trying to understand where the line is, because he understands that his rights end where Mr. Rogers' rights begin; and he thinks that is what this discussion is; and he asked where that line is, is it Courtenay.

Mr. Rogers replied he is not sure he would understand that; but where they will be building the noise barrier would be on the north side of Courtenay Parkway to mitigate the noise.

Commissioner Feltner stated Mr. Rogers' ability to have noise coming from his property, he is trying to figure out where that ends, where that line is.

Mr. Rogers remarked the Code they are asking to be vested under is loud and raucous; it says the loud and raucous noise, the parameter is taken from some place past the right-of-way, if that makes sense; one has to be a certain parameter away from the right-of-way of the property in order to determine if it is loud and raucous; and all of that is in the Code.

Commissioner Feltner stated he has an understanding that a homeowner has a right to peace and quiet inside their own home in the middle of the night while they are trying to sleep, so he thinks that line ends at their bedroom wall at 10:00 at night; that is all he is trying to establish; he asked if Mr. Rogers said if the Board moves forward with this today that would impede him working with the nearby neighborhood to try to make things better; and he stated he does not know if he understands that.

Mr. Rogers explained he does not know if it will impede them working with, continuing to try to be as good of a community member of that community and the County as they possibly can be; it is not going to impede it; and what it is going to do is drive up the cost on everyone, which at some point in time creates uneconomic situations.

Commissioner Feltner stated the Board moving forward with this today will cause litigation; and he asked if that is the expense.

Mr. Rogers responded they would have to appeal, then they would also deal with the Code Enforcement action, and also they would have to proceed with takings claims if that happens as well, so there is a lot of litigation.

Commissioner Feltner noted there is just reduced and an agreement made with the nearby neighbors; and he asked if that is a possibility.

Mr. Rogers advised that is their ardent hope all they are asking is to give peace a chance.

Commissioner Pritchett asked if Attorney Richardson, for people who are listening, would give a summary of the Special Magistrate's opinion.

Attorney Richardson explained to summarize briefly, the Special Magistrate found that Air Liquide did not meet the County's requirements for the determination of vested rights; she made specific factual findings and conclusions of law, which he is sure Mr. Repperger will elaborate on a little more; but she did not find specific acts or omissions made by the County on which Air Liquide substantially change its position and reliance thereon that justified a determination of vested rights; and further, she found that granting vested rights would be harmful to the public health, safety, and welfare, or really the converse of that, that Air Liquide did not establish granting vested rights would not be detrimental to the public health, safety, and welfare, so those were her findings, and the recommended order, as the Board knows, contains extensive findings of fact and testimony on which that was based.

Chair Steele stated he knows that Air Liquide had produced an expert witness in regard to this; and he asked if the County approved bringing any experts in.

Mr. Repperger replied they did not bring in an expert witness because they felt like that was an issue, as far as the noise component, it would be addressed at the Code Enforcement stage; and this proceeding was solely related to vested rights and whether the petitioner had established an entitlement to vested rights, so they did not believe that was necessary.

Attorney Richardson stated establishing whether or not there is a noise violation, or a violation of County standards, is going to be an issue for future Code Enforcement proceedings, depending on whether or not the Board finds vested rights in this case.

Chair Steele asked if the County's Code Enforcement people have experts there.

Attorney Richardson responded they have equipment to measure sound and they can put on testimony, and that will be determined by a Special Magistrate in the future.

Chair Steele asked if all of that equipment will be up to date and able to receive proper readings, correct.

Attorney Richardson advised correct, but then again, that is not before this Board today.

Mr. Repperger commented he knows there is a lot of information here; this was a four-year process that played out; it culminated in a public hearing that occurred over two days, November 30th and December 1st, where the Special Magistrate took testimony and considered evidence, so there is a lot of information that is in the record; he does not want to belabor it and go through the whole proceeding and everything; if the Board has questions, obviously he will address that; but essentially, the proceeding was a procedure under 62-507(d) (1), of the County Code, which relates to vested rights. He went on to say there are three things that the applicant, or petitioner, needs to prove to establish vested rights; one is an act or omission of the County; two is good faith reliance on that act or omission; three is a substantial change in position of the petitioner based on that act or omission and the good faith alliance on it; there is a fourth component of imminent peril to public health, safety, and welfare; and that was also addressed by the Special Magistrate as part of the consideration. He noted essentially, the Special Magistrate issued a 23-page proposed order, which the Board has in its Agenda Package that goes into great detail about the factual findings that were made over those two days of hearings, that then concludes that the petitioner did not meet its burden of



establishing those three elements under the County Code; just to go into a little bit of the facts related to some of the things the Board has talked about; he provided the Board a slide; he explained what the Board sees before it, the wall which it was talking about that was installed; this plant has been around since 1968 he believes; it went through a number of expansions and a rezoning; the pivotal point here is in 2002, when the owners needed to rezone the property to heavy industrial, so they needed a Conditional Use Permit (CUP) in order to continue the plant operations and expand the plant operations; and what the Board sees on that picture, looking at the left of the circle, and behind the circle, is where the plant was expanded. He stated as the Board sees, the site plan that was provided in 2002, at or around the same time that the CUP was applied for and granted; there was a plant expansion that was done, there were several plant expansions that have been done since that time; but in 2002, when the prior property owner applied for the CUP, they had to get a Binding Development Plan (BDP) in addition to the approvals that they obtained for the Conditional Use and the rezoning; at that time, by looking at paragraph six of the BDP, which is up before the Board, the developer/owner agreed that they shall comply with all regulations and ordinances of Brevard County; they went through great detail at the hearing of establishing the legislative history for the noise Ordinances of Brevard County; they are found in various places under Chapter 46 is the loud and raucous standard; the decibel standards are under 62-2771; and then there are the same decibel standards that were in that section also referenced in the CUP criteria under 62-1901(c)(2)c. He pointed out, the applicant at the time that they filed this application for the CUP, and submitted the BDP, was well-aware of what the standards were, that there were decibel standards that were applied; the County's position was not only was the applicant aware of that, but the application itself had language on it that indicated, and the Board can see here he is bringing up a copy of the page of the application, where the applicant is advised that it needs to meet all of the standards, including those under 62-1901 related to the decibel standards that were in place at the time; there are numerous sections in the CUP application where the applicant is advised that those decibel standards apply; the decibel standards were modified over time; and the most recent change of the County's noise Ordinance was just recently in 2023, but the applicant was aware at the time they applied for the CUP that these decibel standards would apply to its facility now. He advised the petitioner made reference to the acts or omissions of the County on which the petitioner relies; there were five of them that were cited by the Special Magistrate on page 15 of the proposed order; one was the note for the file of the performance standards; the Special Magistrate found that was, and the County's position and assertion was, that was an informal policy of Code Enforcement that the former Code Enforcement Manager wrote into a notebook for himself as far as how to interpret the Code; that note was not specifically in the County's assertion related to Air Liquide; it was, however, included with a letter from the County Code Enforcement staff, Mr. Long, to one of the complainants when a Code Enforcement complaint case was brought in 2018; at the beginning of that case, the Code Enforcement attached the note to a letter that was sent to the complainant essentially saying the facility is grandfathered in, and they cannot proceed in Code Enforcement against this facility in a way that it would like to proceed under the Code; again, that was sent to the complainant not to the petitioner; and the record showed that the petitioner had not demonstrated that they were ever aware of the fact that the note either existed, or of that letter, until the witness that had testified that the first time he had seen that note was the day before the hearing, so the petitioner never established that they actually had seen that note such that they could rely on it. He stated the third thing that they relied on was the notes to the Code Enforcement file; they talked about that the Code Enforcement Officer, Mr. Long, gave testimony to the fact that he was unaware of the fact that the BDP existed, that there was a CUP that applied to the facility, any of those things at the time that he had written to the complainant advising them that the facility was grandfathered in; the fourth thing was continued permitting by the County; there was never an indication in the record that the County ever indicated specifically to the petitioner that they were exempt from any Code requirement that would apply to the permitting, and the lack of enforcement by the County; admittedly, there

were some Code Enforcement cases that had been opened over time between 2002 and now that have been closed; but there was no record evidence, no testimony, and no evidence presented that they were closed for any particular reason, that the petitioner had been told that they were grandfathered in, and the County believed that the facility was grandfathered; and it was just showing that they were unsupported claims, the County could not establish those claims, and those Code Enforcement cases were closed. He noted on page 16 of the proposed order, what the Special Magistrate found was that the petitioner presented no evidence that it had knowledge of the letter, essentially that Mr. Maupin, the manager for the facility, had no personal knowledge of seeing a letter of any representation from the County; he could not explain how the petitioner would detrimentally rely on that position, because he was not aware of it; another thing that the order found, and Commissioner Tobia made reference to, was that there is a threat of eminent peril to the surrounding community based on the noise that is generated by the facility; there were a number of different members of the public that came up and gave testimony towards the end of the proceeding about how the noise generated by the plant affected them; and so, the staff is recommending that the Board approve the recommended order today, and allow the County to proceed into Code Enforcement realm to enforce against the facility.

Chair Steele asked when the houses were built, and were they there when the . . .

Mr. Rogers advised the majority of them were built after 2002; but there were one or two farm houses that were farther away.

Chair Steele inquired if the plant was there then.

Mr. Rogers replied the plant was there for 30 years.

Chair Steele asked if they built a house recognizing that there was going to be noise there.

Mr. Rogers responded affirmatively.

Chair Steele pointed out it is different though, because of all of the changes in the decibels and all that other stuff, so he just wanted to get an idea when they were built.

Mr. Rogers stated they are not saying no Code applies.

Chair Steele stated he understands, as he is just trying to get his arms around it; and he asked Attorney Richardson if there is anything that needs to be done before the Board votes.

Attorney Richardson explained at this time, the Board would consider the proposed vested rights order that was issued by the Special Magistrate, so the Board can certainly discuss that; based on that record, and the argument of the parties the Board heard today, as well as the findings set forth in the Special Magistrate's order, either grant vested rights as requested by Air Liquide, grant vested rights with conditions, or deny vested rights; and in so doing, either adopt the Special Magistrate's proposed order, or direct his office to prepare an order for the Board to enter, subsequent to the motion being voted on.

Commissioner Goodson stated he wants to make a motion to deny vested rights and adopt the Special Magistrate's proposed order.

Commissioner Tobia stated he wants to make a friendly amendment on Commissioner Goodson's motion; he would like to add to that to immediately proceed with Code Enforcement investigation noise complaint, treating the case as a health and safety violation to the extent

permitted by law, and should the violation be substantiated, to seek the maximum fine permitted by law under the circumstances.

Commissioner Goodson advised he has no problem with that.

Commissioner Feltner stated he seconded the motion.

Chair Steele commented he is going to vote with Commissioner Goodson, but he has major heartburn with this; he thinks everybody on this Board does right now; it is in everybody's best interest that even though they are going to do what the Special Magistrate orders, if the vote goes that way, for everybody to get his or her head together to find out what is going on, because this needs to be solved fast; it looks like there are major issues there; if they have to stop rocket launches here in the rocket launch capital of the world, it is bad news bears; if the County has to stop oxygen from coming into hospitals, bad news bears; there is no winner here; and he is begging everybody to please move hastily to get this done and resolved in some way. He noted he knows the Special Magistrate has got the say, and the Board is going to abide by that if the vote goes that way, but stuff needs to get done.

Chair Steele called for a vote on the motion. There being no further comments or objections, the Board adopted the Special Magistrate's proposed Order denying the vested rights in the matter of Air Liquide Large Industries, US, LP; and directed staff to immediately proceed with its Code Enforcement investigation of the noise complaint from subject property located at 7007 N. Courtenay Parkway, Merritt Island, treating the case as a health and safety violation to the extent permitted by law, and should a violation be substantiated, to seek the maximum fine permitted by law under the circumstances.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Rob Feltner

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

**H.8. Public Hearing, Re: Resolution, Exchange Agreement, and Utility Easements between Brevard County and A. Duda and Sons, Inc. (Duda)**

Chair Steele called for a public hearing to consider a resolution, exchange agreement, and utility easements between Brevard County and A. Duda and Sons, Inc.

Marc Bernath, Public Works Director, stated this Item is a resolution, exchange agreement, and utility easements between Brevard County and A. Duda and Sons, Inc.; it is north of South Charlie Curbeil Way in Viera; it would also provide the Chair to execute the attached resolution and any necessary documents; this was put out as far as public advertisement; and staff has received no comments.

There being no comments or objections, the Board executed and adopted Resolution No. 24-053, authorizing the exchange of County property; authorized the execution of the Exchange Agreement and any other documents necessary to effectuate or carry out the exchange; approved and authorized the execution of the Utility Easements to A. Duda and Sons, Inc. and Florida Power & Light (FP&L); and approved and accepted the Utility Easement from A. Duda and Sons, Inc.

**Result:** Adopted

**Mover:** Rob Feltner

**Seconders:** John Tobia

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

**J.1. Direction, Re: Moore Justice Center Expansion Study**

Marc Bernath, Public Works Director, stated staff is requesting direction regarding the Moore Justice Center Expansion Study; \$5.1 million was provided by the State appropriations this fiscal year, and another \$250,000 was set aside by Brevard County Sheriff's Office (BCSO); the grant from the State requires the Chief Judge and the Board Chair to sign-off on the project plan; he asked Tom Potts from Ceiling Architects to provide a very short brief on the options; and Ceiling Architects was competitively selected by Request for Quote (RFQ) based on their portfolio of judicial center projects.

Tom Potts stated he is present to announce the results of the Moore Justice Center Study; it is comprehensive; they started in November and the work extended through until early spring; they had a good participation from both the courts, Public Works, facilities, and so forth, studying facilities, looking for options, by getting to the bottom of really what is necessary; the initial project objectives, pretty sound, to be able to develop an understanding of what the critical space needs and operational needs of the facility might be; the Board can see them indicated on the slide he provided; additional jury room space, that is jury assembly space where the capacity of the assembly space is very limited right now; and additional court facilities, or courtroom space, there is a security issue with the demand of the court space in a secure manner. He went on to say the third bullet point is consolidation of the Criminal Court Proceedings in the Moore Justice Center from the Melbourne and the Titusville facilities, because the Moore Justice Center being the newer facility is designed to better standards for criminal facilities, and he thinks there are some operational needs that, that facility met; and finally, the Law Library consolidation, a resolution of what would be done with the Law Library. He advised those were the primary objectives; other objectives kind of arose during the study; they started with five but ended up with two options that were the most workable; what the budget was in the beginning, they were trying to work with that budget and meet the objectives as best they could, so the Board can see Option 1 versus Option 2; fundamentally, they are basically the same; both suggested a new jury assembly space with a capacity of 275, which meets projected numbers; both of those do the Law Library consolidation; they determined they needed additional space for Clerk Criminal evidence storage; and then they were able to bring online Melbourne and Titusville courthouses for full use. He pointed out looking at the red on the slides, those are the fundamental differences between the two; on Option 1, the facility could end up growing with the two 720-square foot hearing rooms; Option 2 allows a 700-square foot hearing room; but the difference is that there is a 1,500-square foot jury-capable courtroom, which requires a relocation of the witness center. He explained that option, in his opinion, is a longer, better value for the County's money and a longer life for the facility; any time a jury-capable courtroom can be added, it just provides much greater flexibility; the Board can see the difference of the projects costs, \$5.175 million versus \$6.144 million; Option 2 takes a couple of more months to complete as compared to Option 1; another way of looking at it is, by going back to the available budget and what the estimated project cost, Option 1 would leave about \$400,000 on the table, where Option 2 would require some additional funding; during the process, they used a professional cost estimators, and talked back and forth to those folks; and the Board can see on the right side of the slide the all of the bullet points of what the construction costs would include.

Commissioner Feltner remarked he worked with this project kind of as the Board's representative to go through this process where they had the stakeholders give input; so that

the Board knows, this all started because the County received \$5.5 million from the Legislature for upgrades at the Moore Justice Center; they tried to stay within that budget; eventually, a lot of them believed, the courts believed that Option 2 looks a little bit further to the future; for the additional \$554,000 they will get out of that also a jury-capable courtroom; and that is where the courts and everybody is trying to go. He asked if that is the Option the County is looking at. Frank Abbate, County Manager, explained under the grant, one of the components of the grant is that the chief justice's approval; they worked very hard with the Chief Judge to get both Option 1 and Option 2 to something he would be agreeable to; however, after speaking with the other shareholders, including the Clerk et cetera, they all agreed that Option 2, from a safety perspective and long-term perspective, would be a better option for the County; staff is prepared to obtain additional funding that is necessary under Option 2, if the Board so chooses, and puts as part of next year's budget; they are planning to use the cash carry forward that is already anticipated as being there; and a financial constraint would not be a concern for the Board because staff still plans to move forward with everything that they know the Board is interested in for next year's budget without that being a detriment.

Chair Steele asked if the Clerk and the Chief Judge is in favor of this, and are a thumbs up.

The Board approved Option 2 at an estimated cost of \$6,144,000; and authorized the County Manager to execute any contract-related documents and Budget Change Requests (BCR) associated with all phases of the project, including design, post-design, and construction phases.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** John Tobia

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

**J.2. Approval, Re: Florida Department of Environmental Protection Petroleum Restoration Program Contract Amendment**

Amanda Elmore, Natural Resources Management Deputy Director, stated this Item is a potential expansion of petroleum remediation program, which has been administered by Natural Resources for the State for about 37 years; over that time, they have expanded to include other counties, so they oversee cleanup sites for Indian River, St. Lucie, Martin, and Okeechobee Counties as well; last week they received a phone call from Department of Environmental Protection (DEP) asking them to take on Volusia County; there are a lot of clean-up sites in Volusia County that would more than double the County's program; if it is the will of the Board, they think staff is up to the task that they can ramp up the program; and the contract would increase proportionally to cover all costs, all start-up costs, et cetera.

Chair Steele advised he had a lively discussion during his briefing, and staff seemed to think that it is running very smoothly; and he thinks they were all giving smiles saying they can do this.

The Board authorized the County Manager to execute a Contract Amendment for the Florida Department of Environmental Protection Petroleum Restoration Program to include Volusia County after review by Purchase Services, Risk Management, and the County Attorney's Office; authorized the County Manager to execute future contract amendments and annual reviews; authorized the Local Program Manager to execute task assignments consistent with the contract; and authorized any necessary Budget Change Requests (BCR) to provide adequate staffing, operating budget, and acquisition of necessary capital items to meet contractual obligations.

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

**J.3.. Approval, Re: Letter to Honorable Pete Buttigieg, Secretary of Transportation, Supporting Cocoa Multi-Modal Passenger Station and Rail Project**

Sandra Sullivan stated she is respectfully requesting a modification to the letter; the letter states, "As the Chair representing the Brevard Board of County Commissioners, I write to express my vigorous support for the Cocoa Multi-Modal Passenger Station and Rail Project;" she advised she takes exception to that description; she is going to allege that there is misrepresentation to the public on the Agenda Item when the County did its \$5 million; and hence, in the communication to the Federal government, there should be some specificity. She continued by saying, this slide was put up for the approval of the rail for the \$5 million from the County; as the Board can see on the handout, the total is \$75 million for the whole thing, City of Cocoa, Space Coast Transportation Planning Organization (TPO), Space Coast Tourism Development Office (TDO), and State and Federal, \$49.5 million; that is the part she takes exception to, because what was presented at the Tourism Development Council is that the project, which is the rail project, is \$45 million, not \$75 million; what this \$75 million is for, according to their presentation, is residential and commercial housing, restaurants, hotel, and passive recreation on that 90-acre site, so about 7,900 square feet for the rail station and the rest is mixed-use development; when the County is using taxpayers' dollars, and a presentation is made saying that the estimated total project cost for the station, surface parking, and track infrastructure needed is estimated costing \$75 million; and at the meeting, it was presented as \$45 million, with the mixed use making it \$75 million. She reiterated her request of the letter being modified requesting up to the total funding of \$45 million for the project, so that the taxpayers pay the appropriate amount with some specific numbers in there; and the Board might find it interesting that the rail entities are the ones that have been funding the affordable housing.

The Board approved and authorized the Chair to sign the Letter to the Honorable Pete Buttigieg, Secretary of Transportation, in support of the Cocoa Multi-Modal Passenger Station and Rail Project.

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

**J.4. Approval, Re: Advisory Board Appointee Background Screening**

Commissioner Tobia stated he sees the Clerk and Comptroller, Rachel Sadoff, is in the audience here; he expressed his appreciation to the Clerk for helping out with the Advisory Board appointees and screening; he pointed out Ms. Sadoff is able to run these checks with no additional costs to the County; and she has volunteered to help out with this. He continued by saying it is extremely important to run these checks; the Board requires its grantees to follow proper background check procedures; the Board needs to provide an equal level of protection; over the years it has been discovered that quite a few appointees who have convictions, which make it inappropriate for them to serve on certain boards; he is not going over the names, but some of them have been for battery, domestic violence, possession of Cocaine, possession of Methylenedioxymethamphetamine (MDMA), and many of these being felonies; and these are not just minor convictions. He commented if the County can get these done at no additional

costs, he thinks it is a great solution for everyone; utilizing the Clerk's Office for this function, with the approval of the County Manager, makes his office's Truth Finder subscription redundant; it has been cancelled as of last week; the result will be a savings of \$32.04 per month, while continuing to ensure the Advisory Board appointees do not have concerning criminal records; again, this was a great idea; and he appreciated the Clerk stepping forward to help with a solution and to save taxpayer money.

Commissioner Tobia made the motion to approve this Item, and Commissioner Feltner seconded.

Commissioner Pritchett expressed her appreciation to Ms. Sadoff as it is a good idea; she stated she knows back when Commissioner Tobia started actually doing this, the Board did not think about doing it; she expressed her appreciation to Commissioner Tobia for what he and his staff did on catching a few of the candidates that were not a good fit for these positions; and she noted this is a better route.

Commissioner Goodson asked if the Board was going after people who had minor infractions at young ages; and is this only going after felons.

Commissioner Tobia replied this just authorizes the County Manager to do that; ultimately, that will be up to the discretion of this Board; in his humble opinion, he does not think the Board should go after people who have minor driving infractions; and however, felonies are pretty serious no matter what age they were made. He noted this will just provide the Board with the information without going through his office.

Commissioner Goodson remarked he would not want to ruin someone who had a minor infraction by offending or embarrassing them, because some people have been caught and some have not.

Chair Steele called for a vote on the motion. The Board approved a new Board Policy for background screening of individuals being appointed to a County Advisory Board.

**Result:** Approved

**Mover:** John Tobia

**Second:** Rob Feltner

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

\*The Board recessed at 11:37 a.m. and reconvened at 11:45 a.m.

\*Commissioner Pritchett's absence was noted at 11:45 a.m.

## **K. PUBLIC COMMENTS**

Austin Whitsitt stated he is here to discuss a matter that concerns not only the integrity of the institutions, but also the education and future of the children; as the rocket launch capital of the world, as it was put earlier, the residents must demand greater transparency and honesty from National Aeronautics and Space Administration (NASA), especially regarding the information and interactions they have with students in the County schools; this is especially true when the activities of NASA are being utilized as a primary factor of decisions made by the Board; and NASA, of course, has been actively engaging with the community, particularly through activities at Kennedy Space Center, as well as interaction with the children in school highlighted in a *Florida TODAY* article *revered* Brevard Students Participate in Astronaut training. He went on to say while such initiatives are commendable in principle, there are serious concerns about the

accuracy and legitimacy of the information being presented, especially to children; it has come to their attention that these astronauts may be engaging in deceptive practices; for example, multiple instances have been documented where objects are consistently seen dropping in freefall on the International Space Station (ISS), which is, of course, allegedly in Zero-G environment; forensic video analysis has been conducted, and subsequently proven that the physics observed in these videos are consistent with that observed in Zero-G plane flights and gravity environments on Earth; and it is scientifically impossible they were actually filmed in space. He commented further, such analysis has revealed the use of augmented reality, overlays, harnesses, video manipulation, as well as consistent communication delays inconsistent; these anomalies raise legitimate and important questions about the authenticity of the space activities portrayed by NASA; furthermore, these concerns are not being addressed openly when citizens attempt to raise these issues, particularly the online platforms, the comment sections are often turned off stifling public discourse and direct violation of First Amendment rights; as a public entity, NASA has a responsibility to maintain open channels for communication and accountability; and this effectively amounts to the children in the County schools being actively propagandized, while there exists an outright suppression of the public's ability to address grievances. He stated in this country they do not allow the government to forcibly indoctrinate and propagandize the children through the public education system while outright prohibiting open dialogue and freedom of information; this is America, not North Korea; the children are being taught to trust and look up to these astronauts; they deserve to receive accurate and honest information; he urges the Board to stand for transparency and accountability, as well as the Constitution, certainly when it comes to speaking to the children; NASA must address the allegations openly, directly, and with specificity providing concrete evidence to dispel these concerns or launch transparent disclosure; they have refused to do this for years, rather worked with big tech to hide behind a wall of suppression and censorship; and he asked if there is nothing to hide, why are they hiding.

Justin Harvey mentioned today he came here asking for the Board's help; first, a little backstory; he thinks everyone remembers the Challenger explosion that took place in 1986 that tragically took the lives of all seven astronauts onboard; it launched not too far from where people are standing here today; the interesting thing is, a couple of decades later, this thing called the Internet came about; and someone allegedly found almost all of those astronauts alive and well, many using the same exact names. He continued by saying as a person can see here there is Challenger astronaut Judith Resnik, Yale Law Professor, Michael J. Smith, the pilot, and also Professor at University of Wisconsin, now retired, and Commander Dick Scobey who is now President of Cows and Trees; if a person would notice, they all have the exact same faces 30-odd years later, the same exact name, and they are the same ages; everyone has a doppelganger out there, no big deal; but to have the same face, age, and the same exact name is extremely rare, so rare he could only find one case in the last 120 years; and people are supposed to believe that three people from one space flight have exact lookalikes that have the same age and same exact names. He noted this is beyond statistically possible; Miss Resnik was questioned at Yale by a journalist and she panicked and ran from the camera; he asked the Board why; he stated Michael J. Smith was also questioned, and he said they look alike but that is not him; one can look at some of these exchanges in a film called Level with Me; and he or she can be the judge.

Chair Steele advised he is going to have to stop Mr. Harvey.

Mr. Harvey noted this is Public Comment.

Chair Steele pointed out he knows what this is as he is very familiar with the Public Comment; part of the Public Comment is that a person is only allowed to address things that the Board has jurisdiction over; the Board does not have jurisdiction . . .



Mr. Harvey stated he has a direct request at the end of this that is in the Board's purview.

Chair Steele stated sir, please listen to him very carefully; and he asked the County Attorney to give an opinion in regards to this please.

Morris Richardson, County Attorney, explained Public Comment is reserved for issues or topics that are under the jurisdiction or control of the County Commission that are relevant to the County Commission, so if Mr. Harvey's request at the end is going to explain why that falls into any of this, to make that request now before he continues.

Mr. Harvey remarked absolutely; he stated he will just end it with Commissioner Pritchett who knows very well about questioning science, whether it be COVID or fluoride; and he is just asking the Board to question the science here; the County Commissioners Goodson and Pritchett's Districts cover the Kennedy Space Center, this launch from the Kennedy Space Center; the Board has the ability to help him in sounding the alarm and asking the Federal government for help; if this is contained in his or her areas, he should be able to at least address something that happened here; and he asked if the Board agrees.

Attorney Richardson advised that is not within the jurisdiction or authority of the County Commission.

Mr. Harvey asked if the Board will let him finish for at least 10 seconds.

Chair Steele responded no, he is finished.

Mr. Harvey expressed his thanks to the Board for taking away his freedom of speech in here.

Chair Steele stated he did not take away Mr. Harvey's freedom of speech.

Mr. Harvey remarked yes, he did.

Chair Steele remarked he did not want to hear it from the people down here.

Mr. Harvey noted just because it is an uncomfortable topic . . .

Chair Steele asked the Sheriff's Deputy to remove the gentleman from the room.

Mr. Harvey stated Chair Steele is violating the First Amendment.

Chair Steele stated he did not violate the First Amendment, Mr. Harvey violated the rules.

Attorney Richardson advised this is a limited public forum, and the meeting is for the purpose of the business of the County Commission; and it is not for this purpose.

Chair Steele mentioned if he wants to go, too, for the officer to take him out as well.

Attorney Richardson asked everyone to just calm down, and they can leave willingly.

Chair Steele reiterated that NASA is not the Board's jurisdiction.

There is a continued outburst from the audience.

Doug Simon stated that is a tough act to follow; and he asked if he can address the comments made by Commissioner Pritchett before Chair Steele starts the clock.

Chair Steele pointed out he would appreciate it if Commissioner Pritchett was here when Mr. Simon was making those comments; but he supposes the Board can move forward with it.

Mr. Simon stated it is just a couple of polite comments he wants to make.

Chair Steele commented polite comments he would really like to hear today.

Mr. Simon stated he is addressing something that was said about residents requested that the trees be cut, he has sort of been following around as they cut trees, so he is quite familiar with what has been going on, on foot, on bicycle, and on his little scooter; he provided a picture to the Board; he stated when the trees look like this, that is when the people request that one takes it all the way down to the ground, it is not when they have a nice, beautiful Oak tree, and they said to just cut their tree down; he kind of forgot to mention that part; and that is kind of important. He went on to say the next thing he wanted to mentioned was the school bus; the reason the school bus in the back just nicked the tree; it was actually one of these trees, which he showed in the picture; that is the tree that the school bus nicked; the reason it happened is it was avoiding the equipment that was being used, actually a crane, that was used to cut down the trees; it was not even the regular company that was hired; and this tree was so huge that they needed a crane. He advised the school bus tried to squeeze past it, and that is what happened; and just his commentary, if this was a whole tree, it would have attracted the driver's attention, not a stump sticking up. He mentioned now to get what he is here for; a few months ago he had asked Chair Steele for an answer on why Marc Bernath, Public Works Director, was looking to take their land with this adverse possession deal with the maintenance maps; Mr. Bernath would not answer his questions when he was sitting up there; Chair Steele asked him to send him an email, Chair Steele would send Mr. Bernath an email, and Mr. Bernath would send it back to Chair Steele, and Chair Steele would give him an answer; and Chair Steele never gave him an answer.

Chair Steele advised he never received an email from Mr. Simon.

Mr. Simon explained he sent it to two addresses, the public one Chair Steele has and the private one he gave him.

Chair Steele noted he did not receive either one.

Mr. Simon remarked he is very concerned about this land grab; he needs to know more about what is planning to be done; Mr. Bernath decimated the trees, destroyed them, and he wants to know what he is doing because when reading the maps, Mr. Bernath is taking four feet of his property, which includes his advanced septic system he has; if he has no septic system, he has no house; and if he has no house, Brevard County, one breaks it, they buy it, so he just wants to get a handle on what is going on with that before the same thing happens that happened to the trees.

Chair Steele noted he appreciates Mr. Simon's comments and the way he expressed all of this very respectful today, and he really appreciates it; the Board is not allowed to discuss an answer to Mr. Simon's question here; if he has a legal question, he might want to seek the advice of an attorney; and other than that, he thanked him for his time.

Mr. Simon pointed out he can say they did have an attorney with the trees, they did get an injunction, and they were told to put up a \$100,000 bond.

Chair Steele stated he apologizes for that; and he does not have an answer to his question and he cannot respond anymore.

Mr. Simon asked if he can start over with his original spiel now that he answered his questions, or statements; he actually had a prepared thing he wanted to say.

Chair Steele responded no, sir; unfortunately, his time is up; and he expressed his thanks to Mr. Simon.

Katie Delaney commented first, she would like to speak about the decorum; part of the reason why the people have gotten to the place where one is today is because of the lack of respect and the lack of trust the people feel in the audience, and frankly, at home; the Commissioners are not above the people; when people are being mocked as he or she come up to the stand, as people are being told one is a good little girl today because she is quiet, is absolutely going against the Board's decorum rules; and she asked what the Board expects when the citizens come here outraged. She continued by saying next she would like to talk about the gas lighting that has been going on about the tree issues; Commissioner Steele sat here on March 12th, looked at staff and asked them if the County is not going to be cutting any trees, basically gas lighting the public; here they are two weeks later, and asking the Board to tell her the picture she is showing is not cutting down the trees; of course, the citizens want the stumps gone; and she asked who would want to look at that. She pointed out as speakers came up earlier today talking about the therapy that goes with that road, the importance of these trees for not only the environment, but the road itself, the erosion of this road; there is a sign that says 'Caution, Road Floods', so the County takes out more Oak trees; she understands the County's arborists say that these trees are not healthy, but the people who have been suing the County for the past decade have arborists that say they were healthy; and frankly, by the look of the stumps, they look pretty healthy to her. She provided a slice out of one of the trees, and stated Mr. Simon did not get to talk about this, it is a healthy tree; this is not solely about trees, this is about degrading the public trust; this is about demoralizing a whole community, because they love that street; she personally grew up on that street, because her husband grew up there, and they met when they were in high school; they take their kids there on a pretty regular basis to go down that street; and now it is ruined. She reiterated that the public trust is eroded, and the Board needs to fix that.

Chair Steele stated and the public disrespect . . .

Ms. Delaney spoke from the audience, but it was inaudible.

Chair Steele advised to not tell him what he can do Katie Delany; he asked the officers to remove Ms. Delaney from the room; he asked what was wrong with Ms. Delaney; he stated he is not letting this room turn into complete disruption; and it is not going to happen.

Ms. Delaney noted it is not disruption.

Stel Bailey stated whereas the citizens of Brevard County, Florida, have long-suffered the plight of living with outdated trees along the shorelines; whereas, these particular trees have stood for hundreds of years taking up pollution intended for the water, soil, and air perpetuated weakness in those performing outdoor recreational activities by casting shade on the street, and provided shelter for birds and other varmints that excrete waste and have made undeniably unpleasant noises; in addition, homeless rogue raccoons, nutty squirrels, and the constant danger of gravity-fed acorn attacks are no longer a threat to constituents; whereas, the Brevard County Commissioners courageously eradicated these nuisances by way of directing a team of chainsaw wielding contractors to cut them to mere stumps, thereby eradicating the constant

leaf litter that these now unalive oaks can no longer filthy the roadways with; and whereas, the County's evident support of jobs like lumber jacking and industries like mulch manufacturing has truly provided a valuable service for the community. She continued by saying by ridding the communities of water hogging trees along the shorelines, they further support the boating industry by preventing anti-flood measures; whereas, the act of sprucing up the full view of the power lines promotes a better image of Florida Power and Light Company (FPL) and reinforces the dependency all Floridians have on electric grid during the high-heat months; by removing the darkness of the shade, the heat island effect of concrete and asphalt, the County has so laboriously maintained through the years can finally rise to its full potential temperature; whereas, the citizens stood together and begged the County not to do it so they could selfishly protect their aging septic tanks, the County did it anyway, showing strength, honor, and unity in the faces of the allergy-ridden, confused, Claritin taking residents; whereas, the clearly reckless citizens whom were barking up the wrong tree did not know what was best for them in the first place, and desperately needed the wisdom and guidance of the anti-tree experts; and therefore, let today be known as Brevard County Tree Butcher Day. She stated she would like to present to the Board today a beautiful trophy that was given to the Board by the citizens of Rockledge; and she read, "Pursuant to the First Amendment to the Constitution in the Florida Constitution 1838 Article I, Section 5, that every citizen may freely speak, write, and publish sentiment on all subjects, being responsible for the abuse of that liberty, and no law ever passed to curtail a bridge or restrain the liberty of speech or the press." She noted she is disgusted by the behavior happening in this boardroom; it is appalling; she is watching it on television; she is watching it as she is sitting in here; she does not know what has been happening other than the fact . . .

Kristin Lortie commented she is here to read a resolution to the Brevard County Commissioners; she is a concerned resident, and she is concerned about the Rockledge trees; she read, "Whereas, the Brevard County Commissioners has engaged in a multi-year dispute with the residents of Rockledge Drive seeking to protect the legacy canopy trees along this scenic drive; and whereas, the residents have disputed Brevard County's authority to destroy their property and negatively impact their quality of life; and whereas, County Manager Frank Abbate committed in 2021 to the residents to never cut the trees; and whereas, on March 12, 2024, Brevard County Commissioners took a vote to update the County road maintenance maps, and where Chairman Steele asked of Public Works Director, Marc Bernath, just prior to the vote, we're not going to go out there and start cutting down trees, and; whereas, less than one month later on April 9th, the Public Works Department and Commissioner Goodson's District 2 initiated an Agenda Item clearing the way for Public Works maintenance that included severe tree trimming of numerous Canopy Oak trees that are over 100 years old; and whereas, residents were notified by email only of the tree cutting on April 5th, just two business days prior to the item being presented, and without adequate notice to prepare for the Agenda Item, and where no Commission vote was taken following the heavily-orchestrated hearing; and whereas, starting on May 13th, the County began these severe tree trimming efforts, and which have mutilated and destroyed numerous canopy trees; and whereas, leading the way on the current 2024 destructive initiative have been Brevard County Attorney Morris Richardson, Public Works Director Marc Bernath, and Commissioner Goodson, also owner of Goodson Paving; and whereas, the County's actions have negatively impacted our environment, our community, State, and country's beautiful scenic America byway, now destroyed with the support of all five of the Commissioners. Now therefore, be it resolved that numerous residents of Brevard County, Florida, do hereby proclaim the five Brevard County Commissioners Goodson, Pritchett, Tobia, Feltner, and Steele, and County staff members Morris Richardson, and Marc Bernath the 2024 Tree Butchers of Brevard County and we hereby encourage all citizens to increase their understanding and awareness of the workings of the County Commission that led to the destructive and unnecessary war against the residents of Brevard County and deploying numerous methods of weaponization of the public business. It is

requested that this resolution be included in the official records for the May 21, 2024, County Commission meeting.” She stated she does not have a trophy, but she would like everyone to appreciate the one that was made, the 2024 Tree Butchers of Brevard County; she asked if the Board is proud of itself; it probably is proud; and the citizens are ashamed.

Nancy Simon mentioned they live in a County that many felt was paradise, they consider themselves lucky; there are beautiful parks with special events, Renaissance Fairs, country music festivals, natural beauty, State and Federal scenic roads, and a responsive and caring government that actually listens to its constituents opinions; but no more; she would like every one of the Commissioners and the Department of Public Works to go out to this country's scenic route with their families and with before and after pictures of what it looked like two weeks ago; to say to their families to look what he or she had done, cut down irreplaceable, centuries old heirloom trees; and to ask if their families are proud of he or she. She advised she imagines they will have the same look of horror as the people she has seen walking on Rockledge Drive; the Board's legacy is one of destruction of natural beauty and history; when her grandsons and visitors ask her what happened to the tunnel of beautiful trees, she can only answer from a song called Paradise, “I'm sorry my child. You're too late in asking;” she advised the Board of Commissioners and the Department of Public Works have chopped them away; and she provided a copy of a new painting and collage, which shows the trees before and after, and what has been done. She pointed out all names and conditions will be included in the history that will be shown to go to the galleries all over New York and Florida, and to Senators, Governors, conservationists, and activists all over the United States (US); yearly, it will be handed to all the runners for office; and she asked the Board to enjoy its legacy of destruction and infamy.

\*Commissioner Pritchett's presence was noted at 12:11 p.m.

#### **L.6. Reports, Re: Rob Feltner, Commissioner District 4**

Commissioner Feltner stated the Board recognized a high school student today who had graduated, and rightly so, she has done well; another student from Viera High School, a friend of his, and somebody the Board all probably knows, he or she knows their parents, Sarah and Michael Aires; Braden is graduating; and he has a few things he would read for him real quick. He noted he really wanted to do a resolution, but it is really not his way, so he sort of vetoed that; he read, “Braden will graduate Viera High School with a weighted Grade Point Average (GPA) of 4.5, and as an AP Scholar with distinction, Braden has served in the Junior Reserve Officers' Training Corps (JROTC) Program for the past four years, and this year he served as executive officer. The team qualified for State his junior year and placed fifth. He has led teams of fellow JROTC members and mission trainings and events to inspire and bring about others' best efforts. Braden has played on the Viera High School tennis team for the last four years, playing as line one singles and doubles for the last three years. Braden attended the West Point summer leadership experience and the Naval Academy summer seminar as a junior, which is when he decided to focus his postsecondary efforts on the Navy. Braden has accepted Congressman Bill Posey's appointment to the United States Naval Academy and his studies there will emphasize math and science. He will likely work in a nuclear submarine in the future. Braden was recognized as a top scholar in *Florida TODAY*, and this was voted on by his teachers and administrators;” he explained he has known this young man his entire life, and it is just amazing to see him move on and hearing to the Naval Academy, so he thinks collectively, everyone is proud of him; he congratulates his parents; and it is an effort to help get a young person to this point.

**L.3.. Reports, Re: Rita Pritchett, Commissioner District 1, Vice Chair**

Commissioner Pritchett stated she wanted to piggyback on what Commissioner Feltner was speaking about; she was able to go up to Lynchburg, Virginia; her grandson just graduated from Liberty; they are really proud of him; it is a great college up there; when COVID happened, the online became very prevalent; and it was just a lot of fun watching that. She mentioned she thinks the County staff and the Commissioners and all of the work he or she does; it has been an interesting day with hot tempers; but the maturity from staff, the way everything is handled, and just doing what is best for the residents, she just really feels right now that he or she needs to hear thanks for being good people; she has been talking to a lot of people in the community, and Brevard County has the best County ever, as these people are wonderful; and she asked everyone to be encouraged and to know there is more of them out there than there are of them, so good job.

**L.5. Reports, Re: John Tobia, Commissioner District 3**

Commissioner Tobia stated he passed out a letter, and he would like to tell the Board about it real quickly; the 2024 Florida Tax watch budget turkey watch report was just released; this report includes \$650,000 for the Cape Canaveral Light Station Reconstruction Phase 2; it includes reconstruction of not even the main lighthouse keepers cottage, that was Phase one; this is the first and second assistant lighthouse keeper's cottage; what is worse, it made it through both the house and the senate with additional cottage alterations, which they claim will bring in tourism; the house forum also states this money will not even complete the project; and that separate funding will be necessary to furnish the exhibits. He asked where this money is going to be coming from; he pointed out he is afraid the request may be for the Board; this museum does not create jobs; according to the economic impact study done in 2017 for Phase one of the project, it was granted \$500,000; it states the museum will only have one employee; the museum is not drawing troves of tourists; and in the application in the 2024 funding request, this museum states their latest data adds 10,000 tourists annually to this museum. He stated while this is not a County-funded handout, the Board has done that in the past, it still is funded on the backs of Florida taxpayers; governments send letters to the Governor asking for things to be funded; he thought the Commission would do a little bit of a spin on this, and send a letter to the Governor asking him to line item veto this; he does not want to call it a turkey, because someone else already called it a turkey; this is no reflection on the hard work of Senator Debbie Mayfield and Representative Tyler Sirois, those are the two people that he does not know how they put their name on this request, but they did; his request would be for the Board to sign a letter to send to the Governor; and he read a portion of the letter to the Board. He advised if the rest of the Commission is not interested in sending this up, he sarcastically had another letter appropriated just saying how instrumental this is to not only Brevard County, the State of Florida, but probably the world; but he is not going to put that one out here; he wanted to see if he has any support from the Board of sending a letter to the Governor saying to please do not fund this turkey.

Commissioner Goodson commented if a person knows anything about Tallahassee, it has funded so many barbeque grills for the Cubans in Miami; every year there is a new barbecue for Bay of the Pigs; he asked why Commissioner Tobia did not just leave this alone and let it go through; he stated to think about it, some day when he is old he can go sit on the bench and look at the cottages; the Board does not need to do this; and Senator Mayfield and Representative Sirois have worked so hard, the Board needs to get this to the County to help them, because they have begged for money throughout the years.

Chair Steele asked if this would need to be under an Agenda Item.

Morris Richardson, County Attorney, Items such as this have been raised during Board Reports, but it is preferred that they be placed on the Agenda if possible.

Chair Steele asked if anyone had a motion to do this.

Commissioner Tobia noted if there is not the sentiment here, he does not plan on bringing it up on an Item.

Commissioner Feltner asked if the Board does not do this today, will Commissioner Tobia send the second letter to the Governor.

Commissioner Tobia advised the Board does not want to see the second letter; since there is no interest in doing this, he looks forward to Phase 16 of this darned project; the County-funded \$500,000 for period-correct furniture; and the Board will see a similar request. He stated today is National Take Your Parents to the Playground Day; he was in the community and knocked on a door, and he spoke to someone who actually watches the Board meetings; she informed him she was a little concerned with him titling useless Florida facts; she said many of the facts were useful; and he said he cannot argue with her there, so he is changing it from useless to useful Florida facts. He went on to say suntan lotion was invented in Miami; a Miami pharmacist invented the first modern sunblock suntan lotion during World War II; he later perfected this formula after the war, creating Coppertone brand in the process; this day in Florida history is the use of the Florida flag used today is from 1985 when the artistic rendition of the seal was created; the previous rendition was approved in the year 1900 when the red cross was added to the background; and he did not know it was that recent. He expressed his appreciation to Clerk of Courts Rachel Sadoff, or blame her, one of those two things; he sent a request to the Constitutional Officers asking them who they were interested in recognizing; he got back quite a list; again, this is the Clerk, not him; the names are Frank Abbate, John Denninghoff, and Marc Bernath; and the Public Works/Facilities staff. He stated he is going to start with Skip Bell, Facilities Manager, three years; Skip oversees the activities and supervisory of personnel with the Facilities program, including maintenance and construction division; Skip was born in Greece and spend his spare time as a taxi driver for his four kids; he relaxes at night by turning wrenches on his motorcycle, classic Jeep, and classic Volkswagon; Doug Willits, Carpenter, 2.5 years; Doug has retired from his own construction and modeling business; he serves as top entertainers and athletes in Atlanta, Georgia; Doug is currently a carpenter in the facility south area; while in reality, he fixes everything and does so with a smile; and after hours Doug enjoys skydiving, parasailing, woodworking, and golf. He continued by saying Scott Hanson, Facilities Maintenance Supervisor, 23 years; Scott manages the daily maintenance, repair, and personnel in all facilities from Viera to Sebastian; Scott relaxes by sitting in his recliner and waiting for the next emergency after hours call; and he is always ready to respond in any hour. He stated Jerry Richards is an electrician one, 40 years; Jay started for Brevard County straight out of high school; it is the only job he has ever had; Jay is an electrician in the north facility area, and knows where all of the skeletons are hidden; Jay enjoys fishing on his boat, golfing, and spending time with his beautiful wife; and he has two certificates for separate holes-in-one and a tortoise, which one day will hopefully reach 200 pounds. He stated Tom Horton is the facility supervisor for seven and one-half years; Tom is a US Army veteran with six years as a Rotary Wing crew chief; he is currently the north area facilities manager supervisor; and Tom enjoys saltwater fishing and stained glass craftsmanship. He noted Mike McGrew is a facilities manager for 27 years; Mike assists the facilities construction manager with overseeing the six construction coordinators; there are 177 active construction projects; Mike loves music like Tool and Pantera; he travels all over the State to see as many shows as possible; and he plans on seeing at least eight shows this year. He added Shae Griemsman is a construction coordinator for three months; Shae joined facilities from the Rocket Factory; as a construction coordinator, she oversees all aspects of projects

from scope development, planning design, and construction; and Shay enjoys playing with her Corgi Spud, three chickens, and monster truck sized side-by-side. He continued by saying Miguel Gonzalez, general repair technician, with two years of service; Miguel is originally from New York; as a facilities north area GRT, he repairs anything and everything; he never says no, and is always willing to learn new skills; Miguel enjoys bowling; on a clear day he takes his mini motorcycle for a ride; and Miguel is always searching for his next adventure. He stated Rick Lira has 14 years of service; he served as a communications soldier in the United States Army; then, as a self-employed plumbing contractor in the Orlando area; Rick is a valuable asset taking care of North Brevard facility plumbing needs; Rick enjoys cruising and traveling; and in his spare time he cooks, bakes, and plays with woodworking tools. He mentioned next is Brian Casey is a GRT for one and one-half years; Brian maintains all aspects of Facilities, supports all trades; he can often be seen keeping the water crystal clear in the reflection pond; while Brian repairs things during the day, at night he tears it up on the racetrack; and he has a fleet of school buses he races on figure-eight tracks. He explained Jeanette Scott, last but not least, is the contracting supervisor with 17 and one-half years; Jeanette manages all bidding and contracting for Public Works Department, including Facilities, Road and Bridge, Transportation, and Construction Management; Jeanette's first job with Brevard County was a library page at Merritt Island Public Library shelving books and materials; Jeanette grew up in Germany; and she relaxes to classical music. He expressed his appreciation to everyone as he or she does so much for the County.

Commissioner Feltner advised at a prior meeting the Board recognized a member from Brevard County Sheriff's Office (BCSO) for their service, and today Lieutenant Scott Molyneaux is here; and he has 30 years of service.

Commissioner Pritchett pointed out tomorrow is Commissioner Feltner's Birthday.

**L.7. Reports, Re: Jason Steele, Commissioner District 5, Chair**

Chair Steele explained he is really getting sick and tired of what is happening in this room; he is going to ask the County Attorney to draft him a memorandum in regards to removing people from the room; the disrespect the Board is getting from the audience, in his opinion, is way overboard; if anybody here thinks he is being too heavy-handed with removing some of these people, to please let him know; but he is not going to let this turn into a zoo in here, so if the Commissioners have any comments for him and think he is being too heavy-handed, he would take constructive criticism. He reiterated that he would like the County Attorney to prepare him a memorandum on what the proper procedure is for removing people from these meetings; it is the same 10 people every time; it is the same thing every time; he is not going to allow them to be rude to the Board or County staff that has done their hard work here, it is just not going to happen; he is sorry he lost his cool a little bit today; and he will try not to very much anymore. He advised it has been requested by Husein Cumber, Stockton Whitten, and Mayor Mike Blake, at some point in time for him to go to Washington, DC, to help them lobby the \$49 million for the Brightline station; of course, he mentioned it to Frank Abbate, County Manager; and Mr. Abbate suggested he speak to the Board to see if he has permission to travel with them to do that.

Commissioner Pritchett stated she is good with that, as it is in Chair Steele's budget.

Commissioner Goodson remarked he wants to make sure Chair Steele gets the right number; he would like him to talk to Sandra Sullivan; it is 74 or 49; and he does not want him to go up there and not get enough.

Chair Steele noted he does not think he will be talking to Ms. Sullivan very much anymore.



Commissioner Goodson asked if Chair Steele would like him to intervene for him.

Chair Steele replied that would be great.

Mr. Abbate advised that the Board has an Executive Session, and Chair Steele will have to adjourn.

Morris Richardson, County Attorney, explained this is not a litigation executive session, so it does not have a lot of the same formalities; the Board will just adjourn the meeting; and this is notice to the public that the Board is going to adjourn upstairs to have a closed bargaining session on the union negotiations.

Chair Steele stated for those who do not know, he is thrilled to leave tomorrow to go to France to see his wife, who he has not seen for a long time; but he is completely available at all times by cell phone, email, and anything of that nature; and please do not hesitate to contact him as County business, to him, is most important.

Upon consensus of the Board, the meeting adjourned at 12:31 p.m.

ATTEST:

  
RACHEL SADOFF, CLERK



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

As approved by the Board on July 23, 2024.