

# **Brevard County Board of County Commissioners**

*2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Tuesday, October 14, 2025**

**5:00 PM**

**Regular**

**Commission Chambers**

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

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

**C. PLEDGE OF ALLEGIANCE**

Commissioner Altman led the assembly in the Pledge of Allegiance.

**D. MINUTES FOR APPROVAL**

The Board approved the May 20, 2025, Regular meeting minutes.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Katie Delaney

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

**E.1. Resolution, Re: Charlie Kirk Remembrance Day**

Commissioner Adkinson stated she is sure she did not agree 100 percent with everything that Charlie Kirk said and believed; she is also sure that she is committed to recognizing his determination to encourage respectful conversation; and if anyone from Turning Point USA is in the audience, please come to the podium. She went on to read aloud, and the Board adopted Resolution No. 25-126, recognizing October 14, as Charlie Kirk Remembrance Day.

A member of Turning Point USA expressed her appreciation for the Resolution honoring Mr. Kirk; she noted his death changed her life in many ways; she turned herself around because of his dedication to truth and speaking about his beliefs; and she is honored that she gets to continue on his mission, given by God.

**Result:** Adopted

**Mover:** Kim Adkinson

**Second:** Katie Delaney

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

**F.1. Board Consideration, Re: New Appointments to the Affordable Housing Advisory Committee**

The Board appointed Amanda Gant to serve on the Affordable Housing Advisory Council with said term to expire June 30, 2027.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

**F.2. Approval, Re: Fiscal Year 2025-2026 Annual Agreement and Associated Health Department Fee Resolution Between the Brevard County Board of County**

## **Commissioners and the Brevard County Health Department**

The Board approved the drafted Annual Agreement with the State of Florida, Department of Health for the operation of the Brevard County Health Department for Fiscal Year 2025-2026; executed and adopted Resolution No. 25-127, establishing and revising the Fiscal Year 2025-2026 fees and charges for the Brevard County Health Department and Environmental Services; approved the County Manager to execute the Fiscal Year 2025-2026 Annual Agreement, upon approval from the County Attorney's Office and Risk Management; approved the County Manager to execute any future amendments or modifications to the Fiscal Year 2025-2026 Annual Agreement, upon approval of the County Attorney's Office and Risk Management; and authorized the County Manager to execute any necessary budget amendments.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

### **F.3. Approval, Re: Changes to Merit System Policy XII (Disciplinary Actions Policy) and BCC-05 (Zero Tolerance of Workplace Violence)**

The Board approved the changes to the Merit System Policy XII (Disciplinary Actions Policy); and approved Policy BCC-05, (Zero Tolerance of Workplace Violence) to reflect a change in the law regarding weapons/firearms.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

### **F.4. Appointment(s) / Reappointment(s)**

The Board appointed/reappointed **Latonya Hubbard** and **Sharon Spikes** to the Central Brevard Parks and Recreation Advisory Board with said terms to expire December 31, 2026; appointed **Kristin Lortie** to the Employee Benefits Insurance Advisory Committee, with said term to expire December 31, 2026; reappointed **Brant Hoffman** to the Melbourne-Tillman Water Control District, with said term to expire September 30, 2028; and appointed **Rebecca Rockwell** and **Lorne Stinnett** to the Personnel Council, with said terms to expire December 31, 2026.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

### **F.5. Bill Folder**

The Board acknowledged receipt of the Bill Folder.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

**F.6. Requisition of Fiscal Year 2026 Budget - Brevard County Sheriff's Office**

The Board approved the requisition of one-twelfth of the Fiscal Year 2026 budgeted funds; and approved one-sixth of the budget in January 2026, and equipment (capital) budget.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

**F.7. Requisition of Fiscal Year 2026 Budget - Supervisor of Elections**

The Board approved the requisition of 25 percent of the Supervisor of Elections' Fiscal Year 2026 budgeted funds; and approved 6.82 percent of the total budget each month thereafter.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Thad Altman

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

**G. PUBLIC COMMENTS**

Reverend Johnnie B. Dennis stated first he wants to give kudos to Commissioner Katie Delaney for honesty, swift action, her professionalism, and being a servant for all the people; and with her quick thinking and action, West Cocoa did not flood during the rain, just the streets. He went on to say he is there to speak on House Bill (HB) 1365, the homeless crisis; just over a year ago, the Governor passed an unjust law making being poor and homeless a crime, which also makes poor human beings a commodity that can be bought, sold, and placed into jails to make a profit, he calls it modern slavery; these people work in the Sheriff's Office and the jail for free; once released, Sheriff Ivey does not even give them a bus fare; records can show that he stood right here just over a year ago with suggestions on building a 24-hour homeless shelter and set up tent cities owned and operated by the County; there is a law that instructed the County to do so called HB 1365; the voters and taxpayers are sick and tired of a County government that caters to special interests and big business, having no mercy, no empathy for poor people; and elected officials should serve all the people like Commissioner Delaney does, she is seen all over the place working. He went on to ask how long will the Board disobey HB 1365; how long will the Board cater to special interests and big business; how long will it violate State law by ignoring it; how long will the voters and taxpayers all the Board Members to stay in office; and he noted the church goes into the woods to homeless camps, and their number one question is why are they there. He stated the number one answer is there is no affordable housing; 65 percent of those people in shelters have good jobs, but no affordable housing; help the poor and the homeless get back on their feet; this Board has got to start obeying HB 1365 or State law or he or she will be a one-term politician; if anyone does not understand it, he will read it out to them; the bill authorized counties and municipalities to designate public property for public camping or sleeping by a majority vote, such designated properties must be certified by the Department of Children and Families that the local government and properties meet certain requirements; and it may not be used continually for one year except for properties in fiscal constraint counties that make certain finance must meet specific minimum standards and procedures. He noted the County leases to the Brevard County Sheriff 54 acres for a 10-year lease at \$1; if it were to put a fence around the gun range and take 25 acres, it could take 10 acres, and have a tent city under the County's name; those people that are in there put them in jail where they belong; and the other 15 acres

can be a homeless shelter, County-owned and operated.

Theresa Clifton, Executive Director of Brevard Humane Society, stated she thought she would share with Brevard County what a true grassroots organization non-profit looks like; the Brevard Humane Society was created in 1952 by a group of concerned citizens, about the homeless animals in the community; a lot of people know that story and a lot of people do not; what people do not know is that the building on Cox Road was built in 1962, one can do the math to know how old it is, but it no longer serves its purpose; five and one-half years ago, she set out to raise the money, as a true grassroots, if the community supports them, they will find a way to get things done; she came to the Board a few months ago when there was an issue with the North Animal Care Center, and this is the Humane Society's answer, as she displayed a photo; and she explained this is a rendition of what they are doing their ground breaking on, after raising \$3 million. She went on to say Lloyd Construction is now going to be building this to make their facility more inhabitable, so what they had in 1962 will live on for another 100 years, hopefully helping homeless animals in the community; this is going to hopefully be done in six months to one year; Lloyd Construction is guessing, but it never knows what it will come across; they will tear down the front of the building and rebuilding it so the animals will have a place to stay; they still reduce the numbers of homeless animals in the community by spaying and neutering and adoptions and fostering; this will be another part to the answer; it is not costing the taxpayers a dime; the people in the community who support the animals are putting their heart, soul, and money into it for the animals and for the Humane Society to be able to do this; that is how they operate; and she wanted brag a little because if people do not brag about themselves, no one else will. She added this is the community at work, something they should all be very proud of; and the groundbreaking is next Friday, October 24, at 10:00 a.m.; the community is invited to attend; they are very proud; this will hold more animals and they will be able to help more animals in the community; they are a solid foundation that will continue to do the work it does without having to have taxpayer dollars pay for it; and they are all very excited for it.

Pam Avery stated she has one thing to say and that is to ask the County Commission to give clear direction today to the County Manager and County Attorney's Office to investigate and document the District 1 Commissioner's actions and possible Charter violations since taking office, so she may be admonished by this Commission for her conduct. She noted she is just waiting for a motion.

Chairman Feltner advised he does not think the Board does motions on public comments; and he asked if that is it for tonight.

Ms. Avery noted that is it.

Jesse Wright stated he would like to thank the Board for the approval of the first tranche of the \$2.4 million for his project; if it was not for the Board's approval, he obviously would not be getting that; he has passed out a pamphlet with some talking points; unfortunately, the project is on halt right now, he cannot move forward; what has happened is that the 22 acre property at 3550 South Washington Avenue was a continuous lot which was separated into multiple parcels; because of that, getting financing these days is extremely difficult, contamination and issues are the main issues right now that the lenders have; he was in front of the Board August 8 and Chairman Feltner asked him to meet with Commissioner Delaney which he has done; and he is now asking what is the next step, this is under the Board's jurisdiction, and he is not getting much help from the City of Titusville. He went on to say it has been approved through the Tourist Development Council (TDC) unanimously that the City get involved, but it has not, unfortunately; he has no choice, turn to page three, to move forward on creating a petition for all the neighbors and the residents to disclose that there is contamination on the ground and get them involved; once that is done, then he will have to turn to the environmental attorney to

decide which entity to sue; he has sent multiple emails to Amanda Elmore, Natural Resources Management Deputy Director and he is really hoping that something is going to happen with Board approval; otherwise, this project is going to be sitting there for a long time to come. He noted this is a \$240 million project that definitely helps the city and the County; it will bring close to 1,000 jobs, \$26.8 million would be added to the North Brevard County GDP; these are the facts, he did not make it up; it has already been done in terms of a feasibility study; and that is why he is in attendance. He commented two months has passed and he is kind of used to this thing going on, it has been nearly 40 years; Mr. Liesenfelt has been great receiving and responding to his emails; the last thing he has heard and he saw from the Shell station on Cumberland and Country Club is that their environmental report indicated that the contamination and the water table is going to the northeast; maybe that is where Santa Claus is, but he does not think anything goes northeast.

Vern Blanchette stated he did not understand the structure of how this was done, he thought he would get to speak before the Resolution on Charlie Kirk, but that was taken care of; what he wants to say is thanks for recognizing him with a day, which is appropriate for a Christian Martyr like him, who laid his life on the line and it was taken from him; he had never heard of Charlie Kirk in any detail before he was assassinated; he started watching him afterward to see what the controversy was that got him killed; and it was simply that he was dealing outright in public on political and religious issues with college students; and it opened his eyes as he watched a number of these on YouTube, searched Charlie Kirk debates students or something like that. He mentioned it is fascinating to see the immense depth and width of his knowledge on all kinds of subjects that he had on instant recall that can be pulled up to answer a challenge; if people dig in there, he or she may have heard that college professors quite often are on the left side of politics and they impute that to their students; if one carefully selects the search criteria in YouTube, one can watch Charlie Kirk debate professors, and it is amazing; Charlie Kirk was sharper than professors, even in their own subject areas; people should watch that and he would encourage the Board to put that in and watch some of those interactions; and it was a loss to America to lose Charlie Kirk, he was that much of a brilliant mind. He added anyone who does that their eyes will be opened; and he thanked the Board for passing the Resolution.

**H.1. Petition to Vacate, Re: A portion of a Plat - Plat of "Harbor Colony" Plat Book 19, Page 16 - Merritt Island - DPS Development LLC - District 2**

Chairman Feltner called for a public hearing on a petition to vacate a portion of a plat, Plat of Harbor Colony, Plat Book 19, Page 16, located in Merritt Island as requested by DPS Development LLC, located in District 2.

Marc Bernath, Public Works Director, stated this is a petition to vacate a portion of a plat known as Harbor Colony; it is located east of Newfound Harbor Drive, located in District 2; it is so that a property can be developed as two single-family homes; as part of the vacate request or subsequent to the vacate request, they are looking to have two easements be approved, one to cover utilities and drainage Via Roma and Via Lugano rights-of-way and the other is a drainage, north /south flowage that goes through several lots, as part of Pelican Creek. David Burgio stated he lives on Via Roma which is an eye-shot west of this development; he has always seen this on the plot plan; Via Roma was designed to go all the way across, east to South Banana, and he was wondering why all these lots were left undone; when he did notice, his question is about the right-of-way; Via Roma was supposed to be extended eastward to South Banana; it is a 50-foot easement and he did not understand how someone could absorb that right-of-way; and he is just now hearing about the drainage because it is very sensitive, the watershed there because he does not want more water coming his way.

Chairman Feltner stated he understands, and he thinks that is what they are trying to take care

of; and maybe Mr. Bernath can speak to that.

Mr. Burgio noted it is a little vague; he knows there are 12 lots there; and looking at the two lots on South Banana, the numbers would be 818 and 1.

Chairman Feltner advised him that the Board is not rezoning this evening, it is just a petition to vacate...

Mr. Burgio interjected by asking if somebody is going to answer some of the questions that might come up.

Chairman Feltner noted if he is finished, the Board will let Mr. Bernath clarify some things.

Mr. Bernath stated the petitioner owns lots three through seven and lot 20 through 24, which is in the Agenda packet; what Mr. Burgio was asking about Via Roma is a 50-foot public right-of-way; the County has no intention to actually connect Newfound Harbor Drive and South Banana River Drive; as part of the partial vacate, the County is vacating Via Roma; but it is getting back a drainage and utility access easement so this way the existing utilities can remain and the County can get in there for drainage.

There being no further comments or objections, the Board conducted a public hearing, and executed and adopted Resolution No. 2025-128, vacating a portion of a plat, Plat Harbor Colony, Merritt Island, Florida, lying in Section 7, Township 25 South, Range 37 East as petitioned by DPS Development, LLC.

**Result:** Adopted

**Mover:** Tom Goodson

**Second:** Katie Delaney

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

**I.1. Staff Report, Re: Declaration by Florida Commerce of the Brevard Barrier Island Area Element and EAR-Based Amendments to the Brevard County Comprehensive Plan as Null and Void**

Billy Prasad, Planning and Development Director, stated this relates to letters that Brevard County had received from Florida Commerce declaring two actions that this Board has taken to be null and void ab initio, that is null and void from the beginning; these two actions are the adoption of the EAR-based Comprehensive Plan amendments and adoption of the new Brevard Barrier Island Element to the Comprehensive Plan; Florida Commerce determined that these amendments were null and void ab initio because it determined they were in conflict with Section 28 of Chapter 2025 190 Laws of Florida, better known as Senate Bill (SB) 180; this section of law restricts any jurisdiction within the disaster declaration areas of hurricanes Debbie, Helene, or Milton from proposing or adopting more restrictive or burdensome Comprehensive Plan amendments, land development regulations, or procedures concerning review, approval, or issuance of a site plan development permit, or development order prior to October 1, 2027; there is what he hopes, a fairly comprehensive report on the situation, attached to the Agenda Item; and there are a couple action items to discuss, but before getting into that he would like the Board's permission to go through a short presentation that he hopes will illustrate the timeline up to this point.

Chairman Feltner directed Mr. Prasad to continue.

Mr. Prasad stated on November 23, 2023, the first step in the EAR-based amendments took place and was a letter that staff sent to Florida Commerce which simply stated that staff had

identified that changes need to be made to the Comprehensive Plan due to changes in State law; within in a year of that, staff had to transmit the EAR-based amendments, and it turns out the Brevard Barrier Island Area (BBIA) amendments, which he will get into more later; on November 7, 2024, staff did just that; in January of 2025, Florida Commerce issued their Objections, Recommendations, and Comments (ORC) Report on both of those amendments; that is now very typical and is what one can expect to see in this process, and as part of that ORC Report; and for example, one of the things that Commerce suggested was that the County evaluate changing 'shoulds' to 'shalls' in the Brevard Barrier Island element, in other words, tighten it up a little bit, and one could argue, make it a little more restrictive. He went on to say meanwhile on or around May 1, 2025, Section 28 was added to SB 180 in the Florida Legislature; SB 180 prohibits local governments, such as Brevard County, from adopting more burdensome or restrictive amendments; on June 26, 2025, SB 180 was signed into law by Governor Ron DeSantis; on July 1, 2025, SB 180 took effect; however, that effect of Section 28 was retroactive to August 1, 2024, therefore, going back to the County timeline above it, that fits in before the transmittal; and even though this was not even thought of at the time the Board transmitted the EAR and BBIA amendments, it goes back to that date. He stated meanwhile on July 17, 2025, the Board adopts the package; turns out that did not mean much because as he said, it is retroactive back to August 1 and fits in right there; effectively, under Commerce's interpretation, that poisoned everything that happened from there on; everything from that transmittal forward is null and void as if had never happened; going back to what he had first said, on November 23, 2023, the Board had one year to make the transmittal; under Commerce's view it is as if that never happened; and that is why, as of today, they consider Brevard County out of compliance with the process. He continued by saying the County is not alone in receiving these null and void letters, so far seven jurisdictions have received such letters based on Comprehensive Plan Amendments and dozens of jurisdictions are having to roll back regulations and policies based on SB 180; putting aside the retroactive nature of SB 180, even if the County was just starting the EAR process now, it is based with a fundamental problem coming into compliance; one of the key statutory changes that has occurred within the past seven years that requires the County to update the Comprehensive Plan, is the Brevard Barrier Island Protection Plan, which institutes an Area of Critical State Concern (ACSC) in the South Beaches area; and under Florida Statute, these unique designations are implemented in places where "an area containing or having significant impact on environmental or natural resources of regional or statewide importance, the controlled private or public development of which would cause substantial deterioration of such resources", and the Brevard Barrier Island Protection Act itself, or in particular, mandates that the County do such things as institute regulations to facilitate prohibiting new shoreline hardening structures and reducing nitrogen contribution into the Indian River Lagoon (IRL), among other things; and in other words, the County would appear to be required to adopt more restricted Comprehensive Plan Policies and land development regulations in the ACSC, yet Florida Commerce has insisted on applying SB 180's prohibition against more restrictive regulations to the amendments. He went on to say clearly this is a quandary and staff is seeking direction from the Board on how to proceed; as a preliminary matter, first staff is requesting that the Board authorize the County Manager to execute any contracts and budget documents necessary to continue to utilize Bonnie C. Landry and Associates for planning services, as this group assists with technical aspects of development of these amendments, provides guidance to staff of procedural matters, and staff has been generally happy with the services provided to date; second, staff is asking the Board to consider the options outlined in the Agenda Report regarding preparing new amendments to the Brevard County Comprehensive Plan; he will note at this point, the Planning and Zoning Board, on their own volition yesterday, made a recommendation that this Board either join a law suit with other local governments challenging SB 180 or write a letter to the legislature requesting that the law be amended; staff has identified three options for moving forward with these amendments; first, prepare modifications to the EAR-based amendments but delay transmittal of both the EAR-based amendments and the BBIA element amendment until legislative amendments to Section 28 of SB 180 or until the expiration of Section 28, which is



October 1, 2027; in other words, wait and see what the legislature is going to do and act accordingly and prepare as much as possible in the meantime; option 2 is modification of the previously transmitted EAR-based and BBIA element amendments in a manner to minimize proposed amendments to existing policies in order to meet the requirements of Section 28 of SB 180; in other words, do what has to be done to get it through Florida Commerce's review under SB 180; and then, of course, option 3 is any other direction as directed by the Board.

Commissioner Adkinson asked if Mr. Prasad can tell her, by waiting and delaying the transmittal, what the most negative consequence for the County would be.

Mr. Prasad explained the only consequence that he is sure the County is facing and probably the only consequence for the time being, is that staff cannot process publicly-initiated Comprehensive Plan Amendments that is distinguished from privately initiated amendments that are typically seen in Zoning Agendas, those the Board is in fact, required to process regardless of being out of compliance; and this would be, for example, if a public agency, Board of County Commissioners needs a land use change, it could also be if any of the Board desires to initiate some text change amendments, it would prohibit staff from moving forward with things like that in the meantime.

Commissioner Adkinson asked with the regards to the BBIA, what would be the most negative consequence of delaying.

Mr. Prasad stated any of the new policies that were proposed would not be implemented and it would delay the bigger...the most impactful thing on that process was going to be moving to the next stage which is implementation of the land development regulations, which cannot be done until SB180 is figured out anyway; he thinks it is important to note that existing regulations that are already in place will remain in place and will continue to be enforced; and for example, Policy 7.1 of the Coastal Management Element, which prohibits increases in residential density in the area, will remain in force.

Commissioner Altman asked in relation to the lawsuits that have been filed, what are some of the issues that are being challenged, he assumes expo factor would be one of them; and he asked if he is correct.

Mr. Prasad stated he has seen numerous basis of challenges so far; he has seen things about the natural resources clause, and procedural matters.

Morris Richardson, County Attorney, stated the retroactive application is one of the basis for challenges.

Commissioner Goodson asked Mr. Prasad which one he would prefer the Board to choose because he is much more knowledgeable than the Board members.

Mr. Prasad advised option 1, he thinks is the approach that would allow the County to keep in line with what was intended by a number of laws, not just the BBIA Protection Act, there are a number of laws, he thinks if the Board is looking to come into the best possible compliance; there has been plenty of movement in legislature already, although nothing has been officially filed; even the sponsor of SB 180 has said that he thinks there is going to need to be changes in the next session on Section 28; there is good reason to believe there will be legislative fixes; and he thinks there is a basis for saying wait and see before jumping the gun and making drastic changes.

Commissioner Altman inquired, if the County does not engage in lawsuit, other counties have and they rule in favor of those counties, he would assume those rulings would apply to Brevard

County as well.

Attorney Richardson replied yes. He mentioned to be clear, there are counts in some of the litigations that are out there that would be specific to that jurisdiction and something that they specifically adopted, but generally, in order for the courts to find in favor of the jurisdictions that have sued in one of those cases, the holding would be effective to the County as well; and in other words Brevard County could ride along without being a party to the suit, but would still benefit from the outcome of the litigation.

Commissioner Altman stated he wonders if Brevard's involvement in those cases would be helpful, especially since it is responding to a State law that was passed; and if it would be helpful in the bigger scheme of things, he would support engaging in those actions.

Attorney Richardson commented generally speaking, he thinks the only reason it would be helpful in the larger efforts would be if the County were to contribute significant resources in the form of either monetary support for litigation or attorney time and resources; if the Board is prepared to do that, it could potentially be helpful; his office right now would be strained to provide much in the way of meaningful support internally; but that is really the only way to be useful to the ongoing effort if they were able to contribute meaningfully in that way. He added this County does have an issue that is unique in the form of inconsistency with the BBIA Protection Act that could be raised separately at some point.

Commissioner Goodson stated if one knows anything about Tallahassee, they will send out all kind of crap that has to be changed again or multiple times until they get it right; and he asked if Mr. Prasad thinks this one will be different than the last one.

Mr. Prasad stated he knows there is a large upswelling of requests that this be fixed, not just from Brevard but from across the State; he does not know what the impact of that will be on the legislature; and he knows that Speaker Steve Crisafulli is aware of it and that he is going to be seeking to provide some assistance as well.

Attorney Richardson noted there are two sections of the bill; they have talked about 28 with the retroactive application, but there's also a section 18 that is forward looking so if another storm passes through and Brevard County is within 100 miles of its path, the County would be prohibited for a year after that event from enacting regulations that are deemed to be more restrictive or burdensome; that section carved out an exception for ACSC like the BBIA; looking at the legislation it is hard for him to make sense of it in any way, but to think it was an oversight that the same exception was not included in Section 28, which is the section with retroactive applicability; he thinks it would be best if 18 and 28 were repealed in their entirety, but that said, he suspects without having any crystal ball or great insight into the legislature, and what it will do, if he had to bet, he thinks there may be a correction to fix that portion, at least so that an exception is carved out for the BBIA statute and the County's ability to do that; and given that the legislature may be taking that up, he thinks it may be prudent to take a wait and see approach to some extent before the County were to litigate against the State on that particular issue, because it is sometimes said that the only thing worse than suing the State is suing the State and winning. He added sometimes just litigating with them may sour the waters, since he thinks there may be a movement to take up a glitch bill or something to fix what appears to be an oversight there; and he is not urging the Board at this time to sue over the BBIA issue that is more unique to Brevard County.

Commissioner Adkinson stated hers is a procedural question; and she asked when a motion is finally made, does the Board have to make two, one about the County's participation in lawsuit and then one about which option of transmittal it chooses.

Attorney Richardson replied the Board is not required to make any motion at all about participation in a lawsuit that was a recommendation by the Planning and Zoning Board of their own volition; they raised that issue, it was not a staff request; he thinks the only thing before the Board tonight is a request from staff for direction, there are the options given, including the third option, any other direction; but that is what staff is expecting from the Board tonight; it, of course, could make any motion it likes in consideration about the ongoing litigation; and there is no additional requirement for that. He remarked and with the contract, the County Manager is right, regarding the request for the ability to continue on with the contracted consultant.

Commissioner Delaney commented it would be fair to say that adding some potential muscle to this lawsuit would be, her colleague right here that helped sponsor this area of critical State concern, as a State Representative, and one would think that would bring a little bit more ump to the lawsuit; and she asked if that would be fair to say.

Attorney Richardson responded no, that is not something a court would consider; politically, yes, he thinks with the legislature, absolutely; but not with the courts.

Commissioner Delaney asked if it is possible that it might encourage others to participate as well; she thinks between the Live Local Act and then going forward with SB 180, it is getting more severe the encroachment on the County's Home Rule; it would be helpful if more cities and counties would join this lawsuit to tell the State; and there is a State Constitution that protects the County.

Commissioner Altman advised he thinks that is a very good point, and he has thought at length about it; he has been up there though when the State has been sued by local government; Attorney Richardson was correct, when the County files a lawsuit against them, it changes the whole way the County can interact with them, and the County is deemed as the enemy; if there is a chance that this thing could be amended in the legislative process, the County would probably have more of an opportunity to engage and have a voice if Brevard is not under a lawsuit, so he understands where he is coming from; and he would hope that if the County does not engage in lawsuit, maybe the Board can include this in its legislative packet so its lobbyists can really advocate for fixing the problem.

Chairman Feltner stated he thinks there are two things Commissioner Altman brought up, so he would like to ask a question; and he inquired what the chance is that this lawsuit is going to be decided prior to session ending the first week of March.

Attorney Richardson stated he would not say zero because he thinks in at least one of the cases there is a request for preliminary injunctive relief against the enforcement of the bill, so that is something that could potentially be put in place by a court on the front end; but he thinks the likelihood is pretty low that this is decided prior to legislative session.

Chairman Feltner noted there is probably just an order of operations here, let the legislature take this up, and if it does not work, then lawsuits will continue.

Attorney Richardson advised he thinks so, and if the Board recommended Option 1, which is prepare the modification to the EAR-based amendments, but delay transmittal, the Board would not be foreclosing the ability to sue at some point should there not be any legislative relief if it is determined by the Board that that is desirable to do so, so there is no compelling imperative right now to jump into the lawsuit; and the Board is not losing any right or waiving any ability to seek that relief should the legislature not come through.

Chairman Feltner stated sitting here are two former members, and he worked up there, too, is it fair to say that this is better to fix it in Statute than it is to have some State judgment; he thinks

the legislature has the incentive to take this up; and he asked if that was fair.

Commissioner Altman replied he hopes so, he would think so; and he would think the Board's voice would be a little different, because once the legal action is pulled, it changes the whole thing.

Chairman Feltner stated not for nothing, he thinks before going that far, the Board should consult with the folks working for the Board in Tallahassee to see what they think of that.

Commissioner Delaney stated if the Board gets through session, the legislature fixes the issue with the area of State of critical concern, the County is able to get the BBIA in its Comp Plan, but they do not do anything else; she had a lot of major concerns with a lot of things in the County's Comp Plan; she only brought the Flood Plain issue up because she just felt like that was the most important at that time; but there were things in there about potable water and different things in the conservation element; and she asked if the Board is still not allowed to go back and put different restrictions in place would it be able to then still join a lawsuit at that point.

Attorney Richardson replied yes, absolutely, it would be; take note that Section 28, the retroactive application, does expire eventually on its own terms; of course, there is always the opportunity for another storm to come by and extend that at any time by an additional year, but it expires on its own terms, the only thing unique to Brevard; what is happening is the application to the BBIA, because Brevard is the first area of critical State concern in decades; but if that is resolved by the legislation, then all of the other issues affecting the County's Comp Plan, those are all issue; the pending litigation that has been brought by other jurisdictions that will almost certainly if any of those litigations are successful, the County will be able to benefit from those without even being parties to the suit; but if the Board needs to at some point in the future to bring action, it could do that.

Jim Liesenfelt, County Manager, stated just to follow up on Commissioner Altman's comments, in the legislative packet they highlighted Sections 18 and 28; staff sat down with Speaker Steve Crisafulli to go through all the things and spent quite a bit of time explaining the issues with SB 180; he already knows Speaker Crisafulli understands it because on his own he has had a conversation with one of the representatives to explain the same situation; and he wanted the Board to be aware of that.

Ruth Amato stated she would like to take a moment and read the actual motion that was made by Planning and Zoning last night so the Board can hear it in its entirety and context; and she read, "I move that our Chair draft and send a letter to the Brevard County Board of County Commissioners recommending that they either join the lawsuit challenging SB 180 or draft and send their own letter requesting SB 180 be repealed or amended. This recommendation is based on the State's rejection of our recent Comprehensive Plan, which despite reducing previous restriction, was still deemed too burdensome to development. This action demonstrates how SB 180 effectively strips away our home rule authority and significantly impairs the ability of this board to carry out its responsibilities as intended by the residents of Brevard County."

Mark Shantzis inquired if anyone has called the sponsor of SB 180.

Chairman Feltner advised Mr. Shantzis that his time has started.

Mr. Shantzis stated that is a big question; this is an absolute mistake by legislature; it got done the last few hours during the session, it was thrown in; if anyone knew about it someone would have said by the way, stick it into Section 28, he stuck it in Section 18; the ACSC BBIA is on

autopilot and stands alone; if the Board engages into a suit having anything to do with that, with the bigger picture, the Board is throwing the baby out with the bathwater, regardless of what happens; he wants to differ with Attorney Richardson, it is not close to zero, it is zero; a judge is not going to rule on it before he or she hears what the State does; if they do it could get overturned; and they are not going to take the risk of it getting overturned. He continued by saying, they have been through this; Barrier Island Preservation Protection Association (BIPPA) has been doing this for 35 years; they have been involved with unconstitutional issues in suits; they have defended and litigated; they have been through all of these and found that a judge will almost definitely not declare it unconstitutional until he or she sees what happens; secondly, he must say that the County should file something immediately with the State, even if it is taking out all 40, 41, or 45 of the items they said were too restrictive; the County has then complied with the State; there were all kinds of references in all kinds of legislation that say there is 60 days for this and 90 days for that, 120 for that, and the County could be violating them by not refiling once the State says the County has these problems; at the very worst, the County should refile exactly what was filed, taking out every single thing that the State says is more burdensome; and after the dust settles, refile all the changes that the County wanted to change in another amendment. He noted he does not see what the problem is with that; he asked Mr. Prasad if that is a problem and noted that he could think about it; he stated this was a mistake that was done and clearly the County should let the legislation take care of the mistake; they are on board for that; he has spoken to people who say yes they are going to take care of it; he was at the delegates meeting where Debbie Mayfield said she was going to take care of it; Tom Wright shook his head yes, so this is going to get taken care of in terms of the BBIA; and the County has to be careful that it is not complying by not refiling as soon as possible once the State goes ahead and comments to the County, as it is required to comment in a certain amount of time. He added, "Let's comment, let's redo it, and let's send it in."

Commissioner Delaney asked Mr. Prasad if anyone has spoken to the representative that Mr. Shantzis has mentioned.

Mr. Prasad advised he has not called Senator DiCeglie.

Commissioner Delaney asked if the Board were to do Option 2, would staff just get rid of the language that staff sent forward last time and put in the existing language.

Mr. Prasad advised it will be a little more complex than that because the letter that had been sent back identified 40-something policies in the EAR, then they had rejected the BBIA outright; it is not clear, therefore, staff would have to go through the technical assistance process with Florida Commerce and essentially submit groups of policies at a time, have them sign off on each one, and have that back and forth; it may be possible in the end; it is truly impossible and that is the bigger issue, how far are they willing to stretch the Brevard Barrier Protection Act for the sake of SB 180; and they seem to be diametrically opposed.

Mr. Shantzis commented that is what Mr. Prasad's letter says, but that is not the indication that he has when he chats with people; the indication he has is that it is a mistake, it is going to be corrected, but it will not be corrected until the end of session, as Chairman Feltner had said, this session is going to go on until July again; the County could be in violation of answering something that the State has already told the County; if they had not said the reason that they want to reject it, ask them the reasons, let them list the reasons, and get on board with discussing this with them; and he reiterated to let them list the reasons, and throw out all those items and refile, but there has to be a discussion going on with the State and the sponsor's office as to how they are going to do this. He mentioned if the County is doing this in its quiet little box it is going to miss what is going on up there; and he will volunteer to interact with them.

Chairman Feltner advised the Board is going to move into discussion.

Commissioner Altman stated he does have a question; and just so he understands, he inquired how Mr. Shantzis' recommendation relates to options 1, 2, or 3.

Mr. Shantzis noted it is option 2, which would be to refile as soon as possible given that the County calls up the office up there and ask them specifically what it is that the County should refile; if the County is not told specifically what it should refile, it should go ahead and take a bunch of stuff out and refile it anyway, let them reject it again and ask again what it is; go through the process of interaction so the County is in compliance; the County does not want to be out of compliance by missing it by one day; the County has been through some of that in the past; and it is not a happy place.

Attorney Richardson stated just to respond to Commissioner Altman's question, the County has had that conversation with Florida Commerce; he thinks it is in Mr. Prasad's report; the County received a list of the proposed amendments which Florida Commerce felt were more burdensome or restrictive at least from the typical EAR proposal; Mr. Prasad was correct in saying that with regard to the BBIA, they had just outright rejected that, therefore there is no one reason that was pointed to, just in its totality it is seen as more restrictive and burdensome; and in his view, he does not think that the County can comply with the Brevard Carrier Island Protection Act and not be more restrictive and burdensome. He went on to say he does not know how the County ever could transmit anything that meets both the spirit of that legislation, but also complies with SB 180 that the Commerce can accept; they are going to have those conversations with Commerce; staff already had the conversation initially though with Stansbury and Commerce about the direction and path to proceed; he does not want to give the impression that staff has not made the outreach and has not had that communication; and Mr. Prasad has led that conversation and he has been a part of it with Commerce.

Commissioner Adkinson stated she knows that Mr. Prasad has been in communication because she has been in communication with him about this; she is not a fan of pushing something mediocre through, especially when she knows the legislators realize that they have made a mistake; there are people who are prepared to lead the charge to fix this; she feels like this Board should give them the opportunity to fix it and let staff send the thing in its entirety as it is intended to be so it can protect the BBIA and the rest as it should; and she reiterated she does not want to send something that is just watered down.

Commissioner Delaney asked if the County did wait, would it provide an opportunity to possibly look at some of the other elements and possibly make other changes as well. She commented she knows that is not what Mr. Prasad wants to hear.

Mr. Prasad replied assuming whatever fix happens does not change the status the County is in today, that chart he shows where everything disappeared, this staff is back at the transmittal stage; therefore the answer is yes; when the Board last heard this, staff could not make substantial changes because it was post transmittal and before adoption; and that situation would change to pre-transmittal.

Commissioner Delaney stated with that being said, she would be in favor of waiting and bring this up at another time once there is more information on what is going on; she would love the opportunity to talk as a Board in a workshop or special meeting where it could go through the elements and dive into it a little more, putting this Board's stamp on it with more refreshed public input and that kind of thing because there were a lot of things that made her uncomfortable; and the flood plane was the biggest for her. She continued by saying the potable water issue she knows in her district is a huge issue; there are a whole lot of other things too; but she would really love the opportunity to reopen this conversation to send forward the best thing staff can.

Chairman Feltner asked if the County were to send it up, he is playing devil's advocate, and legislature makes some substantial changes would the County have to come back and amend it again, or could it possibly be rejected again.

Mr. Prasad stated if staff were to follow option 2 and then they fix it, then the next time the County does an EAR, they will probably identify that it has to be more restrictive in the BBIA as well as other changes in State law.

Attorney Richardson commented in the interim the Board could process an amendment, if the Board did option 2 and they did a legislative fix, the Board would not have to wait until the next year-based amendment cycle; and it could transmit another amendment to implement the BBIA.

Mr. Prasad agreed; and added once the County is in compliance.

Attorney Richardson noted right now it cannot; that is the risk of option 1, if something comes along between now and whenever, the County is able to transmit fixes that would require the Board to process a government public initiated Comprehensive Plan Amendment; but staff cannot do that right now because it is not under a deadline where it is in danger of being out of compliance; the County is out of compliance because of the strange retroactive effect of this; and they are saying the County did not transmit within the year as required, even though staff did transmit, by operation of this law, it never happened.

Commissioner Delaney asked for an example of that and what it would look like realistically; she noted she cannot imagine a life and death situation, she is thinking more of staff not being able to proceed with building of some kind; and she asked if that is what the County is looking at.

Mr. Prasad replied affirmatively. He continued by saying there has been a couple conversations of a small area study, but if the County did that it would not be able to adopt any of the changes that come out of that study; and he does not know of any immediate reason why being out of compliance would cause significant impact on the Board.

Chairman Feltner stated it is his opinion that staff should wait, get it in the proper posture, and not potentially have a conflict with the State when there is the potential that the State is going to fix it.

Commissioner Delaney advised she will make that motion for option 1.

The Board acknowledged receipt of the report; approved Option 1, to prepare modifications to the EAR-based amendments, but delay transmittal of both EAR-based amendments and Brevard Barrier Island Area (BBIA) Element amendment until Legislative amendments to Section 28 of State Bill 180, or until the expiration of Section 28 (October 1, 2027); authorized the County Manager, or his designee, to execute any necessary contract amendments or other documents necessary to continue utilizing Bonnie C. Landry and Associates as the planning consultant to develop, adopt, and implement amendments to the comprehensive plan, in relation to EAR-based amendments and implementation of the Brevard Barrier Island Protection Act; authorized the County Manager to execute all necessary budget amendments; and authorized for staff to bring the Item back to the Board, if it reaches an amount of \$100,000.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Kim Adkinson

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

Chairman Feltner advised the Board to discuss the consultant.

Commissioner Adkinson stated her thoughts on the lawsuit is that the County should not participate; and if the consultant works well with Mr. Prasad, and he thinks it is the right way forward, then she thinks that is what the Board should do.

Chairman Feltner asked if anyone wants to make a motion to continue with the consultant...

Mr. Liesenfelt interjected by stating the motion would be to authorize the County Manager, or his designee, to execute any necessary contract amendments or other documents necessary to continue to utilize Bonnie C. Landry and Associates as the planning consultant to develop, adopt, and implement amendments to the Comprehensive Plan in relation to the EAR-based amendments and implementation of the Brevard Barrier Island Protection Act; and authorize the County Manager to execute all necessary budget amendments.

Commissioner Delaney inquired if that would have to come before the Board again if that was above the threshold that the County Manager is allowed to spend without Board approval.

Mr. Liesenfelt advised this motion would allow staff to continue on without bringing it back before the Board.

Commissioner Delaney asked so if it is a million dollars...

Mr. Liesenfelt commented he is not going to spend a million dollars on it.

Commissioner Delaney asked if the Board can place a dollar amount on it.

Chairman Feltner inquired what the County has paid to this point.

Mr. Liesenfelt advised approximately \$200,000.

Chairman Feltner asked if Commissioner Delaney wants the next \$200,000.

Commissioner Delaney asked Mr. Prasad what would be appropriate and if he has an idea of an amount.

Mr. Prasad stated it depends on what the fix is and how drawn out this becomes; he does not think that everything that has been done so far is going to go to waste; he does not think it is going to reach the same level, but he cannot guarantee that; and certainly, he can come back to the Board if it reaches anything close to that.

Mr. Liesenfelt noted if the Board has a level, staff will bring it back.

Chairman Feltner asked if she wants to half that to make her feel better.

Commissioner Delaney responded affirmatively.

Chairman Feltner stated he would feel better with that, too. He asked the Commissioner if that is the motion up to \$100,000 and above that staff will bring it back to the Board.

Commissioner Delaney responded affirmatively.



The Board authorized the County Manager, or his designee, to execute any necessary contract amendments or other documents necessary to continue utilizing Bonnie C. Landry and Associates as the planning consultant to develop, adopt, and implement amendments to the comprehensive plan, in relation to EAR-based amendments and implementation of the Brevard Barrier Island Protection Act; authorized the County Manager to execute all necessary budget amendments; and authorized for staff to bring the Item back to the Board, if it reaches an amount over \$100,000.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Kim Adkinson

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

**J.1. Approval, Re: County Commission District Office Awards, FY 2025-2026 Marketing Support Program**

Peter Cranis, Tourism Development Office Director, stated this Item is the remainder of the marketing support program grants coming back and the criteria defined \$20,000 per Commission District to award to events that did not meet the criteria in the original program; he does not have all of the details for each Commission office so it may be best if each Commissioner could speak to that; and other than that, he is happy to answer any questions.

Commissioner Goodson stated he would like to give \$5,000 to the Wizard of Oz Museum, \$5,000 to the Space Coast Art Festival, \$5,000 to the 38th Annual Veterans Reunion Memorial Wall, and \$5,000 to the Space Coast Birding and Wildlife Festival.

Commissioner Delaney stated she apologizes for not bringing forward her events; she is waiting to hear back from one potential event and she does not want them to miss out; and if it is alright with the Board, she will bring it back next Board meeting.

Chairman Feltner advised he does not see why she could not do that, and asked Mr. Cranis if she could do that.

Mr. Cranis replied it is his pleasure.

Chairman Feltner advised he had \$2,500 to give back to cultural but he wanted that to go to the All Veterans Reunion at Wickham Park for the moving wall.

Commissioner Altman stated his items are the same as last year, \$10,000 to Green Gables and \$10,000 to Field Manor.

Chairman Feltner stated he and Mr. Cranis talked extensively, and in the last calendar year the Board made an appropriation from the cultural grants for the moving wall in Wickham Park and it was a Godsend for them because the older gentlemen that ran that are cycling out and the newer Desert Storm guys are the young guys; they were faced with coming up with \$9,500 for the Park, so that went a long way; and what they are doing, if the Board could get there for the other \$5,000 tonight, he thinks that would be very helpful.

Commissioner Delaney advised she will put in \$5,000 towards that.

Chairman Feltner commented that is wonderful and he appreciates it. He asked Mr. Cranis if he is good on that.

Mr. Cranis clarified it is \$5,000 from District 2 and \$5,000 from District 1.

Chairman Feltner pointed out and the last \$2,500 from District 4.

Mr. Cranis stated so it would be \$12,500.

Chairman Feltner commented that goes a long way.

Commissioner Adkinson stated she is going to be the stick in the mud and simply say her funds are being returned because her understanding is this is money that is supposed to encourage tourists and this Board is currently giving money to entities that did not make the cut; her belief is that the Board either needs to change what its requirements are or, as in her case, choose not to give money in this way. She added not that she does not think that all of these are great entities, they are and she loves that they are in the community; but she thinks that what this Board needs to do is change the requirements.

Chairman Feltner commented the Board may revisit that in the future, but for the time being, it is moving forward with this.

The Board approved County Commission District Award allocations for the FY 2025-2026 MSP as follows:

- District 1 – All Veterans Reunion at Wickham Park - \$5,000;
- District 2 – Wizard of Oz Museum - \$5,000, Space Coast Art Festival - \$5,000, All Veterans Reunion at Wickham Park - \$5,000, Space Coast Birding and Wildlife Festival - \$5,000;
- District 3 – Opted to return funds to Fund 1446 - \$20,000;
- District 4 – Native Rhythm Festival - \$5,000, Melbourne Art Festival - \$12,500, All Veteran Reunion at Wickham Park - \$2,500; and
- District 5 – Green Gables - \$10,000, Field Manor Foundation - \$10,000; and

further, based on the facts specified, by approving this Agenda Item, the Board made Legislative finding that Tourist Development Tax funds are authorized for grants, pursuant to Section 125.0104(5)(a)3., Florida Statutes, and Section 102-119(3)a., (5)a., and (6)a. of the Brevard County Code of Ordinances; each of the tourist-oriented events have as one of its main purposes the attraction of tourists, and the entity and the Space Coast Office of Tourism both intend to ensure marketing and promotion of these events to tourists; authorized the Tourist development Office Director to negotiate and sign all necessary agreements and related documents, upon County Attorney's Office, Risk Management, and Central Services approval; and authorized the County Manager to execute all necessary budget amendments.

**Result:** Approved

**Mover:** Tom Goodson

**Second:** Katie Delaney

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

## **K. PUBLIC COMMENTS**

Commissioner Delaney stated she has a point of order question; she mentioned there have been some concerns about the Board taking a vote on the resolution without doing public comment; and she asked that the County Attorney let everyone know about that procedure.

Morris Richardson, County Attorney, stated in the County's presentations, reports, and resolutions section there is no public comment for those items on that portion of the Agenda; those are not considered true action Items of the nature where the Board is statutorily required to have public comment prior to the Board taking action; they are ministerial in nature;

therefore, the Board rules do not allow for public comment on those actions; and people can talk about them in public comment in later portions of the meeting.

Commissioner Delaney expressed her appreciation to Attorney Richardson and stated she just wanted that put out there for the public.

Annette Armstrong-Rutkowski stated she has some handouts; she has lived in unincorporated Brevard County since 1976; during this time, she has been active in the home building construction industry; she is a daughter of a builder developer, a mortgage professional, and 23-year small business owner, including a valued preferred contractor for Brevard County, as well as other local municipalities; she has served on boards and served as advisement projects for special interests such as local preference within Brevard County government purchasing and city councils; she is telling all of this to create a back story and share the passion she has for this community; she chooses to live here and chooses to be active in positive growth and advancement; and she chooses to make Brevard beautiful. She continued to say she currently lives in District 3, specifically Archie Carr the south barrier island sanctuary; unfortunately, she is coming before this Board to bring awareness to an urgent concern that she feels is being very misled in Brevard County; and a department that is being ran by interim leadership and with officers that interpreted their job description to fit their personal beliefs and not that of tax paying citizens, Code Enforcement of Brevard County. She went on to say over the course of two years she has been lied to, ridiculed, questioned, passed from one department to another with no clear answers, refusal of ordinance definitions, harassed, ignored, and prosecuted; during the September Special Magistrate meeting that she was ordered to attend, in listening to the many cases before her, it was becoming very unsettling to learn that she was not as alone as she thought, with many others being targeted; it is unsettling to know that surveillance by helicopter Code Enforcement complaint Brevard County officer Ashton Styron is using Brevard County Sheriff's Office (BCSO) helicopters to take aerial photos of different Code Enforcement complaints; this was not her home, however, the same officer, Mr. Styron, with the knowledge of acting Interim Director Denny Long, did orchestrate a Brevard County Natural Resources boat to navigate him to the waterway behind her home to take photos of the seawall he was investigating as being in Code violation; a seawall that was clearly from Brevard County archived Property Appraiser photos been in place since before she purchased; it is extremely concerning that Code Enforcement is going to such measures; and she asked if she could finish.

Chairman Feltner advised he is sorry but there are a lot of cards to get through.

Ms. Armstrong-Rutkowski noted the Board has her paperwork.

Jennifer Sizemore stated she is the Chair of the Democratic Executive Committee and is in attendance to condemn the passing of the Resolution naming today as Charlie Kirk Remembrance Day; it was mentioned earlier that perhaps this Board does not agree with everything Mr. Kirk has said, but a few positive comments do not outweigh the negative, hurtful, divisive things that he said; wrapping hateful rhetoric in Bible verses and passing it off as hard truths or real talk does not make it any less divisive, it does not make it moral, and it certainly does not make it right; he has said that highly-accomplished black women do not have the brain processing power to be taken seriously; and she is a highly-accomplished black woman, do not let the light skin fool people, she is a veteran, a mother, a child advocate, and a servant to the community and can assure people that she is neither an affirmative action pick nor is she lacking in intellect. She continued by saying he also said that the passage of the Civil Rights Act was a huge mistake; she could go on, but she knows her time is limited; comments like these are not just controversial, they are harmful; no, they are not taken out of context because for something to be taken out of context, the intent has to change when the context is added, and in what context are these comments ever appropriate, as they deem and devalue entire

groups of people that the Board, as elected officials, are supposed to fairly represent; and she has to ask are these the kind of comments that the Board Members agree or disagree with, because choosing to honor someone who says such things sends a message to women, to black residents, and to every marginalized group in Brevard County that their voices and experiences do not matter. She added what happened to Charlie Kirk was tragic and people mourn his death and celebrate his life as they choose, but Brevard County citizens deserve leaders who represent all of them, leaders who focus on bringing people together, not passing Resolutions honoring someone whose words divide the community. She commented and let people not forget that today would have been George Floyd's 52 birthday had he not been killed and that should remind people of the importance of justice, equality, and humanity; and values should always guide the decisions made in this chamber.

Kathy O'Neil stated she found out this morning that the Board was taking up this Resolution; she did not expect it to be voted or passed on before the public got a chance to speak, but she is sure the Board already had its mind made up; she can see where the Board would be motivated to honor somebody like that who people feel strongly about the tragic death, as everyone sees it as tragic; that does not wipe out the hateful, divisive rhetoric that he spoke during his time on this earth; many people in this community, and herself included, have been disparaged, denigrated, and talked down to by him; and she does not think the Board's action of elevating him to somebody, or of a place that people should respect, is worthy of Brevard County.

George Frazier stated he is a retired Colonel and the COO of Motivate Enterprises, the Program Director of the success center, and associate pastor of the Faith Life Outreach Christian Cathedral; he thanked the Board for allowing him to talk about a project that he is working on for October 19; he recognizes that Brevard County under this Board's leadership is booming; there are many people in the community, across the spectrum who are working hard and cannot meet the Alice threshold; they are working their butts off; and he is talking about the first responders, Sheriff's deputies, teachers, he is talking about great people who contribute to the fabric of this community, and some of them cannot afford to live here, get life insurance, or just do the basics the life. He noted that is the problem that he is talking about today; he also wants to talk about what he believes is the product and the solution; on October 19, they will be

hosting a Prosperity and Wealth Summit at the Flock; and it is a highlight for Brevard County because they are hosting a 15-city national initiative to bring wealth and prosperity to every zip code in the County and ultimately in the County. He went on to say how they are going to do that is the Prosperity and Wealth Summit Conference is about teaching people and talking to people about how to build their generational wealth, how to be able to afford homes, how to be able to breakdown the barriers associated with small businesses; it is one day that is going to kick off a series of other events, masterminds, where they are going to be able to equip people educationally, but equip them also with tools and the access to be able to overcome those barriers; he thanked the Board for the opportunity to talk about it and he also wants to ask for the Board's support; he knows it has already talked about its awards and funds for 2025; they will be continuing this in 2026; and he is asking this Board to help by sponsoring and being a part of it.

Chairman Feltner asked where this event is taking place.

Mr. Frazier advised it is in Rockledge at 217 Dixie Lane.

Commissioner Altman stated this is wonderful; and he inquired what the funding sources are now.

Mr. Frazier replied right now they are working with the City of Cocoa who is providing some resources, and some other insurance companies and private industry are coming forth to help them out.

Anthony Hatcher stated he wants to back up what Colonel Frazier said; he is also a retired Master Sergeant for the Army; he has been in this community after serving that amount of years in the military; he has also served 29 years as pastor and leader in this community; next year will be 30 years in this community; he has participated in a lot of events in this community; the reason why he is so passionate about this is because one of the most powerful tools that people can use is education; and as the Board knows, one of the most tragic things being faced today is financial illiteracy. He noted the programs that started even from the White House to the Governor's Mansion, all the way to the Board level, people are crying out for help to understand how to advance in life, succeed in life; they are trying to get 500 people in this event, but the people that are being reached cannot afford to pay for this event and that is why they need sponsors to help carry out the event; the people they are trying to change are going to impact this community; they are going to become positive contributors; and when he talked with the Chief of Police in Cocoa he said when people change their life by becoming a positive contribution to the economy it causes crime to go down, families become stronger, and communities become brighter because people feel a sense of accomplishment; and they feel a sense of significance. He mentioned he is not there to preach a sermon, but he is coming to ask the Board to consider supporting this event because it is a positive event for the community and it affects all races from all different walks of life; they have a multi-cultural ministry but they also started several years ago a success center which is a small business incubator that helps businesses get started, it teaches them how to start; that is a free training that is offered through that incubator system; and now they are expanding it to financial literacy to try to help different families rise up and to change their status and become a positive influence in the community.

Chairman Feltner pointed out if they talk to the Board with enough advance notice for next year, whether the County were to sponsor something or provide the venue, or something like that, it could certainly talk about that with more advanced notice.

Mr. Hatcher stated he knows it is the beginning of the fiscal year and they are in the middle of a government shutdown, but they wanted to have this opportunity to at least present the program.

Chairman Feltner noted he thinks that is smart, and he thinks for the future to come with a little more notice of the event.

Commissioner Delaney interjected by saying August would be awesome; and she asked for him to tell the Board where and when the event is going to be.

Mr. Hatcher stated October 19, at 2:00 p.m. at the Faith Life Outreach Christian Cathedral, 217 Dixie Lane, the Old Sears Town Mall, right on that street, sitting between where the blood bank used to be and U-Haul.

Justin Harvey stated he would like to suggest that Brevard County designate January 27, be national Gus Grissom Remembrance Day; Gus Grissom was set to be one of the first three men to set foot on the moon through the Apollo 1 mission launching from Brevard's very own Kennedy Space Center; unfortunately, before that could happen, an electrical fire broke out and killed astronauts Gus Grissom, Roger Chaffee, and Ed White during a training mission inside the capsule; the Grissom family had doubt from the official National Aeronautical Space Administration (NASA) ruling from the very beginning; even before Apollo 1, Grissom received

death threats which his family believed emanated from within the space program; the threats were so serious he was put under Secret Service protection and moved to safe house; according to his wife, Grissom warned her, if there was ever a serious accident to happen with him within the Space Program, it is likely to be him; but why, because Grissom was known to be critical and quite outspoken regarding NASA's ability to put men on the moon; and on January 2, 1967, he gave an impromptu press conference with media and stated they were a decade away from a lunar mission. He continued by saying this embarrassed NASA publicly; he was heavily reprimanded for giving this interview without permission; in another instance he was frustrated by not being able to communicate with someone just one building over and he said, "How are we going to get to the moon if we cannot talk between two buildings?"; most notably he brought a lemon and hung it in the space craft for all the news cameras to see, letting everyone know what he thought about the Apollo Program, again embarrassing NASA; and unfortunately, just five days later on January 27, 1967, Gus Grissom, Roger Chaffee, and Ed White were burned alive on the Launchpad when a fire engulfed the command module during a test flight. He went on to say Gus had told his wife that the Central Intelligence Agency (CIA) was spotted on the Launchpad the day before the fire and they had never been there before; the CIA also came to the Grissom home and seized his personal documents, including a report he had planned to give to his Senator; they raided the home and confiscated the belongings an hour before they had notified the wife of his death; and in recap, Gus Grissom was embarrassing NASA in front of the media, calling the rocket a lemon, receiving death threats, warning that something could happen to him, then the CIA is seen on the Launchpad for the first time ever, and he is dead the following day. He added ladies and gentleman of the jury, it does not take a rocket scientist to see that there is foul play and a cover up going on here; his wife and sons fought tirelessly for years to get the answers surrounding his death, constantly being met with resistance; and to this day, they maintain that the fire was started deliberately. He asked did NASA and the CIA murder three astronauts and cover it up; the public deserves to know the truth; he commented his hope is this day of remembrance will shed light on what really happened to these three men and get their families the justice they deserve; he will also be sending a formal request to the federal government to reopen this investigation; and he hopes the Brevard County Commission will help in that effort.

Donna Glann-Smyth stated she is nervous she has never done this before but she cannot be silent; as a veteran of nine years, her son is also serving, her father served, her father-in-law served in three wars and died young because of Vietnam; she believes in the American principles of fairness, equality, compassion, and humanity; however, she needs some clarification when reading the Resolution for Charlie Kirk; she wanted the Board to clarify what beneficial impacts, what just cause, and which of his conservative principles are admirable because this is not the gist of what she gets when she sees some of the quotes that he made; he wanted, at one point on his show, public televised executions; she is not sure if the Board would like the County to go into the dark or middle ages again, but that was kind of crazy; and then he said the following about Nancy Pelosi's husband's attacker, "Why has he not been bailed out? If some amazing patriot out there in San Francisco or the Bay area wants to really be a midterm hero, somebody should go bail this guy out." She inquired what kind of people does he want executed; does he not want people who hit other people over the head with hammers because they have different political views; and she is thinking those executions might not have been fair, if he ever got his wish. She mentioned she is a scientist and there has never been any evidence that the melanin content of one's skin, the chemical that makes a person tan or gives people different complexions, that the melanin content when it increases it does not affect competence or intelligence, so why would he say things like, "if I see a black pilot I'm going to be like, boy I hope he is qualified"; she asked what airline is going to put a pilot with millions of dollars' worth of airplane, put people's lives at stake, and staff's lives at stake to somebody who does not know how to fly a plane or is not qualified; someone mentioned his quote about black women and that they do not have brain processing power to

be taken seriously, they have to go steal a white person's slot, he was talking about Supreme Court Justice Ketanji Brown Jackson and other people like Michelle Obama; she asked how is this American; how does this make it good; how can this Board praise a guy and give him his own day when lots and lots of other people have been shot and killed in this country; she commented she does not get it and maybe the Board can explain how this is an American ideal, and how saying the worst mistake ever made was passing the Civil Rights Act in the 60's; and she commented this is insane or she is insane, she is not sure which.

Julia Anton stated a lesson her father taught her, skin color does not make anyone special and does not make anyone less; it is neither a reward for being special or a punishment for being less than; it is just what one was born with; the things her Bible taught her, do not bear false witness against thy neighbor, do not take the Lord God's name in vain; what her childhood Sunday School Teacher taught her, being nice to people who look like, think like, or sound like one, is easy, that is not even a measure of who someone is or what someone is, it is how one treats people who are different than themselves that determines one's character; something else Jesus taught her, do unto others as one would have done unto themselves, love the neighbor as one would love themselves; and something America taught her, all are created equal and government is here to serve everyone, the brown ones, the white ones, the old ones, the young ones, the male ones, the female ones, the straight ones, the gay ones, the trans ones, the Christian ones, the Hindu ones, the Jewish ones, the Atheist ones, all of the ones. She continued by saying anything that does not honor that is not deserving and absolutely shameful; the question before this Board tonight regarding Charlie Kirk was not was he or was he not a racist or misogynist pig, the questions was who is this Board and who does it elevate; she asked does it elevate misogyny, racism, and sexism; does it elevate liberty and justice for all; and she pointed out that was the question before this Board and it completely failed the human decency test. She stated Kirk depended heavily on the false claim that being against white supremacy somehow equaled being anti-white; good grief what a bunch of horse hooey; bearing false witness against his neighbors was his thing, it was his habit, his trademark, his way of being, and he harmed people; he encouraged racists and he fed them; and tonight this Board did that too.

Ruth Amato stated she spent her morning at the St. Johns River Water Management District (SJRWMD) board and that is what drove her to come to the meeting tonight; she has been trying to talk with them and her last time there, they actually had their engineers get with Brevard County engineers and discussed the flooding in North Brevard County due to the extreme amount of stormwater that it takes from all of south County and other south counties on the St. Johns River; from that meeting what she learned was there is not a plan, not a model, they had not even thought of North Brevard; in two years there may be a model; today there is data proving this is happening; and what is needed is action from this Board to direct staff to find a solution for the stormwater south so it stops destroying people's land and flooding North Brevard. She asked if the Board knows that since the rains came, North Brevard takes all of the water because it bottlenecks on Lake Harney and every single discharge station south has over and above the State discharge regulation; it has discharged excessively since then, meaning that while the King tide stops the St. Johns River from flowing out, all of that discharge coming from all of those pumps, Tillman, Crane Creek, from the south, and normal stormwater cannot flow out of the St. Johns River because Astor was still flooded two days ago from it, it is going to bottleneck in North Brevard County; and she asked what it is going to do, it takes the entire Board, North Brevard residents, their homes, their values, and their heritage is just as important as Central and South Brevard and right now North Brevard is its dumping ground of stormwater. She noted that people need to come to the table and come up with viable solutions whether it is infrastructure with different drainage to drain out in different places so North Brevard's drainage gets out before South County drainage reaches North Brevard; North Brevard cannot take it all, and it is taking it all; it is costing people their land and their homes; she knows people right now that cannot even get down their driveways, they are coming out on

boats, and that is not going to change any time soon; this is a problem for Brevard County and this Board is for Brevard County; and staff needs the Board's direction to fix these issues.

**L.1. Jim Liesenfelt, County Manager, Re: Board Report**

Jim Liesenfelt commented go Hoosiers, ranked number three in the Country. He stated in all seriousness, the County has had a bunch of rain in the last week; he wants to point out to the Commissioners, staff, and the audience, there were a number of departments working on Saturday; there was the utilities Department, Emergency Management, Communications, Road and Bridge, who were all out working Saturday with the effects of all the rain; during the week there were Departments that faced a slot of difficulty because of the rain, just getting their jobs done, including the firefighters, law enforcement, Parks and Recreation, bus drivers, Mosquito Control, Facilities, chasing down items, and he is sure he is missing some others; looking at the pictures he wants give a very special thanks to the Road and Bridge crew, there was awash out in Mims and he thinks it is called Bailey Bridge which he assumes is a temporary bridge, they could not find one in time, so the Road and Bridge got together and it took about five hours but they got stranded people back connected to the road system; he could not be more proud to be associated with all of the County employees and the actions that they took over the weekend and through the week; and he thanked them for everything they did this weekend.

**L.3. Katie Delaney, Commissioner District 1, Re: Board Report**

Commissioner Delaney stated she wants to gives a shout out to Fire Rescue who put on an event for new technology and procedures and things of that nature in regard to Emergency Medical Services (EMS); it was so professionally done, informative, and had some really cool information; she learned a few things which she was happy about; she is sure a lot of people get Cardiopulmonary Resuscitation (CPR) training and things like that so they can help their neighbors; there was some incredible information that was there; it was an all day event and she could only stay for half; but it was still incredible and she wanted to give them a shout out. She mentioned over the weekend, on Saturday they finally had the ribbon cutting for the Valiant Air Command Event Space; it was a very well-attended ribbon cutting; there were many Veteran families, staff, volunteers, community leaders, and it was a great event; they are actually hosting their first event, she believes, this weekend; if anyone wants to have an event space that is going to be beautiful, air conditioned, heated, there is finally a substantial venue in North Brevard; and she wanted to highlight that. She went on to say her district had massive amounts of flooding; the County Manager brought it up, and the Public Works Director called it a blowout not a washout; the water was incredible and she is just so thankful for the Public Works staff for jumping in right away and working overtime; there were people with water in their homes in North Brevard, there was water all over the place, as well as in the south end of the County; the picture on the left is six-mile creek and that area just a couple months ago she was able to park her car there; the ditch over there is what leads out from Mims to the St. Johns and it is probably a good 15 to 20 feet deep in that picture; one of the public commenters had mentioned earlier, this is a thing that is being experienced in North Brevard; she knows throughout the County people are experiencing some flooding; the Eastern Regional Planning Council that she sits on, she was told by the Volusia representatives that they actually have a roundtable between the County officials, the elected officials, the city elected officials, and some of their staff, basically a roundtable so they can coordinate with flooding efforts and stormwater efforts; she does not know if that is something that can be looked into to see how this Board can plan with its neighbors to try to bring forward some common sense planning initiatives, stormwater initiatives; she knows the restrictions in the County are usually a little more severe than in cities, as far as building goes; maybe this Board could have a roundtable with them, explain what is going on and what North Brevard is experiencing because if they are building to a different standard, that results in more flooding for people to deal with, and that is not being a good neighbor; she knows that people cannot be forced to do anything; this would of course,



have to be a collaborative effort; and she just wanted to put it on people's radar because this is something that is not going to go away, it is only going to get worse. She mentioned the County is seeing 100-year storms, three or four in a year, maybe even more sometimes; she has seen three so far since being in office; she reiterated she just wanted to highlight Public Works staff, as soon as it was clear they were out there digging ditches so that some of the water could get flowing again, and filling in this massive blowout which was just incredible; and she was just so thankful for them. She commented the one last thing she wanted to bring up was the Planning and Zoning Board has asked the Board to either join the lawsuit or possibly write a letter; she heard the Board say they are not ready to move on the lawsuit, but she did not know if there was any support for writing a letter and share a heart with the legislature about how it feels in regard to home rule and SB180s effect on that, maybe that could be something this Board could share with them; and she asked the Board if that is something it can do.

Chairman Feltner commented it is his opinion that the Board should meet with its legislators individually and discuss that; he does not know that a letter on this at this time when they are considering the issue is the right way to go; that is his opinion; he talks to legislators all the time and he thinks that is what should be done; he thinks that is most meaningful; he is sitting there with two former members; and maybe they will weigh in on that as well.

Commissioner Adkinson stated she has had a lot of conversation with State Representatives and they are all onboard about fixing it; and she does not want to upset someone by sending a letter when she has already been told that they are working on it.

Commissioner Delaney asked if that is just in regard to the Area of Critical State Concern (ACSC) or is it the home rule issue in general.

Commissioner Adkinson replied it is all of it.

Commissioner Delaney stated she has heard the opposite and that is why she is wondering. Chairman Feltner stated he thinks the Board should wait until it sees a bill.

Commissioner Delaney replied, okay.

Chairman Feltner continued by saying the Board can decide from there wither collectively or individually; he does not necessarily wait for a Commission meeting to pick up a phone and call a legislator; and he thinks the Board can wait until it sees something tangible in the way of a bill.

#### **L.6. Thad Altman, Commissioner District 5, Re: Board Report**

Commissioner Altman stated at the last Transportation Planning Organization (TPO) meeting they had received some fantastic news and he thought he would bring it up here before the Board; under the Trump administration and the legislation that has passed, the staff at the TPO, and quoting them, never felt more positive ever than before, that it will very possibly get funding for the new Brightline rail station in Cocoa; he is extremely excited about that; it is a huge game changer for Brevard County and all of East Central Florida; and he hopes that the Board can do whatever is necessary to help make that happen.

Chairman Feltner asked if they mentioned specifically a federal grant that they are applying for.

Commissioner Altman responded affirmatively. He went on to say the amount of money that is in the federal budget to support rail and the Trump administration seems to be very supportive of what it is doing; that is positive news; and he does not have any more information, but he is sure they can get it.

Commissioner Delaney pointed out it is a new grant as well; the other one was sunset; this one is a new one that is coming from the Trump administration; and that is great.

**L.7. Rob Feltner, Commissioner District 4, Chairman, Re: Board Report**

Chairman Feltner advised the Board will finish up with the latest recruitment and spotlight video produced by Space Coast Government Television featuring Misty Shirah from Planning and Development.

Upon consensus of the Board, the meeting adjourned at 7:08 p.m.

ATTEST:

  
RACHEL M. SADOFF, CLERK  
THAD ALTMAN, CHAIR  
BREVARD COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board December 2, 2025.

## Kimberly Powell

---

**From:** Kimberly Powell  
**Sent:** Wednesday, November 26, 2025 3:20 PM  
**To:** Cathy Lively; Commissioner District 1; Commissioner District 2; Commissioner District 3; Commissioner District 4; Commissioner District 5; Morris Richardson  
**Subject:** 10-14-2025 draft Kim  
**Attachments:** 10-14-2025 draft Kim.rtf

Good afternoon,

Please see the attached minutes to be considered by the Board on December 2, 2025.

If you find a discrepancy please let me know prior to the consideration date.

Have a great weekend.

Kim

**Board Meeting Date**

10-14-25

Item Number: D. minutes

Motion By: KD TG

Second By: KD

Nay By: \_\_\_\_\_

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	