

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on August 6, 2019 at 5:01 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 5	Present	

MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

ITEM E.1., RESOLUTION, RE: HONORING AND COMMENDING THE FLORIDA WILDLIFE HOSPITAL AND SANCTUARY

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-120, honoring and commending the Florida Wildlife Hospital and Sanctuary.

A representative from the Florida Wildlife Hospital and Sanctuary expressed her thanks to the Board for the Resolution; present today is Owliver, the Great Horned Owl, that is one of many ambassador's going out to teach many people about the amazing wildlife that live in Florida; rehabilitating and releasing, to educating people to do cleanups; there are about 5,000 wildlife patients per year seen; if there is a named storm, it will make the numbers go up even more; volunteers have clocked in over 16,000 hours; that is a huge part of why so many amazing animals can be helped; and she recognized the many volunteers present today.

Commissioner Smith inquired how Owliver became to be the Ambassador. Chelsea Goss, Assistant Director of the Florida Wildlife Hospital and Sanctuary, Owliver came to the hospital in 2011 as a young bird; it is believed that he fell from his nest; his right wing is dropping slightly because he has a permanent injury that prohibits him from being released back into the wild; he can only fly very short distances and cannot hunt food for himself; he is the largest Ambassador animal; and the Great Horned Owl is the largest owl in the State of Florida.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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ITEM E.2., RESOLUTION, RE: RECOGNIZING WEST SHORE JR/SR HIGH SCHOOL STUDENTS MATT KISH, AUBREY TEGLAND, AND ABIGAIL WATSON FOR COMPETING IN THE MONACO MOUSETRAP CAR GRAND PRIX, 2019

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-121, recognizing West Shore Jr./Sr. High students Matt Kish, Aubrey Tegland, and Abigail Watson for competing in the Monaco Mousetrap Car Grand Prix 2019.

Matt Kish expressed his appreciation to the Board for the Resolution, to the West Shore Jr./Sr. High School Administration for supporting them, and to Florida Institute of Technology (FIT) for financing the whole thing; he stated he had heard about this while on a family vacation; he met the founder of the Monaco Mousetrap Car Grand Prix; he told his teach Jill Whitaker about it because he knew that she was the perfect fit for sponsorship; they got the parts and they made a video out of the trial run they created in the FIT gymnasium; the founder Marco Casiraghi attended the event; they made it to the finals and went on to Monaco to compete against other countries; and they ended up placing third, and he placed second in the video competition category.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.3., RESOLUTION, RE: PROCLAIMING THE MONTH OF AUGUST AS FLORIDA WATER PROFESSIONALS MONTH

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-122, recognizing the month of August as Florida Water Professionals Month.

Kevin Shropshire, Region 3 and Region 7 Florida Water and Pollution Control Operators Association (FWPCOA) Director, expressed his thanks to the Board for the proclamation; and he stated FWPCOA is an organization of over 5,000 members Statewide of wastewater, stormwater, drinking water, operators, directors, fieldworkers, and employees keeping water, stormwater, drinking water, wastewater, and environmentally clean for the citizens, the County, and the State.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM E.4., RESOLUTION, RE: RECOGNIZING THE MERRITT ISLAND HIGH SCHOOL STANGSAT CLUB

Commissioner Lober read aloud, and the Board adopted Resolution No. 19-123, recognizing the Merritt Island High School StangSat Club for the StangSat satellite.

The StangSat Club introduced themselves to the Board.

A representative of the StangSat Club expressed her thanks to the Board for the recognition;

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she expressed her thanks to NASA Launch Services Program and to the mentors for the awesome experience for the students; she explained it came about by NASA coming to the School Board of Brevard County wanting to build a CubeSat with a school, Merritt Island High School was picked, and over the last nine years it has been working on a CubeSat; one was launched in 2013; they built another one; and it was picked to be on the Falcon Heavy Rocket this year. She went on to say it was an incredible opportunity to build a satellite at the High School level on the Space Coast, and launching the same year as the 50th anniversary of Apollo 11; the Club is getting data and NASA is looking at it; the data measures the shock and vibration of the Rocket for future CubeSats, so they know how strong to build it for cost measures; and if it is too strong it is a waste of money and if it is too weak it breaks.

Chair Isnardi asked that the Club share its progress with the Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.1., APPROVAL, RE: CAUDILL ORTHODONTICS STORMWATER DRAINAGE EASEMENT FROM PORADA DRIVE HOLDINGS, LLC AS REQUIRED BY SITE PLAN 18SP00016

The Board approved and accepted the Stormwater Drainage Easement from Porada Drive Holdings, LLC, for property located at the southwest corner of Stadium Parkway and Porda Drive, Viera.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.2., APPROVAL, RE: SANITARY SEWER EASEMENT DEDICATION FROM CHATEAU MADELEINE, LLC, AS REQUIRED BY SITE PLAN 14SP00981

The Board accepted the Sanitary Sewer Easement from Chateau Madeline, LLC, for property located near the southeast corner of North Wickham Road and Pineda Court.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.3., FEDERAL AVIATION ADMINISTRATION (FAA) AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANTS FOR TAXIWAY A - ENGINEERING DESIGN PHASE IMPROVEMENTS

The Board approved the FAA Grant #3-12-0144-011-2019, and pending FDOT Public Transportation Grant Agreement for the engineering and design phase for widening and lighting Taxiway A at Valkaria Airport.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.4., APPROVAL, RE: CONSTRUCTION MANAGER CONTRACT WITH RUSH CONSTRUCTION, INC. FOR SHORELINE STABILIZATION AT FISHERMANS LANDING

The Board authorized the Chair to execute all related contracts and authorized the County Manager to execute necessary Budget Change Requests related to the shoreline stabilization at Fisherman's Landing.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.5., APPROVAL OF AMENDMENT, RE: AT&T PRICING SCHEDULE - E911 SERVICES

The Board approved a Contract Amendment with AT&T for backbone switched Ethernet Services for the County's Enhanced 911 system; authorized the County Manager or his designee to execute the Contract Amendment; and approved all subsequent budget change requests, amendments, edits, or other as needed, subject to approval by the County Attorney's Office and Risk Management.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.6., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.7., ACKNOWLEDGE RECEIPT, RE: TAX COLLECTOR RECAPITULATION AND ERRORS AND INSOLVENCIES REPORTS

The Board acknowledged receipt of the Tax Collector Recapitulation of the Tax Roll (DR-502) and Errors and Insolvencies Report (DR-505) for the 2018 Tax Year.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.8., APPROVAL, RE: PERMISSION TO ISSUE ANNUAL SUPPLY BIDS, PROPOSALS, AND REQUESTS FOR QUALIFICATIONS (FY 2019-2020) AND/OR NEGOTIATE COMPETITIVE AGREEMENTS

The Board granted approval to perform the following actions regarding the attached list of commodities and services for Fiscal Year 2019-2020: 1.) Solicit competitive bids, quotes, and/or negotiate competitive agreements and award to lowest, responsive, responsible, and most qualified supplier; 2.) Solicit competitive proposals and requests for qualifications, establish selection and negotiation committees approved by the County Manager (or designee); award contracts and/or open purchase orders with the highest ranked proposer; 3.) exercise renewal options upon evaluation of supplier performance, and recommendation from user departments/offices; this establishes that continuance of the contract is favorable prior to renewal of the agreement; and 4.) authorized the Chair to execute contracts and renewals over \$100,000 in total aggregate value, subject to prior approval by the County Attorney's Office and Risk Management.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.9., APPROVAL, RE: PERMISSION TO ISSUE OPEN PURCHASE ORDERS (FY 2019-2020) TO APPROVED VENDORS OF RECORD

The Board approved the use of State contracts, cooperative contracts, and other agency contracts as vendors on the Vendors of Record list; approved the use of the attached list of vendors of record determined to be single or sole source for the products or services as indicated; approved the issuance of blanket purchase orders and authorized the Chair to execute the resulting contracts to those vendors whose exceed \$100,000, subject to review and prior approval for the County Attorney's Office and Risk Management; and approved the competitive action in the event of unforeseen changes to the approved vendors and/or the cooperative purchasing programs.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bryan Lober, Vice Chair Commissioner District 2
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

ITEM F.10., APPROVAL, RE: ENTERPRISE RESOURCE PLANNING (ERP) AMENDMENT AND ORDER FORM TO SOFTWARE LICENSE AND SUPPORT AGREEMENT WITH SAP

The Board approved an Amendment to the current Software License and Support Agreement with SAP for an upcoming SAP database platform change on the County's Enterprise Resource

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Planning (ERP) software; and requested the Chair to execute all the documents relating to the amendment and order for with addendum.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

**ITEM F.11., APPROVAL, RE: DISTRICT COMMISSIONER
APPOINTMENTS/REAPPOINTMENTS**

The Board appointed/reappointed **Mark Wadsworth** and **Ian Golden** to the Planning and Zoning Board, with terms expiring December 31, 2019; and **Greg Minor** to the Parks and Recreation South Service Sector Advisory Board, with term expiring August 20, 2021.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM G., PUBLIC COMMENTS

Sanjay Patel stated he heard that a biosolids ban might be coming up on August 20; he is 100 percent in support of banning biosolids distribution in Brevard County, both the recent algal bloom in Lake Washington and the Hepatitis A outbreak made residents wonder if they are somehow related; House Bill 829 was voted for by all State legislators, it was passed this year, and it might impact any moratorium set here; and according to the *Florida Phoenix* "HB829 actually bans local governments from passing stronger ordinances, to restrict the land application of biosolids. The State Department of Environmental Protection is only just now setting some new State requirements for sludge spreading. Once those State regulations are done, that's it, State law applies everywhere and locals who might want tighter rules be damned. He inquired if it is possible for the County Attorney to let the impact of HB829 be known, and whether or not biosolids would be able to be banned in Brevard County. He asked if a moratorium was able to be passed, would it be preempted as soon as those Florida Department of Environmental Protection (FDEP) rules are finalized this year; hopefully, the attacks on Home Rule by some legislators have not irreparably damaged the ability to pass a moratorium here, locally.

Commissioner Lober advised Mr. Patel is correct, that it is set for this coming to the Commission meeting on August 20; he has not had a chance to speak with the County Attorney about the applicability, or the lack thereof, with respect to the House Bill; prior to that meeting he will speak with the County Attorney, and to whatever extent they can be banned is what he is attempting to do; and it may be lesser or greater, but he has not had a chance to prep with the application of that particular item.

Sandra Sullivan asked the Board for its advocacy to help protect the St. Johns and the drinking water by immediately installing a Kilroy for real time monitoring that will give algae monitoring, put a ban on biosolids, and protect the floodplain and wetlands from development. She stated the last time she was before the Board, she held up bottles of two tests done in Satellite Beach and South Patrick Shores of the chloroform bacteria; biosolids are associated with chloroform bacteria and pathogens; the Hepatitis A is showing on maps that may be a correlation; and it

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was found that there was an algae bloom and Melbourne Water was not honest because people went nearly one month of being exposed. She added one person in her community was hospitalized for respiratory failure; this is a very serious health concern for all; it needs addressing and attention put into some real solutions; more ways has to be found to prevent and to be more responsive when there is an algae bloom; and it is understood that biosolids are fueling it. She went on to say she saw a discussion on *Florida TODAY* about a slow implementation, which will not work; in her area there are issues with the water, there is almost no chlorine in the water; when heavy chlorine and ozone were injected in the water her bath water looked like a cesspool; and there is a Facebook video of it. She remarked she lost it and if the water is not safe, people need to be told; she would like for the Board to work with Melbourne about the water and their integrity of telling people when the water is not safe; she was told the water is safe and the stinky smell is from the pipes, which ended up being geosmin that goes hand-in-hand with the algae bloom; and she talked to an expert who told her that FDEP is not sampling the lake correctly, that the microcystin goes throughout the water column, and are only going to one depth that may not be picking it up so it is a health and safety issue.

Commissioner Lober advised what Ms. Sullivan is saying makes a lot of sense to him because he has had a fish tank for years; biosolids are the end product of sewage treatment that is dehydrated and condensed into a more solid form, essentially concentrated fertilizer; when looking at algae it needs a few things in order to grow, it needs either a phosphorus containing a nitrogenous compound that it can break down and make use of in order to grow; it needs light and it is obvious of the light that is out and about; and the biosolids themselves do nothing but ramp-up the nutrients in the body of water. He stated he does have that concern as well; and he expressed his appreciation for Ms. Sullivan coming in.

Ms. Sullivan stated not just the algae bloom it is fueling, but also the risk to human health because of the pathogens and chloroform; there have been many people who have tested their water in the last few months and found chloroform bacteria in the water; they had the audacity to throwback that it was their testing; and all of the people using test kits from Lowes and Home Depot were all wrong. She reiterated for the Board to advocate for their health and not just the banning of biosolids, but when people are hospitalized, on antibiotics, and kids get sick; and having safe drinking water is essential to life, and if it is not safe let people know so they have the option to go out and buy water.

Commissioner Lober advised when looking at the published agenda coming on August 20, is the possibility of pathogens is absolutely, explicitly there; it is something that he is concerned about; he does not have the expertise to tell any degree of scientific certainty exactly what the risk level is; but he promises those are questions that are very likely to come up on the 20th.

Ms. Sullivan advised she sent Commissioner Lober a video done by FDEP that talks about there are pathogens; and Dr. Borrelli said, "Even pigs don't drink from where they defecate"; and biosolids are being put next to the drinking water.

ITEM H.1., ORDINANCE, RESCINDING SELECTED COMPANIES' ECONOMIC DEVELOPMENT TAX EXEMPTION

Chair Isnardi called for the public hearing to consider an ordinance rescinding selected companies Economic Development Tax Exemption.

Katherine Wall, Special Project Coordinator, stated this is a request for the Board to consider adopting an ordinance that would rescind the Economic Development Tax Exemption for three companies that no longer qualify for the County's program; a certified letter has been sent to each company notifying them of this action; and the Economic Development Commission of Florida's Space Coast has also been notified.

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There being no objections or comments, the Board adopted Ordinance No. 19-17, repealing Ordinances granting certain Ad Valorem Tax Exemptions for failure to continue to meet the criteria for such exemptions; repealing Ordinance No. 09-02, relating to the Economic Development Ad Valorem Exemption granted to Geno, LLC; repealing Ordinance No. 15-25, relating to the Economic Development Ad Valorem Exemption granted to Project Taylor; repealing Ordinance No. 14-01, relating to the Economic Development Ad Valorem Exemption granted to MC Assembly; and providing an effective date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM H.2., RESOLUTION, RE: TEFRA HEARING - VIERA CHARTER SCHOOL

Chair Isnardi called for a public hearing for the purpose of the Federal Tax Equity and Fiscal Responsibility Act (TEFRA) for ability of Capital Trust Agency to issue bonds for Viera Charter Schools, Inc., Project, Series 2019, in one or more series.

Eden Bentley, County Attorney, advised this is the TEFRA hearing to allow bonds in the amount of \$15 million to be issued to Viera Charter Schools, Inc.; and there is a required script for the Chair to read aloud.

Chair Isnardi clarified this is not the County taking these bonds out for \$15 million, nor is it responsible for it; and she read into the record, "This is a hearing for the purposes of the Federal Tax Equity and Fiscal Responsibility Act (TEFRA), as required by Section 147(f) of the Internal Revenue Code of 1986, as amended regarding the possible issuance by the Capital Trust Agency of one or more series of its Educational Facilities Revenue Bonds (Viera Charter Schools, Inc., Project) in an aggregate principal amount of not to exceed \$15 million."

Attorney Bentley advised there needs to be polling of the audience to see if anyone has any comments.

Chair Isnardi asked if there is any person who wishes to speak for or against the bonds of the Project, should be financed thereby; and if anyone has received any written communications.

There being no objections or comments, the Board adopted Resolution No. 19-124, approving bonds for TEFRA purposes and the ability of the Capital Trust Agency to issue the bonds in a principal amount not exceeding \$15 million, and to loan the proceeds thereof to Viera Charter Schools, Inc., Project, a Florida not-for-profit corporation (the "Borrower"), to finance the acquisition, construction, installation, and equipping to an existing charter school facility herein described; and authorized the Chair execute the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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ITEM I.1., DISCUSSION, RE: TITUSVILLE-COCOA AIRPORT AUTHORITY (TICO)

Commissioner Lober advised this is a continued Item and he is concerned about a term that is expiring tomorrow for Titusville-Cocoa Airport Authority (TICO); he has not been on the Commission long enough to have a strong grasp on TICO as some of the other Board members have; he is hopeful the District 1 Commissioner would opine and give him some information of preference, as well as District 4 Commissioner because he has a vote on it as well; he has spoken with Dr. Hosley and some of the other folks who are interested in serving, and they all are very good folks; if the interest is in keeping it as it is, he is happy to do that; he has no concerns with the folks who are on the board; if the interest is just switching it out and having some new blood, there are good folks who are willing to serve; he is happy to go either way; but he needs a little direction because this is something that is a bit atypical or a rarity for him. He asked the Board for its thoughts because it would be very helpful.

Commissioner Pritchett inquired if Commissioner Lober wants to discuss other things along with this. Commissioner Lober replied the portion that is implicit in that, at least to a degree, is obviously there has been some negative media coverage; and he stated he does not know to what degree that concerns Commissioner Pritchett, and to what degree she thinks that that ought to be considered, if at all in evaluating what needs to be done. He went on to say he has met folks who are interested in serving; he has met the folks who are on there; they all seem to be very solid individuals; and he willing to go in whatever direction Commissioner Pritchett seems appropriate on this one.

Commissioner Pritchett asked for the public comments and then she will speak.

Jerry Sansom, TICO Chairman, stated he is present for if the Board should it need some background information; there was a time in the past where TICO was on the Agenda most of the time; in the past there were Commission Workshops scheduled that had troubles getting some Commissioners to attend; hopefully, that is all in the past; Dr. Hosley and Michael Powell, Chief Executive Officer, are present with him today; Mr. Hosley is a solid TICO member who he is hopeful that the Board will reappoint, because his experience is extensive and he is a critical member for the TICO team; and with that, he would be glad to quit.

Chair Isnardi inquired how long has that member been on the board. Mr. Sansom responded three terms; he stated he looks at it as a business, not wanting to get rid of the most experienced employee just because he or she has been there a little while, and are an asset by doing a good job; and Dr. Hosley has management experience that the rest can only dream of.

Commissioner Lober reiterated he has no concerns about the folks whom he has spoken with; he advised he is willing to go in whatever direction the Board is willing to go; but he does not feel comfortable, based on the limited experience he has, by pushing this too strongly in one direction or the other, unless he knows where the Commissioners are on this.

Commissioner Pritchett opined she loves the two men who are asking for this position; she has known Dr. Hosley probably 25 years now and Donn Mount probably 15 to 20 years; she has great admiration for these two men that are smart and passionate; at this time she feels the better fit is Mr. Mount, because he is willing to do it for a while and his expertise is really good; while there is a board that is pretty substantial, she thinks it is a good time to make a change; and that would be where she thinks she would like to go, and neither of these men would be a mistake being on this board because they are both great men.

Commissioner Lober advised he is happy to support Commissioner Pritchett on that; and he asked Commissioner Smith for where he stands with this.

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Commissioner Smith disclosed he has spoken to Dr. Hosley and Mr. Mount at length; he has taken into consideration Mr. Sansom's opinions; he agreed that the Board cannot go wrong with either one of these folks; he understands that with some new blood on the board, it might make a difference; and for that reason only, he is supportive of Mr. Mount.

Chair Isnardi explained for the public this is a board member appointed by Commissioners Lober, Pritchett, and Smith and Commissioner Tobia and she does not have an appointment to this board; she stated it is a good idea because term limiting some boards has been discussed; fresh eyes and ideas are good; there were some concerns by TICO; this is not a perfect system; and when the problem was seen with Valkaria Airport, the Board took care of it by doing an audit and made some changes that put it back in the right direction.

Commissioner Lober mentioned he was looking at ways for them both to be on the board; he asked Mr. Mount about filling the Titusville spot, but he is on another board that has a policy that prohibits individuals from serving on more than one board; and essentially, there was no way to split-the-baby, or get a buy one, get one free.

The Board appointed Donn Mount to the Titusville-Cocoa Airport Authority.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM I.2., DISCUSSION, RE: ADVISORY BOARD

Commissioner Tobia stated the Board had previously called a workshop that got postponed; this was dealing with a number of the recommendations that came out of his office concerning that, sans the Historical Commission which has been dealt with one way or the other; he expressed his thanks to Katherine Wall, Special Projects Coordinator, in the County Manager's Office for her exceptional work and detailed product; he formally recognized her before for going above and beyond, and she continues to impress with her quality of work; and he understands cutting certain advisory boards may sound harsh, he is sure that is a lot to do with why there are so many, and trimming the fat of boards that have little or no function does not limit participation. He stated if it is the desire of the Board, there is no loss of a single member on any of these boards, they can simply be consolidated, because they can either expand membership or centralize boards, or allow certain boards to create sub-committees like the Tourist Development Council (TDC) and the Economic Development Commission of Florida's Space Coast (EDC) does; by streamlining and consolidating the advisory boards they will be made more efficient because they will not be drowned out in all the white noise; and they need to be ensured that those who take the time and volunteer are not wasting his or her time by applying to advisory boards that rarely or if ever meet. He went on to say to illustrate how bloated the advisory boards have become, the neighboring counties all have less advisory boards than Brevard County; while Brevard County has 65, Indian River County only has 32, Volusia County has 31, Orange County, which has twice the population, has nine less boards than what Brevard County has; he provided the Board with a spreadsheet and he wants to deal with some cuts to boards, then potentially a new one that had a citizen bring to the Board's attention, as well as some consolidation; and he inquired if everyone has the handout he provided.

Chair Isnardi inquired if it is the one in the packet.

Commissioner Tobia responded affirmatively. He advised it has come to his attention that the

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County Emergency Medical Service Advisory Council is dealing with a potential agreement between two hospitals and it has become a little bit more active than in the past, and is now serving a pretty vital function that had not been in the past; and on top of that, the Brevard County Health Facilities Authority has a responsibility, though there is no staff cost with some bonds, it needs to be pulled off the list that he provided. He added the three left to deal with are Emergency Medical Service Review Committee, it looks as though that there is very little this board does; and after consulting with staff, it could be reconstituted should there be a need of certificate of public convenience. He advised the Brevard Extension Council, it is a legacy, it is redundant, and there are only a couple of meetings a year; and the board was created almost 50 years ago, and it advises of professors. He advised as he is a professor, one of the last things a person ever wants to do is advise a professor; he thinks this one has probably served its time; there would be a savings of a little over \$1,200; the Art in Public Places has a staff cost of almost \$7,900; it appears as though under new leadership the TDC is taking on a larger role and this could become redundant; the TDC Cultural sub-committee has expressed a willingness to expand their reach; and this is an opportunity to do that and thus reduce costs. He advised the other ones he wants to talk about are the Work Group for Innovation and Solar Energy Resources; someone had come into his my office, though he is not supportive of it, he said those individuals should have the opportunity to make their case for a new board; their case becomes a little stronger should the Board get rid of some boards that are either redundant or not used; and the plan that he outlined would consolidate the various Library boards, if there was a desire to create a sub-committee of the smaller ones, he would not be opposed, but having a consolidated Library board would certainly lead to efficiencies. He added a Parks consolidation with some of the advisory boards, in which there are four, have very similar geographic regions, but that certainly could create some savings; there are Environmentally Endangered Lands committees that could be consolidated down to one, definitely could reveal some sort of cost savings; once getting through that are the other suggestions that came out of his office were quarterly attendance reports because of a couple of instances where advisory board members had not shown up to meetings at critical times and when it is appropriate to consider a member as having resigned under a County Ordinance, in Section 2-213, and in Policy BCC-67 the replacement can be selected; it is not know that this has happened and that makes it very difficult for the Commission to make sure a quorum is met; and all this would be is quarterly attendance reports to the offices. He mentioned Commissioner Lober and Ms. LaSalle have been very stringent on term limits; he expressed his appreciation for that; it is important that ideas do not become stale, so term limits are one way to prevent that from happening; he thinks that is something that needs to be looked at with a bulk of these advisory boards; another one is dealing with the Information Technology department because it has jumped on this for a place to have all of the boards listed, as well as who is on the boards, the appointing authority, how long the term is, and the original appointment date; and if all that had been out there in one area, Ms. Wall would have been able to get through this quite a bit quicker, and the people who are interested in participating would have one resource where they could go, or where a Commissioner could send them when they call offices to decide which board is the best fit and which one had openings. He added all Commission offices put forward nominees and it might be a little easier to have just a generic common application so that when they are brought forward it might be a little bit easier, not only on the applicant but the board members as those come forward; with the consolidation, the quarterly attendance reports, the term limits, the Information Technology site, and the common application, he would like to open that up for some Board discussion; and whatever comes out of that make a motion to ask staff to move forward to make some of those changes.

Ronald Bartcher stated generally he is opposed to the proposal; there are some boards that he believes could benefit by being consolidated, but there are others that he thinks needs to remain as they are; this is a traditional approach to encourage citizen participation and that is what he whole heartedly supports; these advisory boards serve a vital role in local government; and the boards not only represent a demographic profile of a community, but they also provide a voice

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for many diverse interests. He stated democracy can only be realized when individuals come together across neighborhoods and economic lines in making community decisions; the Library advisory boards consist of residents in the area around each library, these board members understand the needs of each particular area; the needs and desires of patrons of the Mims/Scottsmoor Library are quite different from those of the Melbourne Library; and to eliminate this essential point of contact with the residents is only going to hurt the performance and effectiveness of the library. He mentioned hearing of a proposal to put all of those members together in one board, and five times 35 members on a board gets nothing done; that to him makes no sense; it is much better to keep these boards separate with the smaller number members; the Board needs to understand exactly what the different board members do; the board members on the North Brevard Commission of Parks and Recreation assigns several of the 39 parks to each its members; and on a monthly basis the board members visit every park. He advised worthwhile information is contributed and they give this information to the Parks and Recreation staff, which is a very worthwhile thing that happens; consolidation and increasing the workload of volunteers would not be a good thing to do; and there is good government in Brevard, so do not screw it up.

Chris Minerva inquired if there is a lot of cost attributed to each of these boards. Commissioner Lober responded affirmatively.

Mr. Minerva inquired if people get paid or just volunteer. Commissioner Lober replied the folks that serve are not paid to serve; he explained there are the staff costs in association with each.

Mr. Minerva stated representation is very important to the country from the start of its colonies, and local representation is very important; he understands that the Board would understand that in each of the Districts and areas they live in; what is important to the Board is based on an egocentric; he knows there is concern about others, but the first concern is about themselves; and it does not cost any more than what it has been in the past; and he believes they should be separate, as they are. He inquired if there is that much desperation for cost.

Commissioner Lober advised he will address this as best he can here, and certainly there is some solid points from Mr. Bartcher and Mr. Minerva with respect to the benefits of having some of these boards kept separate; the County is over 70 miles long from end-to-end, he does not know the folks in Parks and Recreation are doing this on a voluntary basis, and they really know a lot about the parks that are over an hour away; with respect to the libraries, one of the things that he thinks would be interesting is to look at really whether they are being appointed in the best possible way; and the bigger library board that is in his District is interestingly enough appointed in Tallahassee, and the Board does not get to choose. He went on to say be that as it may, he does not know if it is worth looking at having cities appoint folks to those boards, and if so, how many folks ought to be appointed, whether it is from a staff perspective rather than a political perspective better, and more cost efficient to keep it the way it is or to consolidate it; he thinks that is something that he would really want to hear from staff, which would guide him and influence him heavily in terms of what he would be willing to do with that; there are opportunities to consolidate some other items and save costs; and one in particular that he is supportive of is consolidating EELs. He added he thinks that is the one where the costs are reasonably high enough that it is worth doing; one item that is on the chopping block potentially is a \$35 staff cost which is so de minimis and minute, that he is not concerned about the \$35, but is concerned about thousands of dollars; and if that can be cut, he certainly would be in favor of. He stated he thinks it is a great idea to have quarterly attendance reports, presuming the boards meet at least quarterly; if they meet annually, there is no benefit in a quarterly attendance report, which he is sure has been contemplated; he is supportive of a common application; but he would really want to hear staffs input from the various departments as to whether or not this is going to create some unforeseen or potentially difficult to foresee problems, or whether this is something that has been tried and failed in the past. He continued to say that he does not feel

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comfortable making a political decision based solely on the numbers without having more information on some of these items; and he would be potentially open to axing some of these or combining some of these, but apart from EELs and consolidating that, he is just not there yet.

Commissioner Smith stated to piggyback on what Commissioner Lober just said, there are an awful lot of boards, and he is not familiar with most of them; when he has people coming to his office asking to be appointed to a board, there are not that many volunteers, and when he has one, he cherishes them because it is hard to find people for some of these boards; he does not know how important some of the boards are, but he does know that he is familiar with Parks and Recreation and Library; those people who attend those meetings are very loyal to the boards and to the community, and he thinks it would be a mistake for the Board to be tinkering with either one of those because he thinks the people that serve, serve proudly and they are very dedicated in their support of Parks and Recreation and library boards; and he inquired what to do with the rest of the boards. He reiterated he is not familiar with them; if somebody wants to propose some way of looking at these boards to see if in fact they are worthwhile going forward, he would be more than happy to support that; and he thinks the idea of attendance reports is a good idea as well, because then the Commissioners can look at the boards they support to see if people are showing up, and how important they are.

Commissioner Pritchett stated she is in agreement with Commissioner Tobia to remove Emergency Medical Services Review Committee; the Brevard Extension Office is appropriate to be remove, too; Art in Public Places, she requested if he would not mind bringing that back after the next meeting to see what kind of develops with some other things going on; she cannot mess with the Libraries, she attends the Library board meetings sometimes and they are heavily invested in the Mims/Scottsmoor and Titusville areas; Parks and Recreation are very faithful to Parks and they visit the Parks, so she is not in support of; the EELs needs to keep the main board; after talking to staff the other two boards could be made a sub-committee board; and another staff member also recommended maybe taking one person off the other two boards and just moving them up to the top board. She commended Commissioner Tobia for doing great work on all this; and she advised she spent some time trying to figure out who shows up at them, and how active they are.

Commissioner Tobia commented Ms. Wall spent countless hours going over each and every board, its creation, whether it was an act of the Board or whether it was State Statute, and the work product was absolutely fabulous; the County Attorney's Office had to juggle Statute in order to put this together; there were probably 15 other boards that he thought were worthwhile of ending, but whether it would be State Statute or other various reasons, he was told they should not be cut; and he would like to make a few motions.

The Board rescinded the County Emergency Medical Services Advisory Council and the Brevard Extension Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

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The Board rescinded the Brevard Extension Council.

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Tobia, Commissioner District 3
SECONDER: Rita Pritchett, Commissioner District 1
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

The Board consolidated the Environmentally Endangered Lands (EELs) while expanding the board with one member of each of the other two committees and then designate both of the EEL Recreation and Education Advisory committee and the EEL Procedures committee as sub-committees.

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Tobia, Commissioner District 3
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

The Board directed staff to look at whether or not there are any cost savings, not policy decisions, for the Library boards, Parks and Recreation boards, and Art in Public Places Advisory committees, and to bring that information back to the Board.

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Tobia, Commissioner District 3
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Isnardi stated she thinks this is a good idea, she is all about cutting boards; it is hard sometimes keeping vacancies filled; but the only thing that concerns her about the Parks and Recreation board is that a lot of times these are people who do travel, look at the Parks, look at the facilities, and report back of what is wrong; and she does not know if that is actually of actual value to the County if there are people actually watching these things.

Commissioner Smith mentioned that he spent a good deal of time at different Parks with his jet skiing and he has been in many counties around the State; he has been in many states jet skiing and he can tell the Board unequivocally that the bathrooms in the Parks are by far way better than other counties and other states; and he is not looking to step on any toes in Parks and Recreation.

Frank Abbate, County Manager, stated creating a system to provide updated information on the boards, the names of board members, who the appointing authority is, and the other information on that list has been completed and is internally on the website; there may be one or two items that are not on there yet, but he will have them added; he spoke with Information Technology earlier today and it has selected through purchase order for the external website as well, and transfer the information there which will make it easier for the Clerk as well to have all of this information; Commissions staffs will be able to easily see who is one each board and when the terms are expiring, which would be a significant improvement over where things were; and the IT staff has been working on that and he thinks it will be completed in the near future.

Commissioner Tobia added he would like to make a motion to ask the County Chair to have

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staff liaison give quarterly or annual, depending on the date, meeting reports to all Commissioners on attendance records of appointees or include this information as part of the database being developed.

Commissioner Lober inquired if in that motion for those committees is they meet quarterly; and if so, he will second it. Commissioner Tobia replied quarterly or annually.

The Board authorized each Commissioner's Liaison give quarterly or annual attendance record of appointees, depending on meetings, to be included in the database being developed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Eden Bentley, County Attorney, advised if there needs to prepare documentation to implement the vote of the Board, the Chair needs authorization to execute such resolutions.

The Board directed staff to draft resolutions or ordinances as applicable.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Tobia stated the next is on term limits, to direct staff to draft resolutions and ordinances as applicable to impose term limits of eight consecutive years or ten years in a 16-year period for all appointees designated by the Board for which there is not an ILA or MOU or contractual commitment precluding imposition of term limits on where the board is pre-empted by State Statute; term limits would not apply to those appointees of entities other than the Board though where possible the option shall be left to the appointing authority.

Commissioner Lober inquired if there are any concerns on that; he stated he would like to support it; but he just wants to make sure he is not putting his foot where it should not go. Eden Bentley, County Attorney, responded she thinks the existing Ordinances needs to be looked at, and align some things. Commissioner Lober inquired if the motion contemplates it coming back. Attorney Bentley replied affirmatively. Commissioner Lober stated he is happy to support it knowing that it is going to come back to the Board; and he will second it.

Commissioner Pritchett inquired if the Board already had this discussion a while ago that this was going to be done, except on boards where there was trouble appointing, and then allowing a little bit more leeway for the appointing Commissioner. Attorney Bentley responded the Board has done it on a couple of different boards; she stated she does not think there has been a uniform advisory board amendment at this point. Commissioner Pritchett stated maybe that can be made board-wide like what was done before. Attorney Bentley remarked that can be worked on.

The Board approved to impose term limits of eight consecutive years, or 10 years in a 16-year period, for all appointees designated by the Board for which there is not an ILA or MOU, or any other contractual commitment precluding imposition of term limits, or where the Board is

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preempted by State Statute, term limits would not apply to those appointees or entities other than the Board, though where possible, the option shall be left to the appointing authority.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

Commissioner Tobia stated it sounds like staff has already done most of the IT work as suggested; and he expressed his thanks for doing that.

The Board directed staff to develop a short and long form application for advisory board appointees; and authorized staff to prepare documentation for the Board's decisions, as needed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM I.3., APPROVAL, RE: INTERNAL AUDITING SERVICES

Steve Darling, Purchasing Manager, stated this Item is requesting the Board approve and accept the final recommendation from the Selection Committee to award a three-year term contract to Carr Riggs & Ingram, LLC and RSM US, LLP to provide the Internal Auditing Services to the Brevard County; authorized the Chair to execute the resulting contract upon review and approval by the County Attorney Office and Risk Management; and authorize the County Manager or designee to execute all contract renewals.

Chet Ellsworth stated he wants to address the \$1.5 million auditing services contract that appears to have a conflict of interest; this started out with RSM US, LLP, but apparently it is RSM US, LLP and Carr Riggs & Ingram, LLC as of recently; he reiterated there is an apparent conflict of interest; and he asked the Board to table the Item until something can be investigated. He added these types of conflict of interests can be resolved; the Board is the Legislative body of Brevard County that has the right to regulate the people who are involved with these conflicts; he told the Board there is one conflict here; and it may cross into some pending litigation if the Board is not careful with this.

Commissioner Lober remarked he heard nothing specifically articulated; and his motion will stand.

Chair Isnardi stated she is not sure what is being talked about; and it is hard and kind of cryptic.

The Board accepted and approved the final recommendation of the Selection Committee to award a three-year term contract to Carr Riggs & Ingram, LLC and RSM US, LLP to provide Internal Auditing Services to the Brevard County Board of County Commissioners; authorized the Chair to execute the resulting contract upon review and approval by the County Attorney Office and Risk Management; and authorized the County Manager or designee to execute all contract renewals.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: CHAPTER 122, WATERWAYS

Virginia Barker, Natural Resources Management Director, stated staff is seeking legislative intent and permission to advertise changes to Chapter 122, Waterways, to allow for the implementation of new slow-speed and idle-speed zones along the St. Johns River near the Highway 192 overpass; this is near Camp Holly where the Sweetwater Airboat Club resides; it has been coordinated through the Brevard Marine Advisory Council (BMAC), the Brevard County Airboat Club; and staff has coordinated with State and local law enforcement on the need for these zones; staff would like permission to advertise legislative intent to clean up outdated portions in the Waterways Code, which has not been reviewed since 1996; and there were a lot of Federal and State mandated zone changes in the Indian River Lagoon that conflict with what is in the outdated Code.

Curt McKinney, Camp Holly Airboat Rides, stated there is a problem out there; there are 104 weekend days each year and it is getting dangerous going out on the water; he does not want to be on the news talking about an airboat wreck at Camp Holly when it is really not his airboat wreck; he is mostly worried about his property being damaged and his airboat being slammed up; there has been nothing posted since the new bridge was built; most of this is all Florida Statute and it is supposed to be enforced; Florida Fish and Wildlife Conservation Commission (FWC) and St. Johns River Management District (SJRWMD) have picked up chicken ways to enforce; and he has been advocating this, and there is going to be a killing at that intersection. He went on to say the area has a lot of people and the average boat cost is \$60,000, which used to be \$5,000; people come out on the weekends and they are going to party; there are blind curves on the water; he provided the Board with a handout of his location of how a blind canal lead into another; he stated most of the Statues say to slow down; FWC says they are not going to enforce it because Brevard County Board of County Commissioners will not enforce it; the ball is in the Board's court and it needs to figure it out; he does not want to have to deal with this on his watch; he thinks this is something that is long overdue; and he does not know what else to do. He mentioned working with Matt Culver, Boating and Waterways Program Coordinator, and him bringing him buoys to put out; SJRWMD called and said to take the buoys out of the water because there is no Commission support; a lot of other areas had money spent to protect them; he thinks a little bit of money should be spent; and whatever the Commission can do is greatly appreciated, because it is only going to get worse from her on out.

Chair Isnardi stated that is why when Mr. McKinney visited office, she was like whatever the Board can do to help; and she does not know if there will be any opposition from what is being said.

Mr. McKinney remarked the public's best interest is in mind; he sees 25 to 50,000 people a year who are on vacation and having the best time of their lives; he does not know what to do; the waterways are getting so clogged and dangerous in Melbourne; the Board's support is needed; and it would be greatly appreciated.

Commissioner Lober mentioned being happy that the District's Commissioner and Mr. Culver are in support; Ms. Barker mentioned the need to clean up the Codes; and this sounds like a good idea.

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Commissioner Smith stated he is very familiar with the waters being talked about, because he spends a lot of time on the water; that one canal is a terribly blind canal and when getting to the end of it, he or she are in the St. Johns River; if a person is not slowing down and somebody else is coming the other way, one will be toast; he agreed it is long overdue; it is interesting as he travels around doing his jet skiing, the States of South Carolina and New Jersey has the same requirement of slow-speed under all bridges all of the time to 10 miles per hour or less; in this particular case it is absolutely necessary, because if a person is heading south on the St. Johns River and is not familiar with those waters, that boater does not know that there is an airboat camp on the other side, with airboaters coming and going; and it is extremely important that the Board do this.

Chair Isnardi stated she wishes Mr. McKinney would have visited her office sooner than he did; and she is happy to support it.

Mr. McKinney remarked he has been trying to do this since 2009.

Chair Isnardi advised she is glad Mr. McKinney had faith in his Commissioner to help; and she is sorry that it took so long.

The Board approved legislative intent and permission to advertise amendments and provide edits to Chapter 122 Waterways, to allow for the implementation of new slow-speed and idle-speed zones along the St. Johns River and strike outdated provisions within the Chapter.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.2., ACCEPTANCE, RE: NORTH MERRITT ISLAND (NMI) SMALL AREA STUDY DENSITY RECOMMENDATION

Commissioner Tobia stated on March 7th, he raised the Board the possibility of revisiting the decision regarding the density recommendations contained in North Merritt Island (NMI) Small Area Study (SAS); this study was given to the Board last November representing years of work by members of the NMI community; this kind of effort is not born out of idle curiosity; these people have watched as their homes flooded and their street turned into lakes after hard rain; and the Board has seen the pictures. He added the Board can visibly see the situation getting worse; by all accounts, the most critical of the recommendations was the recommendation to reduce the density of residential properties from one to one to two point five; and instead of adopting these recommendations, members of the community were given coins. He went on to say when he brought this up in March, Commissioner Lober requested a few months to discuss the issue with John Denninghoff, Assistant County Manager; while he understands this issue is complex, if the Board is going to act, the time is now; more developments are being planned every day in the area; and each one of these developments risks exacerbating the flooding and increasing run off to the Lagoon. He advised he would like to hear from the public; and he has a motion as the Board moves forward.

Chair Isnardi asked if Commissioner Tobia was making a motion now.

Commissioner Tobia stated he would like to make a motion, but he would like to hear from the public first.

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Chair Isnardi stated there will be a motion by Commissioner Tobia, but the Board will hold to see if there is a second after public comment.

Terry White stated if the Board is not aware of Joseph Court, it is down in a bowl, as a matter of fact, it is considered the bottom of the bowl for North Merritt Island; it was not always that way because the property he has, had one of the oldest orange groves on the Island; the earlier settlers did not plant the orange groves in the bottom of the bowl, because oranges cannot stand the water; and as a result he no longer has 100 navel trees, it has zero. He went on to say he has attended previous meetings and was told for years that there would be no further housing projects on North Merritt Island until something was done to handle the flooding issue and until schools were built on North Merritt Island; and needless to say, neither one of these has happened. He added he has met with County Officials, showed them around the area, answered their questions because he has lived there for 50 years; he noted he has hunted, fished, and walked almost every square yard of North Merritt Island from the Barge Canal, including on Kennedy Space Center (KSC), because he was one of the licensed hog trappers for KSC, so he has been all over the south end of KSC as well. He added he goes along with that, they have to cut down on the amount of houses up there, the density of two and one-half acres sounds achievable, and this area has not always flooded, in a hurricane it is expected, but like he said for 50 years he has been there and years ago hurricanes did not flood the areas that he is talking about now; it is all because of adjacent development, they say they are going to retain the water, but they only have to retain a certain amount of stormwater for a little while and then it floods onto all of the neighbors; and a lot of the canals up that way have been blocked. He explained that the water used to flow east through KSC to the Banana River, it no longer flows that way; now, unless emergency pumps are put up, all of the water on North Merritt Island from the Barge Canal has to flow out Pine Island; also if the Board is not aware, there are pumps on KSC that pump south to Pine Island; and he was told multiple times KSC pumps do not flow south, so since he is still badged to go out there, he went out there and they still pump south. He advised Mr. Denninghoff can confirm that they do pump water toward North Merritt Island, they need to pump their water west to the river instead of sending it all down to Pine Island; and he would like to thank the Board for allowing him to speak, and if it has any questions, he will be happy to answer them, as staff knows where his driveway is.

Commissioner Lober inquired who knows where his driveway is.

Mr. White stated Mr. Denninghoff does, they rode around together as well as previous County Commissioners have come out and they have ridden around to look at issues; and he has been dealing with this for years.

Kim Rezanka inquired if there was a new podium.

Chair Isnardi stated everything is new.

Ms. Rezanka stated there is no room at the podium anymore.

Chair Isnardi stated she should see the electronics at the dais.

Commissioner Lober stated it was certainly a welcome improvement having the screens up there.

Chair Isnardi stated it feels like a Planning and Zoning meeting with all the papers.

Ms. Rezanka stated she is not the applicant. She added she is present today to represent Crisafulli Enterprises, the RCB Family Trust, Estall Crisafulli, Joseph Crisafulli, Mary Crisafulli, Wayne Crisafulli, Chuck Crisafulli, and 782, LLC; all of these people and entities are opposed to

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the Future Land Use Change and to the approval of the recommendation number three and the Small Area Study; these individuals and entities have been involved in farming and cattle in North Merritt Island for over 100 years; most farming is gone now, property is limited to cattle, palms, and plant stops for nurseries; the Small Area Study Recommendation number three reduction in density is about factual support from a result and severe diminution to this property of her clients; and under those there are 2,400 acres in this Small Area Study recommendation. She added the County may also be looking at large damage awards for an inordinately burdening the properties of these owners that will be hit with these Future Land Use (FLU) changes; the first handout that she gave is from Bruce Moia, he is a member of the Local Planning Agency (LPA) and Planning and Zoning (P&Z) Board, she knows the Board received it, but with the avalanche of emails, the Board may not have seen it; the second handout is a smaller version of what the Board saw back in November 2018 when this was heard before; and she stated the very first page is the last page of the Small Area Study. She explained the yellow is the 2,400 acres that is going to be impacted by the Small Area Study recommendation; the second page is the actual recommendation number three, and it states that 2,486.14 acres will be impacted; this is more than 25 percent of the acres in the study area, and more than one-third of the acres of residential uses; and the next are the minutes from the meeting that she has highlighted, the Board at that time, except for Commissioner Tobia, stated they wanted more information, it wanted to wait until the NMI drainage study came out. She advised that study has not yet come out; Commissioner Barfield stated he wanted to make sure it was done right, and that science must dictate which needs to be done, and the Board does not have that science yet; the other documents are the addendum to the agenda from November 2018, where it stated the concerns of P&Z, and as the Board would recall, the P&Z and LPA did not make a recommendation on this because of the Board's direction; and the last two pages include a letter from herself to the Board requesting that her clients 271.6 acres be removed from the small area study and the future FLU changes. She explained this is bigger than her clients acreage; this is about property rights, about 2,400 acres that could be impacted, and the reduction of density without any facts to support it; these are lands that were developed by her clients as well as others, they worked the land and had the expectation that this would be their retirement; and it is not fair to those property owners. She mentioned the Board is looking at Bert Harris Property Rights, axe, a takings claim, because there is no State interest, and she asked that the Board do not accept recommendation number three.

Commissioner Lober stated in terms of Bert Harris, he is an attorney, but he does not practice government law, except for when he has to; and he inquired with respect to that if she was aware of any other municipalities, counties, or local governments of any variety have been held liable and have had to hand out damages or ordered to pay damages for either similar restrictions or minor restrictions.

Ms. Rezanka stated there is a case, she does not remember the name right at this moment, that deals with a similar issue where the County came in and changed the FLU and the court held that there could be damages; and she does not know what the damages are, but it was remanded back after being reversed.

Commissioner Lober inquired if it went back to the fifth, or whichever District Court of Appeals (DCA) it was.

Ms. Rezanka replied she believed it was the first or the third, but yes; and she does have that case and will get it to Commissioner Lober.

Chair Isnardi asked if Commissioner Tobia had a question.

Commissioner Tobia replied yes.

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Chair Isnardi stated his light was not on, so she was not sure.

Commissioner Tobia stated he was a little slow; he was reading the email from Mr. Moia, a professional engineer, and he looked that the highlighted section, the sentence below the highlighted section; and he inquired if he was reading it correctly if the issue is flooding, then increase the number of stormwater is required to be stored on the site, and if Ms. Rezanka agreed with that statement.

Ms. Rezanka replied yes.

Commissioner Tobia stated his thanks.

Phil Bennardo stated he is Vice President of the North Merritt Island Homeowners Association (HOA), and he is a 30-year resident of North Merritt Island. He added when he first heard about Commissioner Tobia's proposal, he thought it was great; their Commissioner, Bryan Lober, came to the HOA meeting last night and he went to great effort explaining the concerns about the Bert Harris Act; he is not an attorney, he thinks he tried really hard, and he still does not fully understand that; he does not feel that he is in a position to talk about that sort of thing; and he talked about a very serious concern with drainage and flooding on North Merritt Island. He went on to say it is absolutely getting progressively worse with the continuous approval of subdivisions and other things that keep coming and coming; without any formal study, he sees it happen every day, week, or year, neighborhoods that have never flooded are now flooded; there is standing water where there did not used to be standing water; and North Merritt Island has some of the lowest land in Merritt Island, probably some of the lowest in the County. He noted east of Courtenay Parkway is probably the worst; some of that is a coquina table, it is not very permeable, and there is maybe a few inches of soil, so it does not run-off that well; he can say that is absolutely a concern; and there has not been a hurricane or tropical storm yet, and he looked at a new subdivision yesterday and the surrounding area, the new subdivision is high and dry. He noted the surrounding area has standing water where there was not before; people have mud hogs in their yard pumping the water away; he knows it is a problem; and he knows it is a problem for the environment. He explained he can remember when the Indian River Lagoon was crystal clear with a lot of fish, and now it is a brown mess; there are back-to-back fish kills, so that is a problem; and as an engineer, he understands how good technical data can significantly improve the chances of getting this thing passed. He went on to say as urgent as the problem is, he would agree with Commissioner Lober, in delaying the decision based on three contingencies, first of all, make completion of this drainage study a priority, fund the drainage study; secondly, get the results in the next year, and at the same time, place a moratorium on all new growth until the results of this study are available; and number three, allocate adequate funding to address all of the existing drainage and flooding problems that there are right now.

Mercedes Carlson stated she is present as a voice for herself, her family, and her neighbors in North Merritt Island; they are asking that the Board please advocate for them, and the Board is their only hope; she was here last year begging the Board to not rezone this development on their street to 40 houses as opposed to 20, but the Board gave the approval; and that is the neighborhood that the previous speaker was talking about that is high and dry while everybody else around it has standing water. She asked that the Board put a moratorium on the development of North Merritt Island; they are asking what happened to the North Merritt Island stormwater management plan 20 years ago when they moved there; that was supposed to fix the problem, and it has not; she asked what happened to the Comprehensive Planning of 2.5 acres per residence to keep the density down on North Merritt Island; and she noted there are no new schools, in the 20 years since she has been there, and the schools were crowded when they got there. She explained her son had portables at Lewis Carroll on second grade; he is now 26 years old, and there are no new schools; she added they thought they were getting a

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new school, but they got a Dollar General instead; there is no new infrastructure for the roads to handle the Kennedy Space Center (KSC) traffic and the new neighborhood; there is a two-lane dead end street on Chase Hammock Road, with ditches on both sides; and now the Board has approved 40 homes to be developed right across the street from her. She went on to say the beautiful owl was brought in, but NMI has owls, too; the new neighborhoods are called Egrets Cove and Herons Landing, which is where they used to be but they are not there anymore because the trees have been bulldozed down, to put in new houses; she reiterated there are no new schools, no better roads, there is one way to get on and get off of Merritt Island which is a bridge; and if the bridge is not working everyone is stuck. She stated she has a pump in her driveway to pump out the water from the rain; there has been no massive hurricane in a while; there is talk about protecting the Indian River Lagoon (IRL), yet the Board keeps allowing for new developments; and there are 200 new homes on Hall Road. She stated she is begging the Board; she inquired if there is a thing that a resident can sue the County for letting the developers come and ruin the infrastructure, and flooding homes; and she reiterated by asking if there is such a thing for her to sue the County for letting the developers come and flood their properties, she was there first, and is someone who has been paying taxes.

Commissioner Lober remarked it is not appropriate for the Board to give Ms. Carlson legal advice that could potentially jeopardize the County.

Ms. Carlson expressed her thanks; she asked the Board for its advocacy in this matter because this is where she lives and she has been there for 20 years; she stated she is not seeing any improvements in the flooding; she asked what happened to fixing the flooding and the Comprehensive Plan of two and one-half acres; and she asked the Board to please help.

Darleen Hunt stated she has lived on NMI for 42 years; she expressed her thanks to Commissioner Tobia for initiating a proposal for tonight's Agenda regarding the density limitations for NMI and for informing residents about this issue last week; she expressed her thanks to Commissioner Lober for attending the HOA meeting last night and for assisting by expressing issues, concerns, and recommendations; and she expressed her thanks to Mr. Denninghoff for attending the HOA meeting and for speaking to help the residents understand the study going on. She advised the study has been going on for four years, by working towards the recommendations for the small area; now there are two years to wait for the results of the stormwater drainage model; it is believed that a request for a moratorium on the future density increases, until this final data is calculated and warranted; this information will directly affect the stormwater impacts to the IRL, to the residents on 10,665 acres which makes up NMI, and are boarded on three sides by water; and she requested a moratorium on all future zoning's that would increase the density on NMI, until the final results of the stormwater study have been completed, and are ready for implementation that is predicted to take place in the fall of 2020. She went on to say she is not asking to stop anything that is going on if it is already happening, but to stop any future zonings until the study; and then move forward.

Sarah Hodge stated she lives on NMI and she supports all the speakers so far that have given the Board information; she expressed her thanks to Commissioners Tobia and Lober, and Mr. Denninghoff for all of their information, care, and concern; large sums of money is spent to restore the IRL; she inquired why the density is being increased to the riverine floodplain and the wetlands; she pointed out the runoff goes into canals and directly into the IRL; the cost of the constant pumping to keep properties from flooding must be huge and it born by the taxpayers; the compensatory storage has not worked and is not working now; and she asked what the new methods are that are going to maintain the runoff from flooding the neighbor's property. She advised that she does not know, but she is hopeful the Board has something bigger that what it has had in the past because it does not work; many of her NMI friends have had their homes flooded; and she inquired how many more have to flood before something gets done to stop the flooding, and how many more have to flood before something is done to stop

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this. She stated she was flooded during the last Hurricane; her road and over 100 citrus trees were under water for over two months; that area never flooded before and her family has been on its property since the late 1800's; it has been handed down from the original homesteaders of NMI; she asked the Board to consider the damages that are caused by higher density in floodplain and wetland areas, they were made by God to protect and filter the rivers, and to protect the homes from flooding; she asked the Board to support the item from Commissioner Lober, that needs to address the flooding concerns of NMI, funding is needed to this, and the Board's help is needed in allocating funding to allow for expenditures to make improvements immediately, and to better respond during flooding and the hurricanes are coming. She stated she is hopeful for the Board's consideration and she is supportive of everything that has been so far for NMI.

Claudette Bish stated she is new the community and moved in one year ago in May, within three weeks she had over one foot of water in her backyard; she went by the Federal Emergency Management Agency (FEMA) Flood Map and she was not required to have flood insurance, because she thought she was not in a flood zone; as the water was creeping up to her house and it scared her; there was 14 to 17 inches of rain within a couple of days; and she feels it is not right to have that foot of water in her backyard. She inquired if Brevard County is doing the same thing as Broward County, by over populating it and taking away all of the land, and not understand why there is flooding. She agreed with everything that has been said tonight; and she asked the Board to look into not making the same mistakes as Broward and Miami-Dade Counties; and she asked for the environment to be thought about before overcrowding the area. She added it is a speed trap when going down Courtenay Parkway, with people coming in from work; there are only two roads and soon it is going to be bumper-to-bumper just like it is in Broward, Palm Beach, Miami-Dade Counties; the money is nice from the taxes; but is the sacrifice really worth the land.

Jack Ratterman mentioned watching the *Public Broadcasting Service* about documentary done on Dr. Deepak, who said "Ignorance was not learned from experience"; he stated everyone has learned from experience on NMI that when there is new development, it floods; he has never heard a resident on Merritt Island say oh, boy a new development is coming in and there will not be any flooding, when it is just the opposite; there used to be periods of wet and dry, and now it is mostly wet because of that it has adversely affected the wildlife there; he is backed up, against a reserve and when there were periods of wet and dry, there were huge flocks of American white ibis coming in; now the birds are not there because it is all wet; and when it was all dry, the water would shrink down and the fish would be in small ponds for easy pickings. He went on to say the water is at hurricane level and it is up to his stem wall now, and there is not a hurricane; it is being requested that a moratorium on future zonings, that would increase the density of NMI until the final results of the stormwater study have been completed, and are ready to implemented that is predicted to be in the fall of 2020; and Victor Hugo said "A house is built of logs and stones, of tiles and posts and piers, a home is built of loving deeds that lasts a thousand years". He added NMI cares about its community and the Board can tell by the number of times NMI residents have come before the Board; the decision made today is going to last NMI for a thousand years and the residents cannot change it; and he expressed his thanks to Commissioners Lober and Tobia, to Mr. Denninghoff and his staff, for giving several flooding tours, for putting up with all the complaints and questions for years, for bringing the pumps out, for staffing them, and for doing a wonderful job.

Mary Sphar stated she lives in Cocoa now, but she lived on Merritt Island for 30 years; fear of litigation from large landowners has influenced NMI zoning decisions for a long time; one result is zoning decisions that negatively impact the IRL and increased flooding on NMI; the Bert Harris Act was discussed several times during the Small Area Study (SAS) and in 2018 she requested, and received from the County Attorney's Office a list of Bert Harris claims dating back to 2001; this reality check identifies seven claims, five of which were dismissed or denied,

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one was resolved, and one was settled for \$160,000; one of the seven claims may resurface in the future, but is dormant now; and Brevard County lost only \$160,000 to plaintiffs during the past 17 years because of the Bert Harris Act. She went on to say while this past history cannot be extrapolated to predict the future, it certainly informs an assessment of legal vulnerability; she expressed her thanks to Commissioners Tobia and Lober, and Mr. Denninghoff; she does understand the need for caution and to make sure that the study is completed; and she supports NMI HOA request for a moratorium on new rezoning that increase density, and until the stormwater study using the model is complete. She added there are other things that can be done, Brevard County stormwater management criteria are over 25 years old, and dating back to 1993; in 2008 revised stormwater management criteria were drafted but never came to the Board for a vote; the 2008 revised criteria included special requirements for NMI; they are currently sitting on the desk of a staff member; she asked the Board to ask staff to ready them for the Board's consideration; and in the process add a requirement that post development nutrient levels not be greater than pre-development levels. She mentioned she recently found out that the City of Titusville's stormwater criteria are better than the County's; and it is time for the County to update its stormwater criteria.

Nancy Minerva expressed her thanks to Commissioners Tobia and Lober, and Mr. Denninghoff for all they have done, and for all they are going to do in the future; as a NMI resident she stands to be counted for someone who believes that there should be a moratorium on future zonings until the stormwater reports are completed, of that scientific data; she went on a stormwater tour with Mr. Denninghoff and many residents that was very helpful to her; there are pictures on the NMI HOA website of what was done; what she took away from the tour is how much is being done, but how many more resources are needed in order to do what Mr. Denninghoff has tried to do to limit the water; and she asked the Board to support Mr. Denninghoff in getting the needed resources to increase the pumps, to increase the staffing, and to handle the flooding out of people's homes. She remarked there is a lot of water and it is not hurricane season yet; and she inquired if the individuals who already live on NMI count, and to consider them.

Chris Minerva stated for the quality of life of the longtime and short time residents of NMI, and short of accepting the SAS recommendation of one home per two and one-half acres to implement a moratorium on new development on NMI until the NMI drainage study is complete; he requests that the Board allocate funding for expenditures to make immediate improvements, to better enable the staff to respond to the storms and the water, and the flood events; he believes whatever Mr. Denninghoff and his staff needs would be appropriate; and if not for the residents of NMI, how about for the residents and the IRL that is adversely affected by the additional development.

Pete Scabarozi stated he lives dead center of the bowl; he has been before the Board countless times speaking on this and it has gotten him nowhere, or it is worse; he told a story about him leaving his house after the last Hurricane, where the Board allowed the subdivision of Egrets Landing to be built; his yard was green and his pond was overflowing a little; the ditches were full on Crisafulli Road; when he got to Hall Road, that toilet flush of water off that subdivision was racing down Hall Road and hitting inadequate culverts, shooting up across the driveway until it got to that assisted living facility, and if anybody had a vehicle there it would have been swept off the road; he went to his Mother-in-law's place to survey the damage and then went home; when he got home, Crisafulli Road had two inches of water across it; and the water was not going out, it was coming in. He went on to say by the end of the day his property had 16 inches of water on it, because he lives in the bowl and everything is come at him; over the years the County has done nothing to the drainage ditches out there; on Crisafulli Road 50 percent of the culverts are adequate; 20 percent of the culverts are close to being adequate; 15 percent are undersized; five percent do not even work; and the County has or rented steel plates over people's driveways that the culverts have fallen in. He went on to say they have been like that

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for three years; they get no flow through the ditches; now there is a subdivision on the other side of the dam and there is no place to go; and he left his house today, and they are at 90 percent flood stage. He added the road is probably 12 inches from cresting Crisafulli Road; all they need is a few more thunderstorms to be underwater; they have the public safety issue, every road going east off of S.R. 3 is a dead end; and once it floods, no one can get safety people in to assist anyone. He explained if someone calls an ambulance, they will not be able to get through; if a fire starts to the west and comes to the east, they cannot be evacuated; all of these grove owners knew this problem and they could have put roads in to tie the roads together; they have been asking for that for 20 years; and the Board needs to solve the drainage problem before anything goes. He added it needs to fix the culverts, fix the canals that were put in by the grove owners, they invented the problem and they need to fix it.

Commissioner Lober asked for a little leeway to ask staff some questions; it is going to take a few minutes, but he believed it is absolutely imperative that he does.

Chair Isnardi asked if anyone needed a break before bringing it back to discuss.

Commissioner Lober stated the first set of questions will be for Mr. Denninghoff, and then he has some for Ms. Bentley, and then probably more for Mr. Denninghoff. He asked prior to Mr. Denninghoff becoming an Assistant County Manager, he was Director of Public Works.

John Denninghoff , Assistant County Manager, responded affirmatively.

Commissioner Lober inquired how many years he has been with the County.

Mr. Denninghoff replied about 23 years.

Commissioner Lober inquired how many years he has been a professional engineer.

Mr. Denninghoff replied about 32 years.

Commissioner Lober inquired how many years he has lived continuously within the County.

Mr. Denninghoff replied about 55 years.

Commissioner Lober stated out of those 55 or so years, he apologized for dating Mr. Denninghoff, but he has been a resident of Merritt Island, and he inquired what portion of that time has he lived in Merritt Island.

Mr. Denninghoff replied on two different occasions, for a combined 32 years.

Commissioner Lober pointed out it is the same amount of time that he has been a professional engineer.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if he still lived in Merritt Island now.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if it would be fair to say that since taking office this past November, one of the topics, which he has discussed with Mr. Denninghoff, perhaps most frequently has been the flooding in North Merritt Island.

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Mr. Denninghoff responded affirmatively.

Commissioner Lober stated an actual practice, developers in North Merritt Island plan and account for only the water that actually falls on the properties in which they own, and inquired if that was correct.

Mr. Denninghoff responded that is pretty much correct.

Commissioner Lober stated in talking about natural practice, developers in North Merritt Island do not typically account for water which has historically flowed onto their property from adjacent lands, and inquired if that was also correct.

Mr. Denninghoff replied that is pretty much correct, yes.

Commissioner Lober stated when they hear that a new development is flooding adjacent lands in North Merritt Island, many times that is oftentimes the result of new development reducing or eliminating their land's ability to accommodate water flowing from adjacent or neighboring properties, and inquired if that was also fair to say.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if he would agree that enforcing a compensatory storage requirement, which would mandate that any development in North Merritt Island would account for these historical flows, is likely to be a benefit to the area.

Mr. Denninghoff responded affirmatively.

Commissioner Lober asked if he could briefly explain the difference between riverine and estuarine flood plains.

Mr. Denninghoff stated he will try.

Commissioner Lober added as briefly as possible, it may not be super brief.

Mr. Denninghoff explained estuarine flood plains are flood plains which drain pretty quickly and easily down to the level of whatever the receiving water body is, which typically surrounds that estuary, in this case on North Merritt Island, it is the Indian River Lagoon; those flood waters would go through relatively unrestricted, and typically short, drainage paths into that receiving water body; typically do not take a long time to reach it; and the flood waters would drain very rapidly. He went on to say riverine flood plains, in contrast, are not so well connected and the receiving water bodies typically, in order to drain to those receiving water bodies, the flood waters have to flow typically a much longer distance through a restricted condition, and typically that restricted condition would be a river, a stream, or a drainage ditch; the length and restriction results in the flood waters taking that much longer time to drain, and having to rise to a much higher level, and taking a lot longer to reach the water level that would be below a flood stage or similar to the receiving water body.

Commissioner Lober stated that is a heck of a lot better than he could do; unfortunately, or the unfortunate reality is that the flood plain in North Merritt Island has, at least in recent years, been treated as estuarine under the County Code, and inquired if that was accurate.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if it would be fair to say that for months there have been a number

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of discussions on appropriately considering North Merritt Island under the County Code.

Mr. Denninghoff responded affirmatively.

Commissioner Lober asked if it were put simply, were the flood plain treated as riverine, to his understanding, could the County then mandate a 100-year flood plain compensatory storage for new development.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if North Merritt Island were treated as riverine, would it be in a better position to guard against flooding damage due to new development and re-development.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if in order to be on sound footing to reclassify the flood plains, if it was the understanding that the Board must await the results of the roughly \$450,000 drainage study, which is presently taking place in the area.

Mr. Denninghoff believed that to be correct.

Commissioner Lober inquired if this study was likely to provide the County with a legitimate technical and scientific basis to support reclassification.

Mr. Denninghoff replied yes, that is what staff would expect will come from this study; of course they do not currently have the results of the study, so it remains to see what the Board will get.

Commissioner Lober inquired if he had, at any point in time, interfered with the drainage study or any progress with that that is presently taking place in North Merritt Island.

Mr. Denninghoff replied no.

Commissioner Lober inquired if it was accurate to say that he has been entirely supportive of the drainage study and he has made it crystal clear to staff, perhaps from day one, that if the results of the study support the imposition of compensatory storage requirements, that his plan is to promptly move to implement such requirements.

Mr. Denninghoff replied yes, and that assumes the study results support that conclusion.

Commissioner Lober stated he would like to talk about the basis for restricting development there; he inquired if Mr. Denninghoff recalled having had one or more conversations with the County Attorney about flooding in North Merritt Island.

Mr. Denninghoff responded affirmatively.

Commissioner Lober further inquired if it would be accurate to say that when Mr. Denninghoff, Fritz VanVolkenburgh, Attorney Bentley and himself most recently discussed the legality of a possible building moratorium, pending the results of the drainage study, it was agreed by all present that a moratorium would be pre-mature because the evidence which could potentially support it is anecdotal, at present at least, and that more substantive evidence and documentations was needed in order to take such drastic action.

Mr. Denninghoff replied a wholesale building moratorium on all new construction, he felt, and he thinks they all felt, was premature; and in his opinion, they needed better evidence to support it.

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Commissioner Lober asked would a moratorium only on rezoning impact not only the large land owners who have been identified but also many owners of vacant, single-family lots.

Mr. Denninghoff replied affirmatively.

Commissioner Lober inquired having lived on Merritt Island for the bulk of his life, and he is not going to say how long that is, as a credential professional engineer and a long-time County employee with vast personal first-hand experience and knowledge regarding North Merritt Island flooding is he able to tell him that restricting development by requiring two and a half acres per home will improve drainage better than implementing compensatory storage requirements.

Mr. Denninghoff responded no, he cannot, he does not have enough data and engineering analysis to come to that conclusion.

Commissioner Lober asked based upon his conversations with the County Attorney, those that they had together and those that he may have had separately, is it his understanding that any claims that are actually litigated against the County for diminished property values a result of limited development will be litigated with the aid of expert testimony.

Mr. Denninghoff replied yes.

Commissioner Lober inquired if he called to testify in such a case as an eminent and qualified professional engineer based on his training, knowledge, and experience could he ethically state that amending the Future Land Use Map from one house per acre to one house per two and a half acres is a less restrictive and less damaging measure to the land owner than requiring compensatory storage.

Mr. Denninghoff responded no, he does not have sufficient engineering data and analysis to support that yet.

Commissioner Lober asked if Mr. Denninghoff could ethically testify that amending the FLU from one to two and a half would resolve the flooding problems in North Merritt Island.

Mr. Denninghoff advised it will not resolve the flooding problems.

Commissioner Lober inquired while restricting development might reduce increased flood potential, could he ethically testify that amending the FLU from one per two and a half would even of itself stop flooding from becoming more severe; and he stated he thinks he knows the answer based on Mr. Denninghoff's last response.

Mr. Denninghoff replied no, it would not.

Commissioner Lober asked if a topographical survey of the flood plain be immensely beneficial to have in order to better evaluate benefits and detriments of changing the FLU.

Mr. Denninghoff replied yes, a topographical survey would be very beneficial.

Commissioner Lober inquired while not a topographical survey in itself, the drainage study that is taking place right now provides land elevations for roads, driveways, pipes, and inlets which control the flow of water does it not.

Mr. Denninghoff replied it does.

Commissioner Lober asked the ongoing drainage study relies on linear for land elevations

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coupled with enough on the ground measurements to increase the accuracy of linear to a higher degree of accuracy does it not.

Mr. Denninghoff responded it does.

Commissioner Lober asked if Mr. Denninghoff could ethically testify that more increased density in and of itself results in increased flooding.

Mr. Denninghoff advised no, not necessarily.

Commissioner Lober asked if this is perhaps because among other reasons compensatory storage could wholly offset extremely dense development whereas sparse development without adequate planning could result in increased flooding of adjacent neighboring properties.

Mr. Denninghoff replied affirmatively.

Commissioner Lober asked while restricting development might reduce the increased flood potential, could he ethically testify what is being proposed would cure the flooding problem.

Mr. Denninghoff responded no, it will not fix the existing recurring flooding.

Commissioner Lober stated most importantly this is a question geared much more so to experts than to attorneys; and he asked looking only at flooding could he ethically testify that the County has an adequately scientific or technical basis to support amending the FLU to one per two and a half.

Mr. Denninghoff replied he does not think they do.

Commissioner Lober stated he has some questions for the County Attorney, if he may.

Chair Isnardi inquired if there are as many.

Commissioner Lober stated not as many, he will keep it as quick as he can; and he thinks he is through the bulk here.

Chair Isnardi stated there were some really great questions in there.

Commissioner Lober asked that the Board bear with him, this is not as long.

Chair Isnardi inquired if the Board needed a break, or if it can continue.

Commissioner Pritchett stated it is a good thing they are not charging by the hour.

Commissioner Lober stated this is not even one-tenth of an hour, it is pro-bono. He inquired Florida Statute 70.001 is known as the Bert J. Harris, Jr. Private Property Rights Protection Act, while he is not certain the County Attorney is familiar with anyone named Bert Harris, at least is she familiar with the Bert Harris Act.

Eden Bentley, County Attorney, responded affirmatively.

Commissioner Lober asked if Attorney Bentley would briefly explain Bert Harris in so far as it may apply to the Agenda Item that is at hand.

Attorney Bentley replied Bert Harris is a Statute which allows private property owners to make

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claims against the government when a new regulation comes in and inordinately burdens their property and causes a diminution in value; it is possible that density reductions could result in claims like that; it is not a guaranteed result, it is a parcel by parcel, and very fact specific analysis; but it is a consideration.

Commissioner Lober inquired if it is fair to say that Bert Harris covers not just undeveloped land but also land that could be subject to redevelopment.

Attorney Bentley replied affirmatively.

Commissioner Lober asked if it is fair to say that courts have been apt to hold local governments financially liable for minor restrictions.

Attorney Bentley responded they have seen them hold the government liable for wetlands restriction setbacks and other regulations, yes.

Commissioner Lober asked if it would be accurate to say that to determine a diminution in value claim, and that is a tough word, one must have appraisals both before and after the change to allege the diminished value.

Attorney Bentley responded affirmatively.

Commissioner Lober inquired it is truly impossible to say to what extent the County could be on the hook were it to amend the FLU to one per two and a half absent adequate scientific or technical basis to support such a change is it not.

Attorney Bentley replied it is unknown.

Commissioner Lober inquired while he knows she does not want to paint a bullseye on the County and advertise a legal vulnerability, is it entirely possible that the County could be on the hook for tens of millions of dollars were it to implement those changes is it not.

Attorney Bentley advised they do not know.

Commissioner Lober asked if Attorney Bentley has any idea of how many potential claims the County may be looking at.

Attorney Bentley responded no.

Commissioner Lober asked if he is wrong in his strong beliefs that there is a high likelihood the County will face numerous lawsuits as a result of implementing the proposed changes to the FLU.

Attorney Bentley advised they do not know, it depends on the parcels and the owners.

Commissioner Lober inquired if Attorney Bentley has enough manpower in her office to cover all of the potential claims.

Attorney Bentley replied if they received a large number of claims they would have to go to outside counsel.

Commissioner Lober asked if it is entirely possible the County could incur expenses in retaining outside counsel to deal with the sheer volume of those suits is it not.

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Attorney Bentley responded if insurance did not cover it, yes.

Commissioner Lober inquired while the County is insured, they presently cover the costs for such claims, and does she know whether the insurance either revisits coverage or perhaps exams exclusions in premiums in light of the increased exposure were they to find the County sued for this particular action.

Attorney Bentley responded no, she does not know the answer.

Commissioner Lober asked and while the County's insurance presently covers certain judgments, does she know whether the County's insurer will revisit coverage again including exclusions in premiums in light of the increased liability exposure.

Attorney Bentley replied she does not know what they would do.

Commissioner Lober inquired assuming the goal of amending the FLU is to address flooding concerns were it proven that requiring compensatory storage in lieu of amending the FLU to one house per two and a half acres would have accomplished the same ends without harming property values to the same degree, is it likely that the County would be on the hook for at minimum the difference between the diminution of value between those two options.

Attorney Bentley responded it is a possibility.

Commissioner Lober inquired if anyone has articulated to her why amending the FLU to one house per two and one-half acres would or even could be more advantageous than requiring compensatory storage.

Attorney Bentley replied no, but she was not at all of the meetings.

Commissioner Lober asked if Attorney Bentley believes the County has a sufficient documentation and evidence to put in place a building moratorium pending the outcome of the drainage study.

Attorney Bentley advised not today not based on what they have on the record right now.

Commissioner Lober questioned given that she does not believe that the County has a sufficient scientific basis to implement such a moratorium, would it not expose the County to all the more liability to permanently modify the FLU in a way which would likely harm property values in the area.

Attorney Bentley responded that is going to depend on the parcels and the particular physical attributes of the parcels.

Commissioner Lober inquired regarding compensatory storage, were the floodplain treated as riverine as a result of the conclusions reached in the drainage study, could the County not simply apply this data, coupled with more modern modeling, to the existing law and order to enforce compensatory storage requirements for all new development.

Attorney Bentley responded affirmatively.

Commissioner Lober asked if Mr. Denninghoff recalls a proposal by WK & R Groves to develop a property on the north side of East Crisafulli Road that came to the County Commission on December 6, 2018.

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Mr. Denninghoff responded affirmatively.

Commissioner Lober asked if he recalls him having inquired as to whether the developer valuated historic drainage patterns.

Mr. Denninghoff replied yes, he does.

Commissioner Lober asked if he did that.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if he recalls having indicated in response to questions he asked him that the County is aware of historic flooding in the area.

Mr. Denninghoff advised he did.

Commissioner Lober asked if the developer was not obliged to improve the drainage system in the area.

Mr. Denninghoff responded affirmatively.

Commissioner Lober asked that the proposed rezoning could cause significant and adverse impacts on natural wetlands and water bodies.

Mr. Denninghoff responded yes.

Commissioner Lober asked and that there was not enough information to determine the impact on drainage in the area.

Mr. Denninghoff replied yes.

Commissioner Lober inquired if he recalls whether that request to change zoning classification necessary to allow a housing development to move in was approved, and if so what the vote was.

Mr. Denninghoff responded it was approved with a 4:1 vote in favor of the proposal.

Commissioner Lober inquired if that had the impact of allowing more development in North Merritt Island.

Mr. Denninghoff replied yes, it increased density.

Commissioner Lober inquired if the District 3 Commissioner discussed liability under Bert Harris with him under any appreciable degree of detail.

Mr. Denninghoff advised they have had some brief discussions on it outside of Board meetings.

Commissioner Lober inquired given Mr. Denninghoff's credentials and technical expertise, did the District 3 Commissioner ever discuss with him whether decreasing density in the FLU is the least impactful means of addressing flooding in North Merritt Island.

Mr. Denninghoff responded he does not recall that specific conversation, no.

Commissioner Lober asked if he recalls having had any conversations with the District 3

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Commissioner in which he discussed whether amending the FLU has adequate documentary or scientific evidentiary to support.

Mr. Denninghoff advised he does not recall having that conversation.

Commissioner Lober inquired if the District 3 Commissioner ever discussed whether amending the FLU would be more effective in implementing compensatory storage requirements.

Mr. Denninghoff replied he may have had some discussions along those lines; and he does recall one conversation that for sure where the compensatory storage requirement would be a significant improvement to the drainage situation for future development.

Commissioner Lober stated he knows he spoken to the County Attorney about potential liabilities; and he asked if it was fair to say that based on those conversations his concern is heightened regarding potential liability the County would be assuming were the FLU to be amended as proposed today without waiting for the results of the drainage study.

Mr. Denninghoff responded he would have a heightened concern, yes.

Commissioner Lober inquired if any portion of the area encompassed by the proposed change is in the FLU located in District 3.

Mr. Denninghoff replied no.

Commissioner Lober asked if 100 percent of the area encompassed by the proposed change is in District 2.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if it is his present estimate that the drainage study would be completed roughly in the fall of 2020.

Mr. Denninghoff responded yes, that is correct.

Commissioner Lober asked if there is anything the County Commission can realistically do to accelerate the progress of that study.

Mr. Denninghoff advised not realistically, he does not think so.

Commissioner Lober questioned at that point in time when the drainage study is complete, assuming the results would support such an action, would Assistant County Manager Denninghoff work with him to draft explicit and unambiguous compensatory storage requirements to be presented for vote before the County Commission.

Mr. Denninghoff responded assuming the study results support that action, yes.

Commissioner Lober inquired if Mr. Denninghoff believes that it is likely that compensatory storage requirements are going to be less impactful than modifying the FLU towards property values, while more directly addressing the issue of worsening flooding as a result of development.

Mr. Denninghoff responded he thinks that would be a logical conclusion, yes.

Commissioner Lober stated it was recently discussed implementing a moratorium on

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development that does not utilize riverine compensatory storage until such time as the drainage study is finalized, and based upon the information available to Mr. Denninghoff and the conversations with the County Attorney he asked if Mr. Denninghoff believes the County can lawfully implement such a moratorium in North Merritt Island.

Mr. Denninghoff asked him to repeat the question.

Commissioner Lober asked if he believes the County has an ability to implement restriction prohibiting any new development that does not fact in the compensatory storage in a way that would account for historic drain flow pending the results of that drainage study because that is something he could get behind if he hears it from Mr. Denninghoff and the County Attorney that it can be implemented lawfully.

Mr. Denninghoff responded he thinks a moratorium along those lines would be a lower level of concern than the previous idea would be.

Commissioner Lober advised he would run that by the County Attorney at the end. He noted he would like to put in place measure based on at least measures based on what has been heard to address flooding right now, while at the same time doing what can be done to respect property rights in part to avoid a high likelihood of liability; and he inquired if Mr. Denninghoff recalls him publicly expressing concerns as recently as last night at the North Merritt Island HOA about the aging condition of pumps used to mitigate flooding in North Merritt Island.

Mr. Denninghoff confirmed he does.

Commissioner Lober inquired ironically is it the case that one such pump, the Mosquito Control pump, suffered an outage that same night.

Mr. Denninghoff responded yes it failed last night.

Commissioner Lober noted for the record none of them sabotaged it, it just happened to be. He asked if it would be revisable and reasonable to replace the Mosquito Control pump with two similar sized electric pumps.

Mr. Denninghoff responded affirmatively.

Commissioner Lober asked if right now it would be advisable and reasonable to install an emergency generator backed up transfer station to power those pumps.

Mr. Denninghoff agreed with him.

Commissioner Lober inquired if right now it would be advisable and reasonable to alter the size and/or number of pipes located under Hall Road.

Mr. Denninghoff responded affirmatively.

Commissioner Lober inquired if right now it would advisable and reasonable to design and install a drainage structure at Pine Island to be able to better control water levels and prevent essentially pumping the water in a circle, as he thinks the folks who have done the drainage study can appreciate.

Mr. Denninghoff replied he does.

Commissioner Lober inquired in addition to any funds already set aside for capital improvement,

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roughly how much additional funding does he think these measures would require.

Mr. Denninghoff stated there is funding for most of those things mentioned; there is about \$360,000 allocated for two to three years from now for that alternative outfall from the Pine Island area, and that is the earliest that it would be able to be put in with existing funding; and there is another pipe they would like to install but the cost associated with that one would be about \$300,000 and it is unfunded at this time.

Commissioner Lober asked if the Board wanted to accelerate this it would essentially need \$360,000 and another \$300,000.

Mr. Denninghoff explained they would either have to accelerate the \$360,000 from two years from now or/and add \$300,000 or just wait for the \$360,000 and add the \$300,000.

Commissioner Lober stated there is going to be a motion coming up; and he asked Mr. Denninghoff to please advise whether there are any additional resources the County Commission could provide him which would help address flooding in the immediate future.

Mr. Denninghoff pointed out this year they added a second drainage ditch cleaning crew which is a major improvement; for this coming year they are adding a third cleaning crew which is another sub to the improvement, but they could always do more ditch cleaning; the second thing is the two portable 24-inch pumps that they have were actually purchased in 1995 and are about 24 years old and they are getting weak; coming up with a plan to replace one of those pumps would be a good plan; and he does not have a price on that but he knows it is north of \$500,000 and it may approach \$750,000.

Commissioner Lober inquired if that is for each or for the pair.

Mr. Denninghoff stated each; they were around \$190,000 to \$200,000 back in 1995.

Commissioner Lober inquired if the County is looking at the all in with what has been discussed around \$2 million.

Mr. Denninghoff responded yes.

Commissioner Denninghoff inquired if the County Attorney thought the County would be on sound footing or better footing to implement a moratorium on new development that would require new development to account for storage drainage.

Attorney Bentley advised the Board would need to update the legal research on moratorium; the path he is talking about is really going down the same path that the County went with the septic tanks allowing development but requiring an upgraded treatment of water instead of sewage in this case; the particular small area study is not focused on compensatory storage so the County would need to get technical information to address the compensatory storage; and she thinks probably Road and Bridge, Stormwater, and an engineer would need to provide that technical background to support a moratorium of that type.

Commissioner Lober stated he is going to go ahead and make a motion if that is okay, or the Board can go through the rest of the commentary.

Chair Isnardi advised this is Commissioner Tobia's Item and he is next to speak.

Commissioner Tobia stipulated that Mr. Denninghoff is a qualified expert; he only has one question before he throws out a motion; and he asked Mr. Denninghoff in his expert opinion if

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he would say North Merritt Island is a riverine or an estuarine system.

Mr. Denninghoff responded his opinion would be it is a riverine system; it more approximates that than in the estuarine system; and right now it is interpreted as an estuarine historically.

Commissioner Tobia asked if it is his opinion right now that it is a riverine.

Mr. Denninghoff stated absolutely, there is no doubt in his mind.

Commissioner Tobia thanked Mr. Denninghoff for that statement; he thinks they are all about on the same page; while his thoughts were to accept the recommendation of the Small Area Study, after listening to Commissioner Lober, he clearly has a strong handle on the legal liability that the Board had gotten into; also listening to Kim Rezanka and Bruce Moia, her professional engineer, she highlighted a portion of an email she received from a professional engineer, it was interesting to read down one line, and he asked about it, if the issue is flooding and he does not doubt that, then the increase in the amount of stormwater that is required needs to be stored on site; and then he looked through the minutes of the March meeting and Commissioner Lober had it right months ago when he talked about compensatory storage, but he did not understand what he was talking about; and he thinks the answer to this is extremely simple and it keeps the Board out of the liability of Burt Harris as well as adding in new issues that could potentially deal with making flooding worse until they get that study back. He made a motion to direct staff to reclassify North Merritt Island as a riverine system and require the requisite compensatory storage for new development until such a time that the updated modeling is finished and the Board has a reasonable time to review the data associated with it; and he stated he would be open to discussion.

Commissioner Pritchett advised she started getting a little confused and getting off the Agenda Item, as it was about the North Merritt Island Small Area Study, and it was broken off to the North Merritt Island drainage study, which Commissioner Barfield was very passionate about the North Merritt Island area as far as flooding; and she wants to give him kudos for getting this plan set up. She went on to say she appreciates Ms. Rezanka for bringing this back up, there is more flooding in the County than there has been before; she is not trying to say it is not a big issue; this is a situation; she is not sure what is causing it, but she knows the water tables and levels are going up; and there are areas of the Indian River Lagoon and out landing part that is going to be completely under water in 10 years. She stated the Board is going to have a problem that needs addressing, and homeowners will need to think of this; if a person's house is in a bowl, he or she has some good engineering work to starting to get ready for of trying to make decisions on how to keep their house dry; and she has been telling her District that as well. She added the water levels are already up, and when more water is put on it, it will not drain out anywhere, it will sit; and people need to be prepared for that. She stated back going through the notes here, she does not know if the density is one to two; she does not know if one to one is right, so the Board decided to do this study with the drainage to try to figure out which would be appropriate, because an emotional decision cannot be made on this, an appropriate decision must be made; the Board has to represent all of the land owners there; not everyone may be in the homeowner group, but there is a large group of people who own land; and everyone should have a fair say in this. She stated not that this is not the correct path, it may go down to one-half an acre, she does not know; but the Board does not have the science yet, and she does not know that it is fair to put the stipulation on other property owners the same way she would not put it on property owners now asking for things; she thinks it has to be fair on that, with some kind of balance in that; and she does not know if it is fair taking away somebody else's property rights. She stated if she owned a big hunk of property and the Board did this, she would sue the Board if she thought it was not correct; the City of Titusville pays a lot of money on its stormwater on the water bills for this; the County may have to start paying more money to start fixing some of these stormwater problems and figuring out how to get them off

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the properties and getting them where they can be treated; she thinks the Board should wait a little longer, it has been worked on; and she does not think anything will change at this time by doing anything different, because the County runs into a real risk when it allows the minority to have rule, it needs to be majority. She stated if the majority of the property owners in that area are on board, she does not know that they have; this is the biggest conversation; the Board has spent nine hours on this for a couple of meetings, and a person may bore themselves and watch back through them; but this was a big discussion. She recommended hesitating on this and taking a little pause, finding out who owns the property and having a good discussion; and she reiterated she would hate to take away a person's right if it is not appropriate.

Commissioner Lober stated Commissioner Pritchett has some valid points; he is part of the way Commissioner Tobia is on this; there are two things he would like to accomplish tonight so folks did not come out and waste their time by telling the Board how things are; the first thing is he does want to move to accelerate the \$660,000 that is earmarked to be spent in the next two or three years anyway, he knows plenty of Departments have reserves that can be borrowed from; it is not that the Board is looking to allocate more; but it is simply to accelerate by two to three years the \$360,000 and the \$300,000 expenses that were identified toward the beginning of the set of questions about the particular expenses by Mr. Denninghoff. He went on to say and also he would hope in addition to that the Board can allocate some additional funds to address the pump switch; quite frankly, he does not know if the County is in the position to fund both of them at this point, but seeing how they are decades old, he does not want to make the prediction he made yesterday evening about a pump failure because it is old only to have it happen this same night; he does not want to jinx it by doing that; but in terms of where he is with the moratorium, if, and he apologizes for being circular at all, but if it is County Attorney's opinion that the Board can put in place even tonight a moratorium to a reasonable degree of safety, he does not care if the County gets sued, he cares if the County gets sued and it is highly likely to lose, that is his concern, if a moratorium is implemented obligating new development to account for that historic drainage, he would be happy to do that; and he is happy to either have Commissioner Tobia make a motion or he is happy to make a motion accomplishing that, but he would like to hear from the County Attorney if that is something that can be proceeded with tonight.

Attorney Bentley advised the Board cannot adopt a moratorium without notice, so a moratorium cannot be adopted that way; what Commissioner Lober is talking about is a different interpretation of the flood plain based on an engineering opinion and implementing the regulations based on that new interpretation.

Commissioner Lober asked what the fastest possible way is to accomplish that.

Attorney Bentley replied that is an interpretation that would be based on Mr. Denninghoff's opinion of the riverine flood plain.

Commissioner Lober asked if he can bounce it back to Mr. Denninghoff.

Mr. Denninghoff advised he is not sure what Commissioner Lober's question to him is, and he asked that Commissioner Lober state it again,

Commissioner Lober stated he is looking to put the County in the position where pending the outcome of the drainage study it can put in place a moratorium, not banning new development, but obligating any new development to account for not just the water that falls within the confines of his or her properties, but all of the water that has historically flowed onto that property from adjacent lands; he does not know the process in order to put that in place; he knows it was done in the somewhat recent past with septic systems; but he was not on the Board at that time so it is alien topic to him.

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Mr. Denninghoff stated when the current Code was implemented an interpretation was applied to North Merritt Island that it was estuarine; that is an interpretation which he disagreed with at the time; he still disagrees with it; there are some characteristics of the flood plain on North Merritt Island that are similar to an estuarine flood plain; but predominantly it behaves like a riverine flood plain, and that is why he answered the questions earlier the way he did. He went on to say in any event the Code he does not believe refers to Merritt Island or North Merritt Island as being estuarine or riverine, it just requires compensatory storage for the 100-year flood plain for riverine flood plain impacts; from his perspective it is a riverine system; and compensatory storage ought to under the Code be applied. He stated however, he does not recall when the Code was implemented, but since then it has been interpreted as estuarine and that is what staff has reviewed all applications and development plans from that interpretation. He reiterated from his perspective it is riverine; he does not know from a legal perspective where that leaves the County; but again, that is his opinion.

Commissioner Lober asked if Mr. Denninghoff would work with him and Attorney Bentley to put within the next two regular Commission meetings, so roughly from a month from now, to put forth whatever is needed to put forth and get it advertised and noticed appropriately to put in place a moratorium of the type that was just discussed.

Mr. Denninghoff advised he would be happy to do that if the Board directs it.

Commissioner Lober stated that would be his motion.

Commissioner Tobia stated he does not think the County needs to have a moratorium, it can be done tonight; all his motion was doing was Commissioner Lober qualified Mr. Denninghoff as an expert over and over again, which he greatly agrees, but his interpretation as a professional engineer, he said four different times that this is riverine; and all he would like to do is use his professional opinion until the Board gets back the study, and there would be no need to have a moratorium. He went on by saying the Board can do this tonight. He asked Attorney Bentley if the Board were to direct staff to reclassify North Merritt Island as a riverine system and all that was required would that require notice and does she see any eminent Bert Harris issues because of that.

Attorney Bentley replied there is case law indicating that new information to an old regulation does not create a Bert Harris claim, so no, there should not be a Bert Harris claim; whether or not people will attempt to make claims because the Board is changing the interpretation, that could happen; but the definition of a riverine flood plain is something versus estuarine; and the County may end up litigating that. She added if it is on solid scientific ground, there will be expert witness testimony and the Board will go with what the court decides.

Commissioner Tobia stated he is not opposed, the Board could do that in two weeks or four weeks, that would be fine, but it can immediately use the interpretation of the professional engineer and reclassify it tonight as an riverine system instead of an estuarine system; he would be willing to amend his motion to have a moratorium if Commissioner Lober would like.

Commissioner Lober stated he is happy to address it, but he does not want to jump in front of anyone.

Chair Isnardi stated Commissioner Lober and Commissioner Tobia can go back and forth as much as they want because this has sort of gotten off of the rails of where this started anyway.

Commissioner Lober stated the short of it is if Mr. Denninghoff thinks the Board is in a position, because again, this is more of a question, although he certainly values attorneys, he thinks this is a question that will be an expert witness question down the road; if Mr. Denninghoff feels

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comfortable that that is something the Board can defend with what it has currently, he is happy to go in that direction as long as it is addressed again, focusing only on compensatory storage and not addressing changing the density, he is happy to do that. He went on to say he needs to hear it from Mr. Denninghoff that that is something he is comfortable with.

Mr. Denninghoff stated he is very comfortable with his opinion on this; he does not know of any legal perimeters that would come to bear factor on this; he has not researched it in that sense, but he is very comfortable with his opinion on this situation.

Commissioner Pritchett stated maybe in a couple of weeks; she is not ready to be in a rush with that; she does not think there is going to be mass development over the next couple of weeks; and she thinks the Board needs to take some time with this, not that she does not respect Mr. Denninghoff. She added she thinks it is wise; whenever she has made a quick, emotional decision she has ended up in a mess; and she said to ask her husband about some things she has bought that she should not have. She noted coming back, taking this pause and coming back with it, she would be more comfortable with trying to figure this out; she has heard from a great number of residents, but she would like to give everybody fair time to reach out to Mr. Denninghoff, also, just because the Board has already spent nine hours in the past on this very detailed stuff; and this kind of revisits a lot of the stuff that the Board spent a lot of time thinking through and trying to get a little bit of thought through with it; and she is not going to support changing it tonight. She went on to say if Commissioner Lober brings it back in a little bit and the Board has a little time to hear what the community is saying from all the land owners, it would be great; because Mr. Denninghoff has made the statement that the new building construction is not necessarily causing the flooding right now; and she thinks the Board needs to get the science back, and if it comes back saying this is what the Board has to do she is okay with that, but if it comes back saying the Board has not and it has already taken away someone's rights, she thinks that is a grave error that the Board does not need to make right now. She added this is just a little bit away from what the Board already has; she noted the Board will have to let the County Manager come back with ideas on funding because that is a lot of money; there is flooding in other Districts; and if the Board starts throwing out \$2 million here or \$100,000 there, everyone will need it. She explained she is not saying Merritt Island does not need it, she will have her District wanting it, too; she cannot get the Board in agreement to raise the fees, so it will have to figure out how to do this on a budget; and this is going to have to have the County Manager come back to see if he has any creative ideas of how to do those things also.

Chair Isnardi stated she has the burden of running the meeting, so sometimes the Board does not hear any of her input, which normally is fine; she is fine at least with looking at this, but call her crazy, but she has been here a while; she has seen a lot, a lot has been discussed, Commissioner Barfield was very passionate about the flooding, as she is in helping him out; more information is power in her opinion; and the Board has taken the intent of Commissioner Tobia's Item and changed it. She added she does not know what it means to reclassify; she does not know what that means to property owners out there; and she would rather be armed with the information before making a rash decision, because she does care about the flooding in Merritt Island. She explained she believes the Board has demonstrated that by supporting Commissioner Barfield by trying to find him more money and trying to address it; she thinks Merritt Island is a victim of its elevation and landscape; and the Board will do what it can to help, however not by pouncing on everyone else's property rights. She advised the Board wants smart development, it does not want to hinder people or hurt them anymore than she wants people dumping water on residents' properties as it is; and she thinks having had professional engineers here in the past and the danger of making the lots too large where there is no stormwater. She went on to say then there is a development that essentially has no stormwater system at all because it is so big there is a little pond in the back and it does absolutely nothing for the neighborhood; she would feel more comfortable armed with more information because this is talking about something completely different from what the Board was supposed to be

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talking about; and she would like staff to come back. She pointed out she appreciated Mr. Denninghoff's expertise, and she often calls on him when they need something, but the thing that concerns her most is reclassifying this; if one has some of it that is estuarine and some of it that is riverine, and if it is not going to solve the flooding problem, it is now the burden on the new developer to take drainage coming from old developments; and she does not see how that is their burden and she does not see how they should accept that. She added if that guy goes and gets his property approved and starts developing a year before she does and she developed the PUD, now because the Board approves something, she now has to compensate for his property and that seems like a liability to her; and she is not comfortable with that, either. She stated she thinks there is room for compromise; she thinks rather than a moratorium, maybe look at modifying the compensatory storage rules; if staff is wanting to do something more quickly than waiting until the study comes out, she would be open to that; and at least that would be something that is not harmful rather than doing a moratorium, because that is sort of backwards in her opinion.

Commissioner Lober stated he understands where she is coming from; he is happy to do things in a deliberate fashion and not impulsively, but he also would like to make sure there is direction to staff so this does not just float out in the abyss and not get resolved until a year or six months from now. He added he still thinks a moratorium, not on all rezoning, not on all new development, but specifically to address the compensatory storage is something that is likely appropriate, especially from what he has heard from Mr. Denninghoff, and everything that he has heard as input from people; and his motion, the Board can see if Commissioner Tobia's dies for lack of a second if the Chair would like to do that first, but he does have a motion with respect to directing staff to prepare some documents that would put the Board in the position to get that advertised and also to have Frank Abbate, County Manager, look at where the Board could borrow the money, because the Board does not need to come up with new money, it simply needs to borrow it, because it is earmarked in two to three years anyway for the first \$660,000 to get those projects accelerated. He advised it is not that the Board will not be able to pay it back, or how that is going to happen, because the money is slated to be there, but he would like to move it and have it done faster; and he does not know if the Chair would like to see if his motion does for a lack of a second, first then the Board can go in that direction.

Chair Isnardi stated Commissioner Tobia is queued to talk, and she inquired if he had something else or a comment.

Commissioner Tobia inquired if she would like him to deal with the motion.

Chair Isnardi replied he can do either, he is queued to speak next; and she was not sure if he had more commentary or if he wanted to modify.

Commissioner Tobia stated he would just go with the initial motion to direct staff to reclassify North Merritt Island as a riverine system, which expert staff told the Board that it is a riverine system; to be clear, this does not deal with density at all; and there was one party that spoke out against this. He stated one party provided the Board with documentation, and Ms. Rezanka said with Bruce Moia, another professional engineer, if the issue is flooding, then increase the amount of stormwater that is required to be stored on the site, so everyone is in agreement with it. He went on to say there is all professional engineers there; he imagined everyone out there that is concerned about flooding, everyone is on the same page here; the experts are on the same page, the other side's experts are on the same page; and this is low hanging fruit. He went on to say this is not a moratorium, this is not dealing with density, this is just taking a 24-year professional engineer's advice, who is willing to defend it should it come to litigation; and saying there is no need for notice, this is very simple; and he will say it one more time, his motion is to direct staff to classify North Merritt Island as a riverine system and require the requisite compensatory storage for new developments, until such a time the updated modeling

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is finished and the Board has reasonable time to review the data associated with it.

Commissioner Pritchett stated her light was on, but she is not seconding it.

Mr. Denninghoff inquired if he could clarify one thing; the riverine portion of North Merritt Island is really the area north of Hall Road, so if that makes a difference in the motion, he would suggest that is taken into account. He advised the area south of Hall Road has separate issues that are actually a bit different, and he does not think the riverine aspect of it is really pertinent to the discussion.

Commissioner Tobia amended his motion to the area north of Hall Road.

Commissioner Lober stated he would second it to see how it goes.

Commissioner Pritchett stated she would like to call the motion before she speaks.

Chair Isnardi called the question. She noted the motion failed.

Commissioner Pritchett stated she wanted to throw out if someone made a motion to modify the compensatory storage rules, and have staff come back with that she would second that; she thinks that is a great option to start with; then the Board can start getting Countywide ideas, because this is not just a Merritt Island problem; and she thinks that would be an excellent start for tonight as the Board is waiting to gather some information.

Commissioner Lober stated he would like to address that, he was not planning on speaking about that; in terms of adjusting it Countywide, he does not know, and he would invite either Attorney Bentley or Mr. Denninghoff to jump in, he does not know that there is an adequate scientific or technical basis to implement anything Countywide, he thinks that needs to be looked at area by area. He went on to say he thinks there are certain areas where it may be riverine and certain areas that are estuarine, and the areas that are a little bit more in the grey between the two where it is not entirely clear and may have features of both of those types of flood plains; and that said, he would like to make a couple motions. He stated the first motion, and he hopes this goes through, is to direct staff, Public Works in particular, or whatever staff may be delegated this, to put together a proposed moratorium to present to the Board at the next Commission meeting; not six meetings from now, he will work with staff to whatever extent they are able to work with him to ensure it is in keeping with what the Board has discussed this evening, to implement, pending the results of the drainage study, requirements for compensatory storage to account for those historic drain flows that have gone to the land; and then the Board can address this at the next Commission meeting to determine if it is everyone's approval, and if so, get it advertised and get this thing moving; and he thinks that gets the Board moving in the right direction.

Chair Isnardi inquired if that was a motion.

Commissioner Lober stated yes.

Commissioner Smith stated he is listening to all of this and his head is about to explode; estuarine, riverine, and has the Board not ordered a study so it would have some answers; and the Board knows those answers are going to be in two years, or one year. He added he has heard an awful lot of talking tonight about doing this and doing that; he remembers when he was a little kid, and he uses it on his grandkids, 'haste makes waste'; he does not see that there is any hurry here to do anything; for him, facts are more important than emotion, and there is a lot of emotion here; and he understands emotion. He noted he also understands facts, and the facts the Board needs are going to be presented when the study is complete; then the Board will

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have all of the facts on the table to make decisions based on facts that will benefit these people; and then the Board can deal with flooding in the rest of the County as well. He went on to say he thinks the Board is spending a lot of money for these facts and he thinks the Board needs to wait for the facts before it makes its decision; and he is not looking forward to vote yes on anything tonight.

Commissioner Pritchett requested that Commissioner Lober wait until the next meeting to discuss this one more time; she agrees with that, the Board approved almost one-half of one million dollars for this study just for this area; she does not think the Board is under any two week critical thing; and she thinks the Board needs to take a little pause, get a little bit of input back from the community, not that this is not important, please do not think she is not saying this, but again, this is not the only area with this problem. She added if the Board starts with this, she promises she will have four places in North Brevard expecting it, and Commissioner Isnardi has Indialantic, this is just a Countywide problem; as far as modifying the compensatory storage rules, there are already rules in place, and the Board probably needs to just start with that and get some recommendations coming back. She mentioned she would like to direct staff to come back with some recommendations, and as far as funding, she will need staff to come back and help show the Board that as well, because if it is already in an account for a couple of years, and just pull it in early, but then one understands they might not be getting later, just so that he knows that is the accountant in her right now; and she thinks waiting at least a meeting on this is just a better strategy. She mentioned this is a lot of information right now to just do this all in one night; she would request that this be held off.

Commissioner Lober stated there are a couple ways that this could have been phrased; it could have been phrased to direct staff to put on the Agenda, well, not to be put on the Agenda, but to simply go about advertising the moratorium and go that way; that would be perhaps the most impulsive quickest way, but out of respect for the comments that he has heard from the other commissioners, he is happy to have them put something together and bring it back. He added he does not know that they are putting together a proposed moratorium is really all that different from what Commissioner Pritchett is suggesting in terms of having them bring back options; it is not that when they put that together the Board is therefore obligated to advertise it or to act on it, if it is not something that meets the Board's approval; and he would ask, because it is not keeping it at least by and large with what Commissioner Pritchett suggested that she can say that she considered supporting the motion as it has been phrased, in so far as it concerns that area. He went on to say as far as other areas of the County, including District 1, if she has a concern of this nature in District 1, it should be brought forward and he would be happy to support her and her constituents on it as well; if there is something in District 5, by all means bring it forward and he will support it; and he tries to defer to people with respect to issues that pertain to their Districts exclusively as much as he reasonably can and this is one that pertains exclusively to his District and he is not saying that anyone is treating it differently on account of that, but he would ask that the Board give a little flexibility to allow staff to prepare at least a draft of what the Board could move forward with. He explained it is not just this next meeting then the Board directs staff to draft it; now instead of being one meeting out, the Board is multiple meetings out; it is something where if the Board does not like it, if there is a draft, the Board would be in a position where it can modify what needs to be modified then and there; and then move forward or strike it at that point; and he does respect where she is coming from, but he thinks his constituents need to see something happening.

Commissioner Pritchett stated she knows he does, he is very compassionate about the other Districts, but she sees everything in green and white, so trying to figure out the funds that is whole different strategy that needs to be worked through; that is something that she has to look at with what the Board is doing; that is why she would like to pause this tonight, she is not really comfortable with a moratorium, because again, she does not believe in the minority ruling the majority; and she has a great struggle with that. She added if Commissioner Lober would buy

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some time, and give her some time to maybe figure out, she has to research things before she does them; it would give her a little more time; and as of right now, she is not comfortable even working towards a moratorium until she has information, in all fairness.

Commissioner Lober stated he would like to work with Commissioner Pritchett as much as he can; the one thing he would ask that would put him at least in a better place with this is if she would assure him that if she is ready to move the next meeting; the Board does everything within reason to expedite this so this does not drag any longer than need be; he knows, he has been up in North Merritt Island; and in fact, when he went up yesterday, it certainly was not a tropical storm, he has a little car that is low to the ground and he had to meet his wife half way from where she works to swap out to have a vehicle that is higher off of the ground. He went on to say he was concerned he would not be able to get back home from North Merritt Island in the car he normally drives; it is a sense of urgency up there; this is not something where the ideal answer is to wait until the drainage study comes out; and he thinks to implement something permanently, yes, wait until the drainage study comes out. He noted if there is a need now, which he believes there is, he will, out of respect for Commissioner Pritchett and what she suggested, he will withdrawal his motion at the moment, but he really would ask staff to do everything within their power to expedite this to get it even if it is not in perfect format and ready for the very next meeting.

Commissioner Tobia stated these could both be accomplished if the Board waived the permission to advertise; if Commissioner Pritchett was able to sit down and get comfortable with it over the next two weeks; normally the Board would have that two week permission to advertise that it can waive it like it has on rare occasions to CSC; and as Commissioner Pritchett looks forward, he asked that she take that into consideration so the Board could get this done on an expedited timeline.

Commissioner Lober added he would agree with that as well; if this is something Commissioner Pritchett is comfortable with, he thinks that is a great way to expedite it so the Board can shave some time off; and again he does not want to push Commissioner Pritchett if she is uncomfortable with it. He reiterated when this comes back at the next meeting, he probably will be, if Commissioner Tobia does not beat him to the punch, moving to waive that item.

Chair Isnardi stated she knows this is important, but this has been going on for 30 years; now the Board is talking about waiving advertisement, which she is fine with, because she understands, she just does not understand the intensity of it now; this is not even Commissioner Lober's Item, it is Commissioner Tobia's; and it is completely different from where the Board was going. She added she would like staff to bring back information, if she is comfortable with some of their options, or she is comfortable with two of their options out of 10 of their suggestions on ways the Board can improve the drainage, whether that be through expediting the funding, getting a new pump, pulling money out of reserves for that, whatever it takes; and she has her own list for Indialantic, which she is sure the Board is tired of getting their emails and calls about it as far as funding goes. She noted making any rash decisions does not help anybody; she knows it feels good to stop the flooding, but again, she knows that is not something the Board is talking about this very minute, but this is the Agenda Item, when one starts talking about putting one house per two and one-half acres, there is no drainage system on that property at all; and that is water sitting on a house that the elevation is as high as that building can get it, which is going to cause more flooding. She went on to say she knows it does not sound like that is the case, but here is an engineer saying the same thing, the same one that Commissioner Tobia was using to talk about increasing compensatory storage; she likes the idea of increasing the compensatory storage, she is not even opposed to that, she thinks that is a great idea; and she thinks the Board needs to be armed with information. She added she trusts that Mr. Denninghoff is going to make his recommendation; he not only lives there, he knows the area, he has lived it, he knows how bad the flooding is on Merritt Island; and

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completely off topic, this is why she always said Merritt Island has a unique set of circumstances, it is a big area and it needs to be incorporated, but that is a whole separate issue. She explained she thinks they would take better care of it if it was incorporated; she will get off her soapbox; and she would like more information before she moves to rush or do anything, and she would like the residents to have the information as well. She pointed out she would not support anything that expedites it, because she does not see how this is an emergency considering this is different from the Item that is on the Agenda; the more armed with information she is, the more comfortable she feels supporting something; she may be on Commissioner Lober, Commissioner Tobia, or Commissioner Pritchett's camp on whatever recommendations staff brings back, but she would like to be armed with information; and she does not want to make a rash decision because it feels good or it is political, so that is where she is at, and she does not think he has the support to expedite it. She inquired if Commissioner Smith would like to expedite it.

Commissioner Smith replied no.

Commissioner Lober stated he does not think the Board is there at this point; he thinks it needs to come back at the next meeting, and depending on where things are at, he thinks at that point that is when the request is going to be made; there is not a request as of this moment to expedite anything apart from having them come back with recommendations at the very next meeting.

Chair Isnardi stated Commissioner Tobia suggested it, which is why she said she is not comfortable with it.

Commissioner Lober stated as he said, he withdrew the motion, in deference to the other Commissioners here; but that is with the understanding that there will be staff reports coming back, and people will do what they need to in order to apprise themselves such that the Board can act on this at the next meeting.

Chair Isnardi stated she wants to help this area, but she wants to be smart about it; she does not want to make a rash decision that does not help anybody; it is not about playing favorites, it is not about not caring, it is about making sure the Board is making scientifically sound engineering sound decisions, not political ones; and she asked if there are any motions to do anything other than direct staff to bring back information. She added she is not sure where the Board is with what motions.

Commissioner Lober stated he does not know if Mr. Denninghoff needs a motion beyond what the Board has provided.

Chair Isnardi inquired if he needed to withdrawal his motion that he made earlier.

Commissioner Lober stated he believed he already has, and if not, that is fine, he will go ahead and do it now; he thinks it is pretty clear in terms of direction, but if the Board would like a motion, he can put one together.

Mr. Denninghoff stated to be honest, he is not sure what the direction is other than to come back with some information, more detailed information about the riverine versus estuarine, and how that might apply in North Merritt Island and other locations within the County, perhaps; then, perhaps, a prioritized list of the improvements that might remain to be funded by North Merritt Island to improve the drainage.

Chair Isnardi stated as well as compensatory storage.

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Mr. Denninghoff reiterated including compensatory storage that is correct; as far as the Code is concerned, the compensatory storage is linked to the riverine flood plain.

Chair Isnardi stated exactly.

Commissioner Lober stated he has one last thing, if he may. He noted he understood Commissioner Tobia has taken the drainage tour, he has taken it, as well as others, he is looking at some folks that have gone there and taken the drainage tour, and if anyone on his right has not yet taken the drainage tour, he knows it takes a few hours, but it is something where regardless of how much one thinks they know about the situation, physically looking at it, boots on the ground level, one will learn more; and if people are concerned about not being full apprised as to what is going on, if one goes, they will learn a lot more about that situation than anyone could tell standing here. He went on to say there are no pumps or any equipment or really the topography that one would be looking at on the ground up there; if there is any way one could get up there if they have not yet, he asked that they please look at that.

Commissioner Smith stated he took it when he was Chair, with Mr. Denninghoff; they went out in the rain and the wind, it was during Hurricane Irma, so he has had an up close and personal experience with all the water and all the rain.

Chair Isnardi asked if it was clear; and she inquired if the Board needs a motion.

Attorney Bentley replied as long as Mr. Denninghoff knows what he is supposed to be analyzing, it is okay.

Mr. Denninghoff stated he thinks he is going to watch the tape just to make sure.

Commissioner Lober stated he could give him a call and he will see if he can get him up to speed again.

The Board authorized John Denninghoff, Assistant County Manager, to prepare and bring back the Board density recommendation of the NMI SAS being that it is a riverine or an estuarine, how that may be applied for NMI, and to provide a list of improvements that may be funded for NMI to improve its drainage with compensatory storage to the August 20, 2019, meeting.

The Board recessed at 8:06 p.m. and reconvened at 8:20 p.m.

ITEM J.3., DISCUSSION AND RESOLUTION, RE: CITIZEN COST SAVINGS

Commissioner Lober advised there is a somewhat similar BCC-69 Policy in place for employees that has a \$5,000 cap for cost savings; it is beneficial to the County to have; he has had conversations with the Information Technology Director regarding whether or not he thought it would be reasonably feasible to put in place a forum on the Brevard County website to allow folks to submit their suggestions; the reason he thinks that is important is burdening certain departments with requests and if going through an internet submission would address that concern; and it is worth looking at putting a minimum savings in place. He mentioned giving Ilene Davis credit for bringing this up to him.

Ms. Davis stated this is just an idea and when she was on the City Council in 1994, her goal was to reduce the cost of government to taxpayers, and ended up including requirements for a new City Manager an opportunity to get a 10 percent bonus based on what was saved by an audit; she wanted to bring that idea up as a way to minimize money spent; she likes the cap idea; and it is just an opportunity for people to look at the budget for ways to save money.

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Commissioner Lober stated he is flexible with percentages and cap amounts; it could always be implemented for some predetermined period of one year; this is an opportunity where there is no incentive for good samaritans to go through the budget and offer his or her knowledge; it may be an incentive that is small or large, but it would be a benefit of how the private industry would do it; and this would simply be for the general public.

Commissioner Tobia advised he will be voting in favor of this; and he inquired about liability if an individual claims something the County implemented was his or her idea.

Commissioner Lober replied he has that concern; he stated public health or safety cannot be detrimental; prior to granting any sort of award, it would have to have a written finding by the Board or its designee, but for the proposal the change would not be implemented; and there is other items that no employee of Brevard County is to propose the same, or substantially similar suggestion, within the preceding 36 months, which can be adjusted down or up.

Commissioner Tobia inquired if the County could be sued because of that. Commissioner Lober responded the chance of getting sued by the last Agenda Item is much higher than the chance of getting sued over this.

Commissioner Tobia stated he is for this and he is just trying to find issues to keep this as tight as possible. Commissioner Lober stated it is always possible that someone is going to sue; his concern is of there being a meritorious lawsuit; and that is not going to keep him up at night.

Commissioner Tobia inquired if there is a possibility of someone that would sue based on the cost savings that they believed was much more than the way the County may have figured it. Commissioner Lober replied affirmatively; he stated by indicating there has to be a finding as to the specific amount of savings, which may be included; any contingency that can be planned for, even if it is unlikely, is better to be planned for.

Commissioner Tobia inquired if someone identified a savings for the Save Our Indian River Lagoon money and there are limitations on how the SOIRL money is spent, and would that be paid for out of the General Fund. Commissioner Lober replied the proposal has been implemented in a manner compliant with all applicable policies and procedures that can be expanded on, to be entitled to grant an award from the same source of money that is the beneficiary, or the source that is realizing the savings.

Commissioner Tobia expressed his appreciation to Commissioner Lober for spear heading this; he stated there are a lot of issues to deal with; but he is going to be supportive on this.

Commissioner Smith stated when he heard of this idea, he was thinking emotionally; he thought about it for a while and he thinks it is too subjective and cumbersome, and there is already a Citizen Budget Advisory Review in place.

Commissioner Pritchett remarked she is not going to support this tonight; she stated it is a little bit of a logistical nightmare of who is going to judge it; she thinks this not a very good idea; and she does not want to explain her district how other people that are not in his or her area are getting tax dollars, when how they will be measured is unknown.

Commissioner Lober stated there are the folks who are appointed and willing to serve on the Budget Review Committee, but that is an unbelievably, infinitesimally small percentage of the overall populace here in Brevard County, which does not represent folks that has array of technical experience and expertise that there is floating around Brevard County; the goal with this is to incentivize people who otherwise right, wrong, or indifferent would not be part of the process; and as far as cutting a check for someone, would a person rather pay a higher tax

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versus cutting a check for a savings to the County. He advised he does not have a problem responding to a person if they are upset about it; he thinks the benefit offsets the detriment; he is not pushing to get this done lickety-split; if this is something that folks want more work done on, he is happy to bring it back; but this was basically put on the Agenda to float the idea, to see whether there was any palatability, and if so to get some direction to move forward or hem it up to get it in a place, to put it in place.

Commissioner Smith mentioned there is already something like this in place for employees; he remembers one from a guy about shutting off lights with automatic timers and motion, so the rooms did not stay lit for hours on end if no one was in them; but he still comes back to it being very cumbersome trying to figure out all the particulars of how it is going to work, how to protect the County, and how to protect the person; and he thinks it is a good idea on the surface, but he cannot support it.

Commissioner Lober advised it is Policy BCC-69, dealing with employees and there is a \$5,000 cap; if that has been a success, it is all the more reason to try something like this; it can be capped at any number the Board is comfortable with; he thinks if it takes hours of time to save an appreciable amount of money, he does not mind spending hours on something that saves the taxpayers' dollars; if it is a 10 cents saving, he will not do it again; but if its big money, he is happy to sit here for hours longer to have an appreciable savings for the folks who are paying into the taxes.

Chair Isnardi commented on the surface it sounds like a wonderful idea, but she thinks the danger is subjectivity because if there are people who do not value expending resources in Parks and Recreation, which is an example of usually being the one that gets cut fist; there is obviously a large amount of the population that does value the services that Parks and Recreation provides, but if the Commission does not politically believe so is that considered a savings when cutting the services of tax payers; the biggest issue she has with this whole thing is rewarding people with other people's money, by taking someone who is not an employee, and giving them tax dollars; but with that subjectivity factor along with that, she just cannot get there, although in spirit she thinks it is awesome and fantastic. She added there is a Budget Review Committee that could be expanded; intentions are great with what is trying to be done; as far as the Board's time goes, it sits here for hours on end, it meets with constituents, it attends meetings and has its own meeting, and this is staff which cannot be equated; if staff is running in circles, chasing down every idea for savings; and she thinks it would be very difficult to manage.

Commissioner Lober stated if that is the direction and folks do not want him to see if he can come up with something that is more specific to address some of those concerns, he will let it die; if there is some potential interest, he would be happy to work on it, and see if he can bring something back that is a little bit better phrased to address some of these concerns.

Chair Isnardi stated she thinks within an organization it often works because there is the incentive of the employee who works within the organization to know whether or not that something feasible is going to be supported by management; but she cannot imagine sending the County Manager a laundry list of stuff to save money to see if it is going to save money, or it may not even be supported by the Commission.

Commissioner Tobia pointed out crime stoppers receives plenty of leads that do not go anywhere, but they find benefit in rewarding citizens that leads to public safety and this is really not outside of the box; he expressed his appreciation to Commissioner Lober for the way he brought this forward, because he remembers Commissioner Pritchett saying a long time ago to use staff time before getting into something.

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The Board discussed the creation of a mechanism by which individuals and/or business entities may be granted a percentage of taxpayer funds saved as a result of the County implementing their cost-saving proposals and realizing savings as a result thereof, but took no formal action.

ITEM J.4., DISCUSSION, RE: POLICY REQUIRING ADVISORY BOARD MEETINGS AT GOVERNMENT FACILITIES

Commissioner Tobia stated a couple of months ago he was trying to find the location of a Tourism Development Council (TDC) sub-committee meeting and he came across something that surprised him a little bit; many of the TDC meetings are held at hotels; he asked the Tourism Development Director to provide him with a list of how much money was spent on these County meetings at these hotels; in 2018 this was more than \$8,000; perhaps even more concerning is many of these venues limit public access by charging for parking; one hotel charges \$9 for parking; there is simply no good reason for this, throughout the County there are many government buildings where these meetings can take place, and saving taxpayer dollars to ensure open access to citizens; he included institutions of higher learning where such space is given for free; and he suggested to give the County Manager authority to waive this Policy in writing, in order to account for emergencies, and other highly unusual circumstances. He advised his motion will be to direct staff to institute a policy requiring all Advisory Board meetings to be held in government facilities, or if available, at no cost and in a location freely accessible to the public and institutions of higher education; and the County Manager shall have exclusive authority to waive the policy in writing.

Commissioner Lober stated he likes where this is going and it is horrible having anything that is at a location where a person is charged for parking or restrict the public from being able to attend; he is happy to limit it to locations that do not cost the County any money; he knows the TDC has recently met at the Zoo and that there are hotels in Palm Bay that have comped any sort of fees or costs for the TDC to meet; he does not want to restrict folks unnecessarily if there are other options that are free and are accessible; if it limited to free and not charging for parking, that is perfect; but he does not know if he is onboard with restricting it to just governmental facilities or academic institutions.

Commissioner Tobia stated the room may be comped, but then they charge for refreshment; he has a list from the TDC of meeting hotel costs that ranges from \$302 to \$1,347; he would have no problem if these were all zeros and they comped the food as well; but this is \$8,000 that could be spent on advertising or a whole host of other things.

Commissioner Lober advised he could support that if it were to say no charge period, including incidentals.

Commissioner Tobia stated he will amend his motion; his goal was to provide access at no cost to the public, as well as to zero out that \$8,000, and there be no fee for the County.

Commissioner Pritchett advised she is fine with it; she stated the only problem there was is this with the TDC; she asked the County Manager if there are any other board involved in this; she stated she is fine with the first way the motion was, because she does not think it is inappropriate for someone on the board to go buy a soda; she thinks as far as using the facility at no cost would be good, so it is not coming from taxpayer dollars; she is more comfortable with the first part of the motion before changing it, as far as having the cost there, and maybe the parking; but she thinks it is not so bad if someone visits the soda machine, or picks up a terrible bag of fries during the meeting. She added those things do not seem to concern her, because the public does not have to spend money on that anyway; she is not sure it is necessary, but it does give a little comfort so it does not happen again; and she is fine with it.

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Commissioner Lober explained that way that he took it is, is it not that folks are on their own volition, individually choosing to buy things but rather they are buying that incidental to that the room is being comped; he thinks that is where Commission Tobia was going with this; and he asked if he is incorrect, to let him know.

Commission Tobia remarked he really does not care how this is worded, as long as taxpayers are not on the hook for the \$8,000, as well as that there is no access issues, and someone voicing their opinion should not have to pay \$9 to park; he thinks that is not fair and that is all he was looking for to do; he thought that the institutions of higher learning are free, as well as all public buildings are free; but he does not care where they are held, as long as there is no fee for the residents and not to spend dollars that could go towards advertising, the Zoo, aquariums, coffee, and Danishes.

Commissioner Pritchett advised in there Commissioner Tobia had put if available, at no cost and in a location freely accessible to the public, so she thinks he grabbed it right there; and he did pretty well.

Commissioner Lober stated he thinks it is already covered by the County Manager, having authority to waive the Policy in writing; the only concern he would have if that were not in there, is if there could be no accommodation for a particular group in the facilities available; he thinks the Board is fine by having the County Manager with authority to waive that; and he is happy with that it.

The Board discussed and directed staff to institute a policy requiring all Advisory Board meetings to be held in government facilities, if available, at no cost and in a location freely accessible to the public, and at institutions of higher education; authorized the County Manager to waive the policy in writing; and authorized no charge period, including incidentals.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM J.5., CITIZEN REQUEST BY DONNA POST, RE: ALLOWING DOGS ON THE BEACH IN BREVARD COUNTY

John Post, speaking for Donna Post his wife, expressed his appreciation to the Board for its time; he stated he knows it has probably been a really long day for the Board; but he has great respect for the work it does; and he received a little snip it of it today sitting through the meeting with the vast amount of issues and dealings the Board has. He went on by saying it is an emotional position for the residents of Melbourne Beach, but he thinks it is one that they can have a compromise about; initially when this was first started they were not as educated about the entire stretch of the beach they are talking about, so the report that came out from the Parks and Recreation Director educated them a lot; and he thinks they have to amend the initial request. He added there is room for a compromise; one of the things he read regarding 68 beaches along Florida that have gotten approved before, one thing he would like to see, especially due to the fact of Archie Carr Refuge they have, he would initially have people have a license to have a dog on the beach, should this be passed, that gives them all of the specific guidelines as it relates to the marine life, habitat, and everything the County would like to see; and it kind of gives a safeguard to the County on any liabilities that can come upon it should an ordinance like this be passed. He stated really it needs to be condensed; he thinks people need to look outside of the Archie Carr Refuge; there are areas in that South Beach portion they

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could have another dog access to; they could also look at just the timeline outside of turtle season; and they are just looking for a compromise and options. He stated they could have a restricted time limit of 6:00 a.m. to 9:00 a.m., 5:00 a.m. to 8:00 p.m., with a license that has to be received; penalties if people do not keep their dog on a leash or do not pick up after it; and to do that on a timeline outside of turtle season. He pointed out he is hoping the Board, along with the federal agencies that have interest in this, could look to see if there is a way to what he believes the majority of the residents, the year-round residents in Melbourne Beach, that are really looking to have this capability without upsetting the natural landscape and anything to do with Archie Carr.

Commissioner Pritchett stated the Board has gotten a lot of response from the general public, so she wants to let people know where she is; she read some of the newspaper articles; she loves dogs, they have three dogs that are adorable; but she is not going to support this tonight. She went on to say she thought maybe if the Board talked about what he or she was thinking, there are a lot of comment cards, and she does not think this will pass; and she thought this may help a lot with public comment, so she thought it might be smart to let the Commissioners weigh in. She advised she already read in the paper comments from Commissioners Tobia and Smith, so she thought this could be something to just throw out in front and maybe save a lot of time and people a lot of nervousness coming in front of the Board.

Commissioner Lober stated he thinks that is a great idea; obviously if people can speak, God bless them, and they can come up before there is any sort of formal vote; his position when he looked at this is he loves dogs, but he has turtles on his license; it was one where there is an internal turmoil in terms of what is being proposed and what the impact is going to be; and his concern first and foremost is to talk about, and he may be wrong about the exact length of this area, but 11 or so miles. He went on by saying if a particular block, he might be more receptive to it; what he would need to see before he would even consider supporting something like this is that it be narrowed to a much smaller area, that the area preferably have as little impact to the environment, be it turtles or any other creature that happens to be there; he would really like to see this go through the Commission Office for that particular District whether it ends up in District 5 or District 3, whatever the case may be; but what he has seen tonight, he is not opposed to at some point in the future, whether at the meeting, three meetings, or 10 meetings, is approving a certain stretch of the beach for dogs, he cannot approve anything along the lines of what was proposed, he is just not there. He noted he would love to take his dog to a beach, but he does not want him gobbling up sea turtle eggs even if they may be nutritious; he is not there, he does not know how he can be brought there this evening; he thinks there is too much that needs to be done with it; if this is something people really want to see, as he said, to please go through the Commissioner Office, because whatever District this ends up being if it comes back, if that Commissioner does not support it, the chance he is going to support it is essentially non-existent.

Commissioner Pritchett advised she was going to recommend the same thing; she loves citizens suggestions, but this really needs to start in the Commissioner of the Districts office to see if he or she has support of it; she thinks that is probably the better path because the Board ends up with these things under Agenda Items on things he or she does not have any Commission support for; and she thinks it is more fair for the public to have that process as well so he or she is not staying here all night for an Item that there is no support for on the Commission.

Commissioner Tobia stated it is wonderful that Commissioner Lober likes dogs and turtles,

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because he does not like dogs or turtles.

Chair Isnardi noted he is not kidding, that is the sad part.

Commissioner Tobia advised he appreciates the deference paid to this being his District, but it is unfair that the constituents may be on the opposite side of where he is; there are many environmental issues, and that is one of the reasons why he is against this; but he certainly, though he does not always agree, he knows their hearts are always in the right place up here; and on this one, he would say a person is more than welcome to come to his office as is anyone, but he would happily discuss it just because he represents a large part of the beaches, and he would not take it as a front if any Commissioners brought it forward, he thinks the Board can discuss it and go from there. He stated he would like to go against his Commissioners saying it has to get the okay, absolutely not; if it goes down 3:2 or 4:1, that is the democratic process; and unless it is speed bumps, he is against speed bumps.

Commissioner Smith inquired turtles, speed bumps, and what else.

Commissioner Tobia expressed his appreciation to the applicant for bringing this forward; he stated to please meet with him; if it is honed down, that is a great way; to meet with the other Commissioners; and he would be more than willing to listen intently to the debate as the Board moves forward. He asked the Board not to consider him as a veto on this Item.

Chair Isnardi stated there is no part of this that she likes; it is not because it is 11 miles, it is because there are designated areas for dogs; it is a health and safety issue for her; she loves the turtles and the eggs, all of the environmentally fluffy stuff, but this is not even about that; and she reiterated it is a human health and safety issue. She noted in reality there are more responsible pet owners than others; there are enough gross things on the beaches; and there are designated areas for dogs. She added there are not enough Animal Control Officers to manage the Animal Control problems not on the beach, which is something else entirely; hopefully the Sheriff would be open to putting more of those guys to handle some of the feral cat issues, which is another nightmare of hers; but there is no way she will support this; and while she appreciates and welcomes every one of these speakers who submitted cards, and she will listen, but it will not change her mind. She pointed out the thing that frustrated her the most of about this is a lot of people were sending pretty exciting emails, and this was not brought forward by any of the Board Members, it was a citizen request, which is their right, but do not always assume a Commissioner is pushing an issue when it is a citizen request; she already knew how three of the Commissioners were going to vote before she even got here tonight; she is glad the Board is having this discussion now before public comment; and that is why she does not talk about her vote with the media at all beforehand, but she does not do that with constituents either, because if someone gets it wrong or someone is a conduit to another Commissioner, she does not want to be responsible for that. She expressed her sorrow that some of the public were impassioned about coming out and yelling at the Board for doing this and she does not think any Commissioner is doing this at all.

Commissioner Lober stated if a person is inclined to speak, obviously come up and speak, but if he or she wants to pass knowing where everyone is, everyone can get home a little earlier including the folks in the audience.

Jeremy Edwardson stated he is the deputy project leader for Everglades Headwaters National Wildlife Refuge Project stated out of their office they also manage Archie Carr

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National Wildlife Refuge, and he serves as the refuge manager; he may modify his speech given the way the Board has talked, and even the person who brought on the proposal as well, curbed their mindset; he would like to take a bit of time to explain more about the refuge itself; Archie Carr Refuge is collectively a 20-mile stretch that includes both Brevard and Indian River Counties; and about 13 miles is Brevard County. He went on to add out of that the National Wildlife Service manages or owns about three and one-half miles of that as well; but it is not all in one stretch as the Board can see on the maps, it is all spread out, and it is kind of a checker board approach; the reason why the Archie Carr Refuge works and why they have over 21,000 nests just from this year in Brevard County, it is a partnership approach, so it is not just them leading the drive to manage this multi-agency refuge; it is private landowners, County, and State; but collectively together as the Archie Carr Working Group, which he co-chairs, that he has been able to work closely with a lot of the Brevard County employees, staff, and about 20 agencies and organizations that are here today as well. He stated it brings over \$14.5 million in revenue to the area as well; a lot of that is because of the sea turtles, but it is the shore birds, public, beach use, and they support appropriate beach use; specifically to the dog issue, even to spite the County Ordinance, they would not be able to allow dogs on beaches within their managed lands because it has to go through a process to find if it is appropriate and is it compatible; that is why they are so hopeful they can have a good working relationship with the County; and that way it would help with their management as well.

James McGrath stated he is totally against having dogs on the beach; he sees people every day people flagrantly violating the law by not only bringing dogs on the beach, they are unleashed; he does not know what it is today, it seems like every facet of their lives people with dogs want to inject it into people's lives; he cannot go to a restaurant now and sit outside and eat without a dog being there; he cannot go on an airplane because it is explosive the past several years having the emotional support dogs on airplanes; and now people want to put dogs on the beaches. He went on to say Canova Beach already allows dogs; there is a thing called a website and it is bringfido.com; he went to the site and he read where some people who have dogs go there; and he read a couple of excerpts. He stated if a dog has hookworms, there is a good chance for a human to contract hook worms; he is a dog owner, but he will not take his dog to a beach; he asked if people cannot pick up dog feces in the street, how will they pick up dog feces at a beach, they will not; and there are irresponsible dog owners.

Vince Lamb stated he feels a little guilty taking the Board's time on this; he is a board member of the Friends of the Carr Refuge, which is a non-profit associated with the Refuge; they do fund raising for the Refuge; they lead the turtle walks for the Refuge; and he has spent 16 nights on the beach leading turtle walks in the past two months, sharing the turtle experience. He went on to say clearly the Friends of the Carr Refuge has voted to oppose this, but they are certainly willing whatever options might exist; they really thing a dog park north of the Refuge; and they see no potential for dogs being allowed on the beach inside the Refuge, because U.S. Fish and Wildlife and their comprehensive management plan has banned dogs from the Refuge, the State Park has banned dogs from the beaches and in the water at the State park down there, and this is like 13 miles from the Inlet north. He noted when thinking about turtles mostly, the shore and sea birds are a big issue here as they are in their migrating and landing on these beaches to rest; even a dog on a leash is going to scare a migrating bird to fly again and waste energy; and he loves the fact they are predisposed to allow the dogs in the Carr Refuge.

Janet Thorne stated she wants to say she is a dog lover, but she is absolutely against

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having dogs on the beach; one thing that was not mentioned is the sea turtles are an endangered species, which means nationally they are ranked at the very top of animals to be protected; and the least damage that cannot happen to them is not disturbing them, digging up eggs, and so on, so that level of protection needs to be provided.

Sara Rhodes-Ondi, Sea Turtle Conservancy a private non-profit that has been protecting turtles for 60 years, stated Brevard County's Archie Carr National Wildlife Refuge hosts the single most important sea turtle nesting beach in the United States; the Refuge is a nesting ground for more threatened Loggerhead Turtles than virtually any place else on Earth, as well as for Green and Leatherback Sea Turtles; decades of tireless work and millions of dollars spent by environmental agencies, non-profit organizations, such as the Sea Turtle Conservancy, and foundations successfully created and protected the Refuge as a safe haven for turtles; and a recent movement to open up the Refuge to domestic dogs threatens this progress. She went on to say a group of local Brevard residents is pushing for the proposal to allow dogs on 11 miles of the Refuge between 5:00 p.m. and 9:00 a.m. daily, stretching from Sandy Shoes Resort all the way to the Sebastian Inlet; STC has extensive experience in monitoring and protecting sea turtle nesting beaches in Florida and in the Caribbean; on some of these beaches dogs have been documented as a major threat to sea turtles; dogs sniff out turtle nests and they dig them up; they are also known to scare off nesting sea turtles; and sea turtles, especially the hatchlings, have plenty of wild predators without humans introducing large numbers of domestic predators. She advised this stretch of beach owned by County, State, and federal governments falls under the U.S. Fish and Wildlife Service Management Plan that does not allow dogs and cats on federally-owned property; Brevard County would be vulnerable to a federal endangered species act lawsuit if this plan moves forward; and any impacts to sea turtle nests are documented. She pointed out the Refuge is one of the most heavily studied nesting beaches in Florida, so any predation incidences by dogs would be swiftly recorded; in the Sebastian Inlet State Park dogs are not allowed on the beaches or in the water; up to this point Brevard County has stood in solidarity with the U.S. Fish and Wildlife Service and the Florida Park Service by not allowing dogs on their beaches within the Carr Refuge; the patchwork of land ownership within the Carr Refuge would make enforcement of any dog friendly ordinance or designated beach very difficult for staff and confusing for residents; this year has been a record breaking year for sea turtle nesting in the Refuge and across the southeastern U.S.; and by the end of July 2019, they have had more than 21,000 sea turtle nests, all three species of sea turtles that nest in the Carr Refuge are just starting to show signs of recovery. She noted the Carr Refuge in Brevard County is the worst place to allow dogs on the beach; although many staff members of STC are dog lovers, they oppose allowing dogs to defecate where people and children take their shoes off and play in the sand; it is highly unsanitary for people and very dangerous for sea turtles; and Brevard County has a nearby dog beach, Canova Beach Park, located outside the Carr Refuge where the dogs are less likely to encounter sea turtles and located eight and one-half miles north of the Sandy Shoes Resort. She stated there are plenty of other places for dogs to play with their families, but the South Brevard Beaches are protected for sea turtles.

Gail Kenney stated she lives in South Melbourne Beach, and they have been on the ocean for 15 years; she loves the beach, and loves to walk the beach, and it is an impossibility; over the past 15 years there have been dogs running lose all over the beach; and it is impossible for anyone who does not have a dog to enjoy the beach. She went on by saying she has dealt with Animal Control people; she has had dogs come out of the houses and charge her; she was not getting anywhere; she took videos of these dogs; and finally the Animal Control people did talk to them and fine the people. She added dogs are running all

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over the beach; they are coming up to people and they are barking; people sit on the beach and say the dog will not hurt people; and he does not want to have to deal with it when she is walking the beach. She advised the situation is totally out of control right now; no one is obeying the ordinances; and she would like for them to be enforced. She noted her husband was backed into the ocean by a dog; he had his iphone in his ear listening to a book; and his iphone was trashed because the dog backed him up, a wave crashed over him, and it pushed him under water. She stated the owner paid for the telephone because she did not want to be reported for it, but it is impossible. She stated people have a right to enjoy the beach as well; and for people not to control their dogs to her is very poor manners.

Kevin Kenney stated he has been physically attacked three times, one was a Great Dane, one was a Pitbull, and another was a Doberman; these are not friendly people dogs; 95 percent or more do not have leashes; and it is their backyard. He went on to say there needs to be more enforcement now because it is blatant; and if a person went by his property any day, there would be 50 to 100 dogs on his property.

Lisa Herendeen stated she is shocked that she would come to a meeting like this, it seemed like everyone on the dais that he or she was sharing and discussing things back and forth, and she feels disappointed that each and every one of the Board Members came with a predetermined decision in his or her mind already; the people vote for the Board Members so he or she will stand there and represent the citizens; and the citizens should be listened to. She advised then to say the people may want to wave their three minutes of public speech, she finds rather insulting; she is one of the people who would like the dogs to be allowed on the beach; if the Board is familiar with the South Beaches, there are only eight public access points; she looks forward to turtle season almost as much as she looks forward to Christmas; they cannot wait to see the nests, educate people, and people are a much bigger threat to turtles than her small dog would ever be; and personally they have over 32 private access points, so each neighborhood has its own access point. She noted they have a private beach and a river park; there are 32 private beach access points that are basically governed by the individual homeowners associations; they can bring their dogs to the public spot right there; but they cannot walk them down the steps to the beach; and she wants to make sure everyone realizes that. She stated it is not like the Board would be opening this up to a huge amount of cars, dogs, and people, it is basically the residents that choose to live there in this beautiful unincorporated area, and they just want to take their dog out before the beach is crowded or there is any activity; the citizens were willing to look at a compromise, maybe even off of turtle season, or just something to be considered; and she really hopes if there is more research done that more people will consider things. She added she saw a comment in the newspaper if it was before in the morning and after certain hours there would not be any lifeguards to monitor that activity; they do not have lifeguards south of Spessard Holland Beach, not off season or on season; there needs to be a little bit more education; she loves turtles; and she hates that the few ruin it for the many.

Commissioner Lober stated prior to coming here, and he is looking at the stack of comment cards, he had an exponentially number of individuals reach out to his office by email, by telephone, and he thinks all but two or three were opposed to this; it was not even close; and it was so one-sided. He noted it is not that his personal opinion is one thing or another, it is that the public comments before he ever even showed up here was so one-sided; barring something that is totally reverse of that, he did not see there being any real possibility that he would see a drastically different response from the public than elsewhere;

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and it is something that everyone is ultimately responsible for the bulk of their constituents. He advised if 95 percent of constituents want one thing or do not want one thing, there has got to be a real extenuating reason for him to disregard that and put it to the side; he respects what the last speaker is saying and he apologizes if what he said came off the wrong way in terms of people considering waiving their time; he respects people's right to be here; and he would never do anything to discourage folks who do want to come up and speak.

Commissioner Tobia stated since this is his District, 91.8 percent of the people that he received direct communications from concerning this issue did not want dogs on the beach; that is 122 emails and phone calls, they log them all; and 112 of them were adamantly opposed to this. He pointed out he understands her part of the other side, but for her to understand she is in that eight percent not the 92 percent; the Board does go through quite a bit of work, he knows Commissioner Lober responds personally back to many of those; he generally waits until after; but either way, he thinks the Board did its due diligence on this one, and he is very confident in saying he will be a no on this one.

Chair Isnardi stated she echoes what Commissioners Lober and Tobia said; it is not the Board Members dismissing a person's opinion, everyone's opinion is valuable; as long as he or she wants to have friendly conversation, her door is always open; however, aside from the overwhelmingly amount of people that absolutely oppose it, this was not an Agenda driven Item, it was not a staff driven Item, it was a citizen driven Item.

Ms. Herendeen advised it should be welcomed.

Chair Isnardi replied absolutely, and that citizen had it on the Agenda and it was discussed, but she does not want to waste anyone else's time by having them plead and beg with her to not allow it because that was the majority; she believes she did the audience and her constituents a service by letting everyone know how she feels; and there is no disrespect, and there is no way she was going to feel any different. She stated the Board has been doing this a while so it is not like a piece of property getting re-zoned or something he or she is just learning about, this is an area it is familiar with, and research has been done for many years and not just not over the past days or hours.

Commissioner Pritchett stated this probably should have been brought up under public comment or gone to a Commission Office for sponsorship; if this would have come under public comment, the Board could have decided if it was something to be picked up and work to be done on; she thinks the process maybe should be changed a little bit, so the Board can do research before things come up to see if anything is viable; but she thinks the Board will work to try to change things so it does not have frustrated citizens. She stated anything brought forward without the Board being able to spend time on it, she will not support. She stated the process now is to pick up the telephone and to see if she can get something sponsored; the Board is spending hours on things that none of the Commissioners support at that time.

Mark Herendeen stated it is unfortunate that a small number of people ruined it for the majority; he will echo that he is a responsible dog owner; dogs have been on the beach for decades; they will continue to be on the beach; he will continue to pick up after his dog; and he understands the concern.

Roz Freas stated she came as a responsible dog owner; she has lived in the County for

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over 20 years; and prior to passing a law that people could not take dogs on the beach, she took her dog all of the time on a leash. She went on to say she picked up after the dog and never had a problem, and she did not see any of these horrific things she is hearing talked about by the condominium owners coming down and seeing all of these vicious dogs; in other countries and other states dogs are much more free than they are in Florida; she wants to speak for dog owners who do care and are responsible, and do want access; she is a turtle lover and has a license plate; and she gives to the turtle people. She added her dog has never seen a turtle nest or done anything bad to spite years of walking on the beach; they do not have to have a problem if people are responsible; and as the last gentleman said, people ruin it for everybody. She asked the Board be open minded and come up with a sensible proposal where people can have some access to some beach. She stated she would prefer to live in a dog unfriendly County, because there are so many people who need exercise not only for themselves but for their dogs; as a physician she understands how important exercise is; and she hopes there can be some compromise and have a trial period for it.

Commissioner Lober advised he does not want anyone to get the impression he is totally unwilling to consider any beach area for dogs; if the request is narrowed down instead of being 11 or so miles to a couple of blocks somewhere where the environmental impact of it is a little bit better controlled or understood, if that is brought forward, he can get behind something like that; but the problem is it is so broad; he does not want to say it is up to the Board to narrow a request that none of them formulated; and in his estimation it is on the individuals who brought this forward to try to bring it forward.

Commissioner Tobia stated as a point of reference, there are beaches in Brevard County; Cocoa Beach has 12 blocks, Canova Beach, Samson Island, which is part of Satellite Beach, so a person is more than welcome to drive to Jupiter, but he or she is welcome to stay in Brevard County and go to a number of beaches.

Chair Isnardi pointed out there have been a number of dog parks opened in the County.

The Board acknowledged the citizen request made by Donna Post to allow dogs on a portion of Brevard County beaches from Sandy Shores Resort to Sebastian Inlet, but took no formal action.

ITEM J.6., CITIZEN REQUEST BY KEVEN PANIK, RE: ROUTINE MOWING

Kevin Panik stated there is an image of him in 2016 at this podium, another image of him in 2017 at this podium, he has not changed his request that the County stop routine mowing over roadside litter; this is his third-year anniversary of being here; and he cannot say it is very happy. He asked where they left off in year two; he stated to remember in year one he came here naively asking to stop it; he has never donated to anyone's political campaign; and he is just one person. He went on to say in action year two, he asked to please continue mowing over the litter and to study the problem; he asked the Board to task staff to just look at the problem in a formal study; he used reverse physiology, and that did not seem to work; and they did come though by management direction to mow over roadside litter. He stated why were only one of the two actions completed, is because the Board did not know what to do; he asked to update action two to continue to mow over roadside litter, but to update the action to give the Board better direction; to have County staff make 66 telephone calls to call each county in Florida to get an answer and check the box; it asks does the county, fill in the blank, perform mowing over roadside litter as a standard course of business and per management direction, yes or no; and continuing action two, to compile the data and post on the Brevard County

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website within 90 days of today's date. He asked does this meet project management principles for a true action; it shows to assign it to the County Manager or road and grounds; and if there is a due date and a presentation method documented. He stated he will fill in for Brevard County to save it from calling, it does as a standard course of business mows over roadside litter, so there is the green check on that one; revising other action two was not complete, although it did complete action one correctly, it continued to mow over roadside litter as a standard course of business; he would like to say the Board knows their mission statement from the website; and it is to contribute to enhancing and ensuring Brevard's quality of life today and always.

Chair Isnardi stated in the last two years the gentleman who just spoke and one other email are the only two complaints she has received about the County staff running over roadside trash; although she believes it happens, she does not believe it has nearly escalated to the point where her citizens are freaking out; she has discussed this with staff before, and perhaps other Commissioners have as well; of course it never intentionally happens; but she just does not get complaints about it. She stated she understands Mr. Panik has an issue with it and she respects that, but in all honesty she does not know how big of a problem it is other than for him where he is or where he is looking, because she does not have that feedback from her residents or people who contact her office.

Commissioner Lober advised he has never gotten a complaint of that nature aside from this.

The Board acknowledged citizen request by Kevin Panik for routine mowing over roadside litter, but took no formal action

ITEM J.7., RESOLUTION, RE: REVOCATION OF AUTHORITY FOR PALM BAY BAYFRONT COMMUNITY REDEVELOPMENT AGENCY (CRA)

Commissioner Tobia stated he thinks there has been an update recently; and he asked if Chair Isnardi would like the County Manager to deal with that prior to this.

Chair Isnardi replied it is Commissioner Tobia's Item, so it is however he would like to proceed.

Commissioner Tobia stated on Thursday after listening to Commissioner Lober, he suggested taking action regarding the Palm Bay CRA, which is located exclusively in his District; the resolution he is proposing is a modified version of the proposed resolution Commissioner Lober presented some time ago; the resolution does not shut down the CRA; it does not affect current bond or contractual obligations; it does not substitute the County for the CRA board; and all it does is prevent TIF funds from being further obligated for future years. He went on by saying the CRA will still have the authority to spend the collected TIF funds in any given year consistent with the approved project plan; after the suggestion by Mr. Abbate, a minor change was made this morning which would have required his office to take action that were unnecessary in this context; however, it would seem the City of Palm Bay staff has expressed a willingness to bring the option of sunseting the CRA early as an alternative to this Board taking further action; he greatly appreciates this effort; in order to allow negotiations to continue, he is willing to amend this resolution to have it sunset on October 8th; if Palm Bay does not agree to the ILA which will sunset the CRA in 2022, he has no intention of reinstating this resolution; and if they do not however, he would consider proposing something more in the line with what was proposed with the Diamond Square CRA, with the Board invoking its authority to substitute itself for the CRA in the financial interest of the County.

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Frank Abbate, County Manager, stated they have been working with the City staff; in fact, once they knew this resolution was coming up he contacted them, so they have been in that dialog; anticipating this Board had a strong feeling it was heading towards this resolution in light of what happened at the last meeting, if this Board gives direction that staff seek to enter into an interlocal agreement that ends the CRA in 2022 that the staff would bring that back to the city counsel; and staff is really looking for that direction rather than going with the resolution currently as it was proposed. He expressed his appreciation to Commissioner Tobia that he is willing to let staff look at trying to get this interlocal agreement which meets the Board's variety of guidelines, but most importantly it would be shortening the CRA two years in light of what they have done to reduce the debt by paying off part of their bond early.

Chair Isnardi stated she has been here before and the Board has been made promises that have not come through; and the Board will hold the City to it, otherwise the Board will revoke its authority and become the board. She noted she stuck her neck out on the line for Palm Bay based on information she was told to present to the Board, and that information changed; again, she is okay with what Commissioner Tobia has proposed; but she wants to make sure it actually happens this time.

Commissioner Lober stated he is in the exact same boat; this is one where his patience is admittedly rather thin with it; it is not necessarily either of the staff members in the audience; but he would suggest to the degree that they are able, if it is something that they want worked out that they do what they can to facilitate that happening, because this is a foregone conclusion if it is not resolved in a way the County Manager suggested to the Board is potentially appropriate.

The Board Adopted Resolution No. 19-125, revoking authorization to issue bonds, pledge funds, incur debt, obtain loans, and limiting other financial activities for those certain municipalities and CRA's; and approved the addition of a sunset clause of October 8, 2019.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Bryan Lober, Vice Chair Commissioner District 2
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

ITEM L.1., FRANK ABBATE, COUNTY MANAGER, RE: REPORT

Frank Abbate, County Manager, stated Brevard County's Valkaria Airport, out of about 112 general aviation airports in the State, has won the Florida Department of Transportation's General Aviation Airport of the Year award, which was announced this week during Statewide continuing Florida aviation system planning process in a meeting that they had in Ft. Lauderdale; he is told Steve Borowski, Airport Manager, will receive this award during a luncheon event tomorrow; Mr. Borowski is being recognized for turning what was viewed as a minimally functioning airport to a compliant, operational, and self-supporting airport that is a community and State aviation asset; and he congratulated Mr. Borowski and the airport staff for the significant and valued recognition.

ITEM L.6., CURT SMITH, COMMISSIONER DISTRICT 4, RE: REPORT

Commissioner Smith stated he would like to give a shout out to the Viera Little League, and to recognize a couple of fantastic baseball teams with the Viera Suntree Little League; both the

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Little League Majors and the Juniors were the Florida State champions, which in itself is a big, big deal; this week they competed in their respective southeast regional tournament; the Viera Suntree Little League Juniors won their southeast championship game with timely hitting, slick fielding, and power pitching; in fact, they did so well they invoked the mercy rule for the other team because they jumped out to a 16-1 lead in the 4th inning; and they will now be playing in the Junior Division World Series in Taylor, Michigan beginning Sunday. He congratulated the teams, coaches, and the parents; and he reminded the Board the Rockledge Juniors won the world series back in 2012, so as one of his staff put it, now Brevard is not only known for its beaches and blast offs at the capes and world class cruise ports, it is now known for birthing Little League baseball stars.

ITEM L.7., KRISTINE ISNARDI, COMMISSIONER DISTRICT 5, RE: REPORT

Chair Isnardi advised she did a little Google search on crime stoppers for Commissioner Tobia, and at least according to this one of many websites, they are funded by private donations and annual fundraising events, no tax dollars are involved; the reward money is paid off out by the programs from fundraising and donations from concerned citizens and businesses; and although she thinks they were both wrong because she assumed it was from forfeiture funds, he assumed partially funded by tax dollars, but according to her crude search, it is not funded by either. She went on by saying they used to spend their forfeiture funds paying for SRO's in schools, but crime stoppers is not funded by government.

Commissioner Tobia stated he has a feeling it will not be the first time Chair Isnardi finds him wrong, and to keep at it.

Chair Isnardi stated she would not have an issue with it if Commissioner Tobia would not get so righteous about it.

Upon consensus of the Board, the meeting adjourned at 9:43 p.m.

ATTEST:

SCOTT ELLIS, CLERK

KRISTINE ISNARDI, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA