

November 12, 2019

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, November 12, 2019

5:00 PM

Regular

Commission Chambers

A. CALL TO ORDER 5:00 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Bryan Lober, Commissioner District 3 John Tobia, Commissioner District 4 Curt Smith, and Commissioner District 5 Kristine Isnardi

B. MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

C. PLEDGE OF ALLEGIANCE

Chair Isnardi led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the September 24, 2019 Special Meeting Minutes.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

DISCUSSION WITH COMMISSIONER SMITH VIA TELEPHONE

Eden Bentley, County Attorney, advised the Board there is one quasi-judicial item, so she needs to make sure that Commissioner Smith can see everything. She asked Commissioner Smith if he had access to a computer which is streaming the Brevard County Commission meeting to him.

Commissioner Smith replied he does not.

Attorney Bentley inquired if Commissioner Smith could get to one.

Commissioner Smith pointed out he is driving in a car.

Chair Isnardi asked if Commissioner Smith would abstain from voting.

Attorney Bentley asked Commissioner Smith how long would he be in the car.

Commissioner Smith responded one hour and a half.

Attorney Bentley stated the Board may need to see how far it gets, otherwise, it may have to defer the item, or if Commissioner Smith is no longer on the phone line, the Board can proceed.

Commissioner Lober stated he does not know where Commissioner Smith is going, but perhaps he may not have perfect cell reception the whole way; perhaps coincidentally maybe when that item comes up he loses reception; and when the item is over, he can call right back.

Commissioner Smith noted that is not farfetched, it has already happened when he was speaking to his office staff.

E.2. Resolution Commending Boeing Starliner Team

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-219, commending the Boeing Starliner Team.

Chris Ferguson, Starliner's Test Pilot Astronaut, expressed his appreciation to the Board for the Resolution. He went on to say this is indeed an honor for the Boeing Company; as Commissioner Pritchett eluded to before, Brevard County, specifically the Space Coast, has been the center of human space flight in this country for decades; but it is an exceptional honor to be the first, however, to actually be building the spacecraft right here; the former Orbiter Processing Buildings have been turned into spacecraft factories; and that is very unique. He added formerly for an organization that Kennedy Space Center represents where the rockets were all built elsewhere and brought here and launched, they are happy to bring their business here where they actually build them right here, launch them right here, they are recovered in the western United States, but they are brought back here, they turn them back around, and they launch them once again. He advised on behalf of this wonderful Boeing Team that puts humans into space and keeps them there safely day in and day out, thanks to them very much; again, they are humbled by this Resolution; and they do appreciate the Board's recognition of this wonderful thing going on called human space flight on the Space Coast.

Emmanuel Tormes, Senior Manager of Government Operations, Boeing Company, advised they would love to host the Board Members there so he or she can see firsthand the work the Boeing Team is accomplishing.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.3. Resolution acknowledging November 25th as United in Thanksgiving Day

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-220, acknowledging November 25, 2019, as United in Thanksgiving Day.

A representative of the religious community stated he was listening to the Pledge of Allegiance and he heard the words 'In God We Trust'; last night he sat around a table with these fine leaders from religious communities of all kinds around Brevard County; and he saw what he hopes to be the future of this great nation that even though there are many differences, he or she can have joy together, can celebrate together, and encourage each other with their diversity, be strong and united for all of the thanks that they have.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

ITEMS TO BE PULLED FROM CONSENT AGENDA

Chair Isnardi asked the Board if there are any Items to be pulled from the Consent Agenda.

Commissioner Tobia advised he wants to pull Item F.17., Confirmation of Steven A. Darling as Central Services Director, for discussion.

F.1. Florida Department of Environmental Protection Grant - Brevard County Septic to Sewer Conversion for 1,019 Homes

The Board authorized the Chair to execute the Florida Department of Environmental Protection (FDEP) Contract No. LPA0056; authorized the County Manager to execute amendments to the contract, as needed, subject to approval of the County Attorney's Office and Risk Management; and approved associated budget change requests.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.2. Florida Department of Environmental Protection Grant - Sykes M Septic to Sewer Conversion

The Board authorized the Chair to execute the Florida Department of Environmental Protection (FDEP) Contract No. NS058; authorized the County Manager to execute amendments to the contract, as needed, subject to the approval of the County Attorney's office and Risk Management; and approved associated budget change requests.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.3. Florida Department of Environmental Protection Grant - Sykes T Septic to Sewer Conversion

The Board authorized the Chair to execute the Florida Department of Environmental Protection (FDEP) Contract No. NS059; authorized the County Manager to execute amendments to the contract, as needed, subject to the approval of the County Attorney's Office and Risk Management; and approved associated budget change requests.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.4. Final Plat and Contract Approval, Re: The Dunes at Indian River Preserve (Pod 15), (19SD00012)

The Board granted final plat approval in accordance with Section 62-2841(i) and Section 62-2844; and authorized the Chair to execute the final plat and Contract for The Dunes at Indian River Preserve (Pod 15), subject to minor engineering changes, and the developer is responsible for all other necessary jurisdictional permits.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.5. Approval RE: Disbursement of Educational Facilities Impact Fees

The Board authorized the disbursement of educational facilities impact fees in the amount of \$6,905,789.73 to the School Board of Brevard County in accordance with the terms of the Interlocal Agreement; and authorized the Budget Office to execute any budgetary changes required to implement this disbursement.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.6. Approval Re: Contract for Sale and Purchase of the Blankenship/Malek Parcel for the West Cocoa Utilities Improvement Project - Lift Station W-07

The Board authorized the Chair to execute the Contract for Sale and Purchase of the Blankenship/Malek parcel for the West Cocoa Utilities Improvement Project for reconstruction of Lift Station W-07.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.7. Approval Re: Donation of two Sidewalk Easements from Owners, Property 1-Scafati and Property 2 - Shearer, in Connection with the North Riverside Drive Force Main Replacement Project

The Board approved and accepted the two sidewalk easements from owners Scafati and Shearer, located in Section 36, Township 27 South, Range 37 East, along the west side of North Riverside Drive, south of Bahama Drive, and north of Genesee Avenue in Indialantic.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.8. Approval Re: Drainage, Landscaping, and Utility Access Easement from the School Board of Brevard County, Florida (Satellite Beach High School), Assignment of Easement and Bill of Sale, for the Base Flow Basin #1329 Drainage Improvement

The Board approved and accepted the Drainage, Landscaping, and Utilities Easement; approved the Assignment of Easement and Bill of Sale; and authorized the Chair to execute the Assignment of Easement and Bill of Sale at completion of the Base Flow Basin #1329 Drainage Improvement Project.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.9. Appointment, Re: Community Action Board

The Board appointed Jordin Chandler to the Community Action Board, replacing Hazel Buggs, with said term to expire November 12, 2023.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.10 Legislative Intent and Permission to Advertise for an Amendment to Section 78, Article III, at Division 1., Section 78-82 and at Division 2., Section 78-108 of the Brevard County Code of Ordinances.

The Board approved legislative intent and granted permission to advertise for an amendment to Section 78, Article III, Division 1, and Section 78-82, and Division 2, Section 78-108 of the Brevard County Code of Ordinances.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.11. Re: Approval of FEMA Hazard Mitigation Grant for hardening of new Emergency Operations Center

The Board approved and executed the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Agreement with the State of Florida, Division of Emergency Management for Above-Code Hardening component of the new Emergency Operations Center (EOC); and authorized the County Manager or Public Safety Director to submit and execute necessary associated changes, documents, or budget actions, as well as any amendments to the Grant Agreement, subject to approval by the County Attorney and Risk Management.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.12. Board Approval of a Fire Rescue Capital Improvement Project (CIP) to Support Critical Unbudgeted Safety/Structural Repairs for Fire Station 63 (Located at 2602 N Highway A1A, Indialantic).

The Board approved unbudgeted Fire Rescue Capital Improvement Project (CIP) to fund critical safety/structural repairs to Station 63, under the current Facilities Cost Allocation Worksheet; and authorized the County Manager, or his designee, to make necessary budgetary change requests or other administrative actions necessary to fund the cost of the Fire Station repairs and execute any required work.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.13. Approval of Budget Change Requests

The Board approved the Budget Change Requests, as submitted.

Result: Approved
Mover: Bryan Lober
Second: Rita Pritchett

F.14. Approve Sale of Surplus Property by Private Sale

The Board approved the private sale of a surplus parcel of property pursuant to Florida Statute 125.35(2); accepted the higher of two bids received in the amount of \$6,260; and authorized the Chair to execute all necessary documents upon review by the County Attorney.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.15. Request Permission to Issue an RFP for a Third-Party Claims Administrator (TPA) for Workers' Compensation and Property / Casualty Insurance Claims

The Board authorized the Human Resources Director to develop and release for advertisement of a Request for Proposals (RFP) from established companies for Third-Party Claims Administrator (TPA) claims administration services necessary for the continued operation of the County's property and casualty insurance program; approved the Selection and Negotiating Committee consisting of the Human Resources Director, Risk Manager, and Parks and Recreation Director, or their designees; authorized the Human Resources Director to execute all resulting contracts upon final review and approval by the County Attorney and Risk Management; and authorized the County Manager, or his designee, to approve any necessary budget change requests.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.16 Acknowledge the Economic Development Commission of Florida's Space Coast Bi-Annual Financial Report

The Board acknowledged receipt of the EDC Bi-Annual Financial Report for expenditures from October 1, 2018 through September 30, 2019.

Result: Approved

Mover: Bryan Lober

Seconder: Rita Pritchett

F.17 Confirmation of Steven A. Darling as Central Services Director

Commissioner Tobia stated he had a small amount of experience working with Mr. Darling when it came to Purchasing; not only did he procure the services for a fraction of the price, he was able to successfully negotiate against even allowing this company to get a CPI increase over the term of the contract; while he is sure this promotion will not give him that yellow Porsche that he has been looking for quite some time, he thinks the County Manager has made an excellent choice; and he expects Mr. Darling to reflect the same dedication level of skill his mentors have had before him. He moved to welcome and confirm Steve Darling to the position of Central Services Director.

Chair Isnardi advised the Board that Mr. Darling kept her company over time at the Emergency Operations Center (OEC), and he was very informative and very willing to keep her entertained and awake. She expressed her appreciation to him for his time, being a good employee, and obviously a Central Services Manager; and she stated he makes time to explain what his office's duties are.

The Board confirmed the appointment of Steven A. Darling as the Central Services Director.

Result: Approved

Mover: John Tobia

Seconded: Bryan Lober

G. PUBLIC COMMENTS

Charles Tovey expressed his appreciation to Commissioner Smith for the paper being picked up in his District, he noticed it is more common, and also for his opinion of the Lagoon; and in his opinion, it is the best so far. He went on to say he is going to continue since headway had been made on it, and that is just the Lagoon part. He stated his civil rights, he has the CD of the hearing in front of head Judge Silvernail about the repeat violence against Mary Carol McCormack, Mayor of the Town of Palm Shores; he does not even know her; it did not happen the first time so how could there be a second time; they went to court; the Judge said she could not do that and they could not do it either, meaning the South Precinct, the Sheriff's Department, and Brevard County; they did it prior to that and a Judge denied it for a couple of weeks; and they still, knowing that it was denied made him 500 feet in the bushes. He was harassed from Cape Canaveral by State Troopers, the Brevard County Sheriff's Department, Melbourne PD, Indian Harbour Police, and a plethora of unknowns. He added the other hearing was about his Code Enforcement, but the points that they made, he did show they were wrong; and they did apologize for the mistake that they made, and that was the reason why they went there. He pointed out if nothing has happened to this point, he gets the Board's position, it does not have to tell him. He stated female tortoises flat bottoms, flat shell bottoms, and males have curved bottoms; he can go on and he will be back; he spared the Board; and he spared it from Thursday's meeting.

H.1. JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) Request a Small Scale Comprehensive Plan Amendment to Change the Future Land Use Designation from Residential 4 to Residential 6. (19PZ00062)

Chair Isnardi called for a public hearing to consider a request from JSFS Land Trust, and Jacob and Faye Shapiro, Trustees, requesting a Small Scale Comprehensive Plan Amendment to change the Future Land Use Designation from Residential 4 to Residential 6 on a 9.79-acre parcel of land located on the north side of Ranch Road, west of Grissom Parkway.

Tad Calkins, Planning and Development Director, stated Item H.1. is a request for the Board to conduct a public hearing for JSFS Land Trust, Jacob and Faye Shapiro, Trustees, to consider a Small Scale Comprehensive Plan amendment from Residential 4 to Residential 6; this Item also has a companion for rezoning, which is H.2., and he is going to read that into the record so the Board can speak on both Items simultaneously; but staff will need to have two different actions. He went on to say it is requested the Board conduct a public hearing for JSFS Land Trust to consider a change in zoning classification from Rural Residential Mobile Home 1 to Single-Family Attached Residential 6; this Item was tabled from the last Board meeting so the applicant could provide a Binding Development Plan (BDP) to mitigate the zoning classifications; the latest draft of the BDP limits the number of units to 48; it restricts the building height to 26 feet, which includes any fill on the property; it establishes a 60-foot setback from the eastern property line, there is a typo in the actual document that says west; and in that 60-foot setback, they may have a 15-foot buffer tract, 22-foot of pavement and parking, and a 20-foot building setback. He added it relocates the project entrance from aligning from Falk Avenue to the eastern edge of the property; it also requires the developer to pave Ranch Road to 22 feet; the landscape buffer will be 80 percent opaque at the time of Certificate of Occupancy (CO); it requires the Homeowners Association (HOA) to maintain the

landscape buffer; and it also prohibits any parking and retention in others structures of the buffered tracts. He advised if the Board has any questions, staff is happy to answer them.

Commissioner Lober stated before the Board has any discussion, he has a disclosure; he did speak with Ms. Rezanka earlier this morning about this project at some length; the only other thing he will point out is he has kind of watched this develop over the past several weeks, it certainly seems that the BDP that has been offered this evening is quite a bit more favorable to the adjacent, nearby property owners than what the Board has had before; and he hopes that is something that is given good consideration. He went on by saying it seems there has been some progress and efforts that have been made to accommodate and make this a little more agreeable for everyone, so that has not been lost on him.

Chair Isnardi stated the only disclosure she has is she received Ms. Rezanka's email offering if the Board had additional questions and a copy of the current BDP.

Commissioner Pritchett asked Ms. Rezanka if she would like to speak or if she is fine with the Board having discussion.

Kimberly Rezanka, Law Firm of Cantwell and Goldman, representing the applicant, stated it does not matter to her; she has copies of the BDP if there is anyone in the audience that would like one; but she does not see any of the people in the audience who have been there in the past.

Commissioner Pritchett noted she is so impressed; everything has been tried; the road was talked about being moved; and the applicant actually moved the road, moved the project over, which lowered the line of sight issue, they came in with a strong buffer, and 80 percent of what they have done is more than she imagined the Board would get. She went on to say she thinks they have done a wonderful job, she thinks it is a great project now; they still have all of that other stuff to get through; but as far as wanting to protect the neighborhood, they even accomplished what she did not think could be done by moving that road so it no longer aligns with Falk Avenue, so it will not intrude on that other neighborhood. She advised she is really comfortable with this; and she expressed her appreciation to County staff for their hard work, and to the applicant being willing to make all of these changes and listening to the neighborhood.

Ms. Rezanka pointed out there are some things in the BDP that she needs to explain; it is the sixth BDP; and it is the hardest one she has ever had to work on. She stated they have done as much as they think that they can; they are hopeful to get 100 percent opacity; and they think there may be a fence involved, but they can only go six feet by the Land Development Code, so that makes it difficult getting 11-foot opacity. She added she provided the Board some Ordinances, there is nothing really new; the very first page is the color Exhibit C in case it did not have that to show the Board that opacity even with large trees is difficult; when the wind blows there are holes in the leaves, things like that; that is why they thought 80 percent would be appropriate; two staff members at the two-hour meeting said they did not think the applicant could get 100 percent; and they went with 80 percent. She stated as with the language itself, paragraph 2, she agreed to 48 units; her client asked if that could be taken out only because if multiplying 9.79 times five it is 48.95, and the survey may or may not be exact; that is a request, she did agree to 48 with Mr. Calkins, but her client asked if she could ask that; paragraph 3, this is dealing with the east property line, not the west property line, they deal with the west property line in a different paragraph, so she would ask that the Board understand, and she knows it is not final as it comes back before it for final approval, but to understand paragraph 3 is dealing with the east property line and the 60-foot buffer with the subdivision buffer would be around the entire property; and as to paragraph 10, her client asked if he

decides to develop in phases, if he does the east side then the west side first, so if a provision could be put in there that the landscape buffer would go in when the phase went in. She stated he would have to do the east side first with the road, so if the Board is willing to approve the Residential 6 and the RA-2-6 Single-Family Residential that those three changes would be considered so that when it came back in a month for final approval the Board is not surprised. She asked Commissioner Pritchett if she has a problem with the phasing.

Commissioner Pritchett asked Ms. Rezanka to help her understand that.

Ms. Rezanka replied Paragraph 10 says, "The landscape buffer shall satisfy all conditions and be installed before issuance of any temporary or permanent Certificate of Completion or CO;" and she stated if the applicant does the east side first they would ask that the CO could be issued even though they would not have done the west side yet.

Commissioner Pritchett inquired just on the east side.

Ms. Rezanka advised yes, and then they would do the west side buildings, that is when the CO, the buffer would go in.

Commissioner Pritchett noted she is okay with that.

Ms. Rezanka stated she did not know that; and her client just got in from Miami, apparently the traffic was very bad. She asked Mr. Calkins if that is workable.

Mr. Calkins responded he thinks they can work something out.

Ms. Rezanka pointed out unless there are questions, she has been before the Board many, many times on this, so she thinks it is familiar with this; she left the strikeouts in the sixth version of the BDP because they have come a long way; it has been a long process; and she expressed her appreciation to staff's willingness and the Board's willingness to consider this time and time again.

Commissioner Lober stated he thinks that makes perfect sense; there is no reason to have to do that in advance of having anything constructed there; it is not that they are protecting anyone from something that does not exist; and he reiterated it makes sense to him as well.

Commissioner Pritchett expressed her appreciation to Ms. Rezanka; she stated she does struggle with the density, but she has done everything that she can to make it work; it will be her pleasure to make a motion to approve this with the changes; and if she wants to make that 49 units instead of 48, she thinks that would be fine.

Mr. Calkins stated he wants to make sure that the 49 units is at the five units per acre requirement or stipulation.

Ms. Rezanka advised yes, only because when it is multiplied out it is 48.95, and the survey may show there is that extra acreage.

*Commissioner Smith's absence was noted at this time.

There being no further comments or objections, the Board adopted Ordinance No. 19-23, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the tenth Small Scale Plan Amendment of 2019, 19S.10, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501

entitled Contents of the Plan; specifically amending Section 62-501, Part XVI (E), entitled the Future Land Use Map Appendix; provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Isnardi

Absent: Smith

H.2. JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) Request a Change of Zoning Classification from RRMH--1 to RA--2--6. (19PZ00063)

Chair Isnardi called for a public hearing to consider a request by JSFS Land Trust, and Jacob and Fay Shairo, Trustees, for a change of zoning classification from RRMH-1 to RA-2-6 on 9.79 acres located on the north side of Ranch Road, west of Grissom Parkway, for the purpose of developing a single-family townhouse subdivision.

There being no further comments or objections, the Board approved the request of JSFS Land Trust, Jacob and Faye Shapiro, Trustees for a change of zoning classification from RRMH-1 to RA-2-6, on property located on the North side of Ranch Road, west of Grissom Parkway.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, and Isnardi

Nay: Tobia

Absent: Smith

H.3. Petition to Vacate, Re: Ingress/Egress and Wellsite Easements Lying within Tract A - "Walkabout Golf Course" Plat Book 59, Page 37 - Mims - Florida Land & Cattle Corporation

*Commissioner Smith's presence was noted via telephone at this time.

Chair Isnardi called for a public hearing to consider a petition to vacate ingress/egress and wellsite easements lying within Tract A, Walkabout Golf Course, in Section 06, Township 21 South, Range 35 East.

Corrina Gumm, Interim Public Works Director, stated this Item is a petition to vacate the ingress and egress and wellsite easements within Tract A Plat of the Walkabout Golf Course in Mims; this is to allow for the redevelopment of the property; and staff has received no objections from County agencies or public utility companies.

There being no further comments, the Board adopted Resolution No. 19-221, vacating ingress/egress and wellsite easements in Walkabout Golf Course Subdivision, Mims, as petitioned by Florida Land and Cattle Corporation.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.4. Petition to Vacate, Re: Public Utility and Drainage Easements - “South Indian River Isles, Third Addition” Plat Book 38, Page 93 - Rockledge - Akshar Development & Investments LLC

Chair Isnardi called for a public hearing to consider a petition to vacate public utility and drainage easements in South Indian River Isles, Third Addition, in Section 12, Township 26 South, Range 36 East.

Corrina Gumm, Interim Public Works Director, stated this Item is a petition to vacate two public utility and drainage easements along the shared lot lines between Lot 23 and 24 of the South Indian River Isles Third Addition Subdivision; it is to allow for the construction of a single-family home; and there are no objections to this request.

Commissioner Lober asked since this is a District 4 Item, if staff has heard any concerns from Commissioner Smith.

Ms. Gumm advised she did not attend a briefing with Commissioner Smith on this Item.

Commissioner Lober asked if Frank Abbate, County Manager, was aware of any concerns.

Mr. Abbate replied no, he was not.

There being no further comments, the Board adopted Resolution No. 19-222, vacating a part of two public utility and drainage easements along the center lines of Lot 23 and 24, South Indian River Isles, Third Addition Subdivision, as petitioned by Akshar Development and Investments LLC.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.5. First Public Hearing for Amendments to Chapter 62, Article X, Division 5 (Floodplain Protection) and Article XIII, Division 4 (Land Alteration) for Floodplain Protection in North Merritt Island

Chair Isnardi called for the first public hearing to consider amendments to Chapter 62, Article X, Division 5 (Floodplain Protection) and Article XIII, Division 4 (Land Alteration) for Floodplain Protection in North Merritt Island.

Darcie McGee, Natural Resources Management Department, stated this Item is regarding amendments to the Floodplains Protection and Land Alteration Codes; at an August meeting the Board considered options for addressing community concerns regarding potential flooding and flood risks associated with development and placement of fill in North Merritt Island; the Board directed staff to bring back Code modifications to clearly demonstrate that development shall comply with current Code, including cause no adverse impact to other properties; and the area was defined specifically from Hall Road north to State Road 405, excluding the federal lands. She went on to say per direction, staff has proposed modifications for it; it requires both compensatory storage and certification by the engineer that there will be no adverse impacts due to any improvements; it is going to be applicable to buildings and structures as well as land alteration, which would be grading, digging, and filling; it establishes submittal and maintenance criteria; land alteration grading in the area is prohibited unless reviewed and approved by the County; and to that end they established a minor land alteration permit for small amounts of fill,

which would be less than three-quarters of an acre on North Merritt Island specifically, and staff provides permit criteria. She added they do have some exemption and waiver provisions; properties exhibiting discharge of site runoff that goes directly to the Indian River Lagoon are exempt from compensating storage requirements; they have a waiver for compensatory storage if an applicant can demonstrate that there is no peak flood or duration; and this would be using the County's model when it is complete, and in the meantime this would allow an engineer to present another type of model to be accepted by the County and establish the model criteria, that way it can be used before the County modeling is done. She went on by saying this also addresses single-family residential parcels created prior to the effective date of the ordinance; it would not require compensating storage, they could get a waiver if it was not available, if they did not have small depth to groundwater; as the Board knows, staff is developing a stormwater model that is specific to North Merritt Island, it is anticipated to be done in 2020; the proposed modifications seen here can be used now and after the model is complete, so staff will not have to bring it back to the Board; once the model is complete, it will be used by all of the applicants, and basically serving as their tool for written certification, so that will simplify the process for them; and then the model will evolve as the developments come in, and will build upon each other so it will stay current. She stated the Local Planning Agency (LPA) heard the Item last week, they voted 5:3 in favor of the ordinance, with two small clarifications requested; one, to clarify the written certifications requested, and one was to clarify that the written certification from the engineer of record that there will be no adverse flooding impacts upon properties within the area; and the second was to clarify the waiver in E, which is the compensatory storage waiver, is an administrative waiver and it does not need to go to the Board. She stated the BCAC voted 2:1 in favor of the ordinance with the modifications recommended by the LPA.

Commissioner Lober stated he still wants to have public comment on this, but he will move to approve it; he expressed his appreciation to T&D, Natural Resources Management, and the County Attorney's Office for working so well together, and also with his office; this was a lot of time invested by staff; he noted he is aware of a bit of it; but he knows there was a lot that has gone on behind the scenes to get this where it is at today; and the motion would contemplate those two clarifications that were requested being included.

Chair Isnardi asked if she should give five minutes or three minutes for public comments.

Eden Bentley, County Attorney, advised this can be three minutes because it is not a quasi judicial public hearing.

Chair Isnardi stated she wants it to be consistent and the same amount of time to be given for everybody.

Mary Sphar stated she has practiced this and she is down to 10 seconds. She went on by saying this ordinance change is supposed to reduce flooding on North Merritt Island by requiring compensatory storage and certification by the engineer that his project will not make flooding worse for the neighbors; she supports this goal, but she thinks the proposed ordinance needs to be looked at more carefully; evidently it has been decided that the ordinance changes will cover not only the time until the North Merritt Island stormwater is complete but also the time when the model is being used; and the time after the model is complete can be handled as part of the waiver section, which is 4D if the Board wants to take a look at that. She noted she would like some clarification; she was under the impression that all North Merritt Island development proposals would be evaluated with the County model when it is done; she is thinking that is a plan; but that is not specified here that all of the development proposals have to go through the model after it is done, maybe it should be. She mentioned with the proposed language it looks like the proposed model could be skipped if compensatory storage and

certification in Part B were provided; in addition, it appears from Part D that alternate models accepted by the Commission could be used; to get a waiver on compensatory storage requirement, an engineer would need to certify that his design does not make flooding worse according to "A stormwater model accepted by the Board of County Commissioners"; and there is no specification as to how the Commission would accept such a stormwater model. She asked, for example, could the Board at a meeting just vote that a particular model is acceptable, and then grant a waiver to the project; and also after the County's North Merritt Island stormwater model has been completed, could there be an alternate accepted model. She pointed out she heard Ms. McGee say no, but the ordinance does not say that there cannot be an alternate model after the County model is complete; she then has a minor question; and she asked in Part D, the model used is to show peak flood stage or deration, it is unclear to her not being an engineer, and she asked if "Water storage, water volume, groundwater elevations, peak stages, and peak rates for the area" are supposed to be inputs or outputs of the model.

Commissioner Lober stated just one comment on what he thinks may be one of the important items that Ms. Sphar brought up, as far as different models being used down the road, once the County is done with its model and it has been evaluated with staff and it is ready to go, barring something extenuating, he does not intend to consider anything else; the model the County is spending a small fortune on, so really unless there is some issue with the model in so far as how it applies to a particular piece of property, his intent is for that to be the go-to model; and he cannot say that down the road eight years, 12 years from now when this entire Board is transferred over and there are different Commissioners sitting up here that that he or she would view it the same way, but certainly for the next several years, he does not consider there being any real benefit in doing the model if the Board is not going to use the model, so his plan is to use the model when at all available.

Darleen Hunt stated she respectfully requests that the Board approve the proposed ordinance to require both compensatory storage and certification by the engineer; she supports Mary Sphar's comments; and she is just a little nervous of the waiver that is mentioned may be a little bit too easy of a loophole to avoid compliance with the compensatory storage ordinance.

Commissioner Lober stated that would be something that he thinks had the advisory board considered and still recommended he may still be in favor of going forward with, but the concern is the Board has the advisory boards it has; he tries to give them a degree of latitude in terms of how they evaluate and what they bring back to the Board; and he does not know if they would have approved it with those additional modifications being put in place, so he is not saying they are bad ideas, he thinks those are potentially good ideas, but his goal is to get something that substantially changes the situation there in place as quickly as possible; and he thinks this achieves the vast majority of all of the Board's goals. He asked could it be improved; he advised he is sure it could be improved upon; but he can tell Ms. Hunt this is going to put the County in a much better place than not having something more or potentially delaying it having something else come and unravel this, so while the Board has the support available on the Board to pass this, he would rather pass it now.

Tammy Dabu stated she is also supporting this goal of the compensatory storage for this area with the following considerations: she asked on 4B, what form of written certification from the PE will be necessary to be demonstrated to assure that there is no impact; she stated 4D, in her professional opinion, there should be no waiver provisions, if the Board is going to set an ordinance, it should be one for all, all for one; 4E, compensatory storage required for all parcels regardless of when they were created; 4F, nearly everything in North Merritt Island drains to the Indian River Lagoon, so she thinks this section should be reworded if the Board's angle is to allow those parcels that are contiguous to the Indian River Lagoon that directly abuts the Indian

River Lagoon to be exempt, then maybe do that, provided they meet the other criteria and not adversely flooding other folks; and 4G, it requires as-built drawings to be supplied to the County within 60 days, it does not say anything about what the County is going to do with them. She noted they need to be verified, the as-built what was actually done with what was approved prior to construction. She went on by saying the small depth to groundwater convenience allowance, everything just about in North Merritt Island has a small depth to groundwater; luckily, she is six feet; she is lucky where she is; that should not be allowed, it needs to be reworded, and reconsider that allowance, because what is the sense of having compensatory storage; and the purpose is to prevent that flooding, if there is a small depth to groundwater, that is the purpose of doing compensatory storage. She pointed out as Commissioner Lober said, if the goal is to caveat this ordinance so that once the stormwater drainage model is fully-developed that, that is the model that is used period.

Commissioner Lober advised he does not have a problem revisiting this down-the-road and doing that last modification Ms. Dabu suggested as far as relying exclusively on that, unless it cannot be applied to a particular piece of property; but as he mentioned before, if there is the support to get this through now without having to send it back to the advisory boards, he would rather get something in place now that achieves substantially all of the goals; as far as what certifications are acceptable to staff from an engineer, he would defer to staff on that; and he does not know if anybody wants to comment on that or if that is something he or she will have to look into.

Brock McClure, Program Manager for Stormwater, stated as far as what is acceptable, staff put some fairly stringent requirements actually in there, specifics for the level of groundwater and several of the other things that are not normally considered when a surface water model is being done; by the time this model is done, the standard that would be expected with somebody else coming in with a model is going to be so high it is going to be essentially prohibitive that their clients would ask why he or she would be paying for a new model when the County has one they can use for free; and they expect, from that standpoint, there will not be that many people trying to come in. He noted that was the logic there for not specifying it having to be the County's model; and the Board is welcome to modify that once the model is adopted and approved it could be made an exclusive.

Commissioner Lober stated if there is support today, he is happy to add that particular provision, but he is a little cautious with substantially modifying since it has gone through two advisory boards. He went on to say he other item, he thinks it was 4F with respect to parcels draining to the Indian River Lagoon, obviously if it is contiguous, directly abuts it, and is graded such as it drains in, he thinks that everyone would understand that is contemplated; and his understanding is if substantially all of the water from that parcel is draining into the Lagoon, that is what staff meant in what was phrased here.

Mr. McClure noted not draining in untreated, it was a confusion that arose with one of the other words, it would still have to be treated; but if there is a parcel that a drainage system is not being used that other properties are also contributing to, there is a development or something and he or she is dumping into the stormwater system that dumps straight into the Lagoon, and they are not impacting people, upgrading it, and not trying to share their stormwater system, then that is where staff would be looking at exemption for compensatory storage.

Virginia Barker, Natural Resources Management Director, stated it specifies without reliance on other conveyances and/or stormwater systems serving other properties, so she thinks that intent is pretty clear.

Mr. McClure pointed out it is the best staff could come up with at the time.

Commissioner Lober stated if the Board is happy with him making the one modification requiring the model once it is available, he is happy to modify the motion to include that, he just does not know where folks are; and he does not want to throw the whole thing off if folks are for any reason uncomfortable with that.

Commissioner Pritchett stated she is fine if the Board just passes this; it is the Commission, and it can require it when it comes out anyway; and she is not sure it is really necessary to do that tonight. She noted her guess is a lot of money is being spent on this model; and she thinks at that time it can be tweaked to whatever Commissioner Lober wants to do.

Commissioner Lober stated the model money is coming out of the District 2 MSTU, so it really is District 2 money going to fund it, so he has a vested interest and his office has a vested interest, not to say that other folks up here do not want to see the same thing, he is convinced that he or she does, but he has a very strong interest in seeing that the money that is being expended out of the District 2 MSTU is being put to good use, so that they are not wasting it. He noted he is happy to revisit this down-the-road, and when that is available another motion can be put forward to have that made mandatory so that down-the-road 10 years from now there is not a discussion among people who perhaps feel differently.

Chair Isnardi stated she would just caution that as the Board moves through this process, obviously there are huge flooding problems in Merritt Island and the Board wants to make sure the decisions it makes are based on science and engineering, and not just based on emotion. She went on to say if something comes back, is grossly different, and it is done completely wrong, she will be the first to object to it.

There being no further comments or objections, the Board conducted the first public hearing to consider amendments to Chapter 62, Article X, Division 5 (Floodplain Protection) and Article XIII, Division 4 (Land Alteration) requiring compensatory storage and written certification from engineers of record that proposed development and redevelopment on North Merritt Island from Hall Road, north to State Road 405, excluding federally owned lands, will not have negative or adverse flooding impacts on adjacent property, and will protect private property, public facilities, and Brevard County waterways from flooding due to a new development and redevelopment. The Board included two recommendations by the LPA and BCAC clarifying flooding as the type of adverse impact of concern, and that compensatory storage waivers will be handled administratively and will not require approval by the Board. The Board continued the Item to the second public hearing at the December 5, 2019, Board meeting.

Result: Continued

Mover: Bryan Lober

Seconder: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.6. An Ordinance Amending Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Code of Ordinances

Chair Isnardi called for a public hearing to consider an ordinance amending Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Code of Ordinances.

Kathy Wall, Assistant to the County Manager, stated this is a public hearing to consider two changes to the County Code of Ordinances for the Uniform Advisory Boards; the first change will be to the District Commissioner appointments from one year to two years; the second change is for term limits; and there is also a provision to exempt if it is required by law, interlocal agreement, or memorandum of understanding.

Commissioner Lober advised he is going to move to approve this; one other item he does want to mention, and this is going to require a little bit of work from staff, so he will just leave it to them on their time schedule, but he would like to see staff look into the terms on Tourist Development Council (TDC) in getting them re-staggered; essentially, some issues spotted this past year caused a mass exodus and a mass set of appointments to that particular advisory board; and he thinks losing a slew of people all at once, with the bulk of the board all at once, is not something that is in everyone's interest, so whether terms are shortened or lengthened, just to get that back to where the County is not losing disproportionately everyone, or substantially everyone, in one fell swoop, he thinks that would be good in the long run, it may hurt the Board in the short run a little bit, but if staff can look at that down-the-road he would appreciate that.

There being no further comment or objection, the Board adopted Ordinance No. 19-24, amending Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Code of Ordinances, to amend District appointments from one year to two years, and to provide for a term limit on County Advisory Boards.

Result: Adopted

Mover: Bryan Lober

Secunder: John Tobia

I.1. Wetlands Protection - Comprehensive Plan Amendments

Darcie McGee, Natural Resources Management Department, stated in March the Board directed staff to bring back recommendations to the Comprehensive Plan protection policies for consistency with minimum standards set forth by the State; specifically there was interest in the 1.8 percent threshold established for residential impacts to wetlands; since then staff has conducted research on the policy history, including the 1.8 percent, and previous legal actions, State requirements in other jurisdictions regulations; and that information is in the Board's Agenda Report. She went on by saying they then developed some modification ideas that the Board may want to explore further for transmittal, which begins December 31st. She stated she will give the Board brief background on the State requirements and how they got to 1.8 percent; first the Department of Economic Opportunity (DEO), in Florida Statute 163, which is the Community Planning Act, requires counties to have a Comprehensive Plan; as part of that they are required to have principals, guidelines, and standards for conservation that provides long-term goals, and protect and conserve wetlands in the natural function of wetlands; there is a requirement that land uses be distributed in a manner that minimizes the effect and impact on wetlands; and there is a requirement for data and analysis to support any policy modifications. She noted when Florida Department of Transportation (FDOT) or St. Johns River Water Management District (SJRWMD) are considering proposed development in wetlands, they do not consider the planning aspect of it, that task is the County's responsibility; they issue permits for impact based on consistency with their wetland codes addressing delineation, minimization, and mitigation, so when the Comprehensive Plan was adopted in 1988, Brevard County established a one unit to five acres wetland density; it was found to be compliant with State requirements; and the Board will see there is similar approaches to wetland conservation in other jurisdictions. She added the origin of the 1.8 percent did not come around until July 2007 when a citizen request for more flexibility with de minimis impacts for residential wetlands impacts was made by The Viera Company; at that time, the Board directed staff to work with The Viera Company, their planners, engineers, and scientists, and also with the environmental community; what was uncovered during the two and one-half year period was that since 1995 there has been a State-established threshold of 4,000 square feet or more of impervious surfaces, there is established stormwater standards, so the party considered they could take that 4,000 square feet adequate to construct the primary residence and associated impervious areas required for a single-family home; and when taking that 4,000 square feet and apply it

over five acres, which is the density of one unit to five acres, that is where the 1.8 percent came from. She stated that is 4,000 square feet of pervious area that the State used to establish stormwater standards applied over the density; staff took that to the State and they found it to be compliant; and that it was an appropriate tool to apply those land uses that are incompatible with protection and conservation of wetlands and wetland functions away from wetlands, and it was found consistent with the Community Planning Act. She pointed out in 1995 there was an effort to repeal all of the wetland policies, and that was unsuccessful as it was challenged by the State and interveners in a resulting legal action. She explained when staff was looking at potential modifications they took an approach that is likely to be found consistent with the State Statute; these options can be considered individually or the Board can consider some in combination; Option 1, staff looked at the 1.8 percent of the de minimis impact from the 4,000 square feet; staff ran some real preliminary data from January to June of this year on average size of homes that are being built this year; and for the first six months of 2019, the average size was 3,300 square feet, everyone instinctively knew houses were getting bigger, they did not establish how many floors, but that indicated that houses were getting bigger. She added staff could conduct some more research through the Building Department and the Property Appraiser to find out what is the more appropriate square footage, bump the 4,000 up to a different percentage, and then apply that. She went on to say Option 2, City of Palm Bay established that have a residential for sewer, which is one unit per three acres, and if it is septic, three to five acres; staff could propose for a different density where the County had centralized sewer versus septic; and if the County applied, for example, 4,000 square feet over three acres, it would give it three percent allowance. She stated Option 3 is one staff would really like to request; they have been running into some of the older subdivisions that were previously platted and approved by the County where they have new wetlands, either new wetlands or wetlands that were not identified due to the changes of delineation methods; staff has been able to find mechanisms to allow these people to develop their properties, however, it did cause some time and effort to staff and to the applicants, so they would like to develop language to address these situations where there are previously established subdivisions that are already permitted through the County and now they have a surprise wetland; and she reiterated staff would like to take care of those people. She noted the Comprehensive Plan does require no net loss, so they would request that mitigation be provided for these permitted impacts. She stated Option 4 is to make no revisions, and Option 5 would be any other Board direction it deems appropriate.

Commissioner Pritchett pointed out she likes all three Options maybe squished together; she stated her Aid, Marsha Newell, had spoken to the County Attorney this morning and Ms. Bentley had mentioned that the State of Florida might be discussing some of this in January.

Eden Bentley, County Attorney, advised she does not know if they will be discussing this, but the Department of Economic Opportunity has been more active recently, and the County might get some guidance or may see where they are going if there is a little more time, because there has been a change since the recession.

Commissioner Pritchett stated it is neat that the Board is relooking at this; but it may be beneficial to look at this until a little more data comes in; she had an email from Bruce Moia asking for a little more time to review; she has always learned if she does things in a hurry, she makes a lot of mistakes, so that would be her request tonight; and she expressed her appreciation to staff for the good work, but she stated making changes in all of them. She noted she thinks it might be of an advantage to the Board tonight to table this Item.

Commissioner Lober asked if Commissioner Pritchett wants to continue this to January, or what she is thinking.

Commissioner Pritchett remarked that is what she is thinking to get some more information coming in. She advised Attorney Bentley had driven some of her thinking today as she had mentioned this maybe being discussed in January.

Chair Isnardi stated she had actually gotten both types of emails, from both an engineer and an environmentalist, so if either side is questioning why the Board is moving a little bit quickly without he or she having had a chance to digest it, she thinks it is the wise thing to do; and the Board knows Governor Ron DeSantis is more aggressively environmental-friendly than most Republican Governors in the past, so maybe the Board will like what comes out of the State.

Commissioner Smith asked if the Board passed something tonight hypothetically, would it take precedence over anything that the State was likely to do later.

Attorney Bentley responded what the Board is doing right now is giving staff direction of something to adopt, so it would take a while to get anything in place regardless of what the Board chose; but if a State Statute is changed that preempted the County's ordinance, not a problem, but it would be the way it would work; a simple answer to the question is it just depends on what the State adopts; and if it is a preempted action it is one thing, if it is guidance it is something else, and if the State provides administrative regulations that provide more guidance to it environmentally, it could give the County guidance as well. Commissioner Smith stated so it really does not matter if the Board gave a list tonight, and it would give everybody some time to think about it.

Commissioner Pritchett stated Ms. Barker told her during the briefing that the Board had tried to approve something years ago, sent it to the State, and they said no, so she thinks it would be wise for the Board to get some more information. She went on to add she loves growth, but the County really has to protect those wetlands.

Chair Isnardi advised she has a lot of cards for this Item, but since it is going to be tabled, it does not really make sense to hear the speakers.

Virginia Barker, Natural Resources Management Director, stated she wants to make sure she understands the schedule; staff was racing to bring this back to the Board in order to make the next cycle of Comprehensive Plan amendments, so the Board can table it as long as it likes but staff will probably miss that spring cycle by tabling to January, since the deadline for that is December 31st.

The Board tabled consideration regarding Comprehensive Plan Amendments - Wetlands Protection - related to residential development and the 1.8 percent impact allowance, to a January 2020 Board meeting.

Result: Tabled

Mover: Rita Pritchett

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.2. Solid Waste Collection and Recycling Options

Euripides Rodriguez, Solid Waste Management Director, stated this Item is regarding the exclusive franchise agreement for garbage, recycling, and yard waste collection in the unincorporated areas of Brevard County; the last time this was talked about, the Board gave staff guidance to go out for an Request for Proposals (RFP); directions were to check for options for a one time a week collection versus two times a week collection; check the

proposals one for the north, one for the south, and one combined; and to also to check for limitations on the yard waste. He went on by saying the Committee met and reviewed the proposals submitted; there were three companies that submitted proposals, these were Waste Management, Waste Pro, and FCC Services; and another one, Republic, said they would not be submitting a proposal, it conflicted with other business propositions that they had, and they did not complain about anything in the proposal itself. He added with this in mind, staff received the proposals in September and the Committee met afterwards to review them; they looked at several things in it; price was a big consideration in it; one of the things he wants to make sure the public understands is RFP is something that is a competitive process; they go out for things they delineate in the proposal; and they also look for good price on the proposal. He pointed out in this case, the recommendation is the lowest proposed price or rate; the proposals came out that if they were to separate north and south, it would not be economically advantageous to the citizens of Brevard County; and the committee voted to eliminate those options, those were Options 1A through 1D, and also 2A through 2D. He mentioned when he says option three, those are the combined ones; so what was left was the combined Options 3A through 3D; 3C and 3D were restrictions on yard waste; the restrictions on yard waste did not yield any economic benefit to the citizens, so thereby the Committee eliminated those and they came up with Options 3A and 3B; 3A is the current level of service, which is twice a week collection of garbage, once a week collections of recyclables, and unlimited yard waste; and 3B is once a week collection of garbage, recyclables once a week, and unlimited yard waste. He advised one of the things he wants the Commissioners to keep in the back of his or her minds is this is not only a franchise for residential services of collection, it is also an exclusive franchise of commercial in the unincorporated areas. He stated upon further analyzing this, once they made determination, they proceeded into analyzing the commercial side and they found there was a discrepancy between total commercial prices, between FCC and Waste Management of Florida, Inc. He noted when they started this, they did not have the idea of separating commercial from residential, but the Committee, in view of that, wanted to bring it to the Board's attention that there is about \$1 million difference; of course, this could change, depending on the direction that the Board gives staff to negotiate with whom and when; he reiterated looking at all of this, the prices that were submitted for 3A is about a 43 percent increase in costs, which is a twice a week collection; for 3B it was a 17 percent increase for collection for once a week; so the big dynamic is between once a week and twice a week; and this was the lowest price proposed by any of the vendors. He noted another consideration that is going to be affecting everybody is that all of the proposals responded would not be sharing any recycling revenue with the County; before the County was getting about 40 percent of the sales of the recyclables; and he reiterated none of the responders, and all of them said the same thing, zero in any sharing. He stated they also did a comparison, and the Board has it in its package, of all of the surrounding municipalities and counties; recently there has been some increase in counties, some of them are surrounding, Charlotte, Osceola, Volusia, Palm Beach, Hernando, Pasco, and Polk Counties; the Board will find itself in the cycle of new contracts coming; it is the beginning of the cycle; the City of Palm Bay has it at September 30th of next year; there are a couple of them that expire in 2021; and there are a few others that expire soon after that. He went on by saying the comparison of the prices is a snapshot, it was not intended to project it; he asked the Board to keep in mind this is what the County pays the hauler, it is not what the homeowner pays, there is a difference; what the homeowner pays covers this price as well as the overhead; the overhead consists of the payment due to the Tax Collector for collecting the County's money, the discount that the homeowners take, because that has to be taken into consideration; if the homeowner pays in November, he or she receive a four percent discount on their taxes, which affects the money coming in; the County pays the Property Appraiser for using their database to pay indirect costs; and that is all the County pays, there are no employees, no supplies, and no equipment in there. He added the Contract takes 95 or higher of the percentage of that budget. He closed by saying the competitive process, lowest proposed prices, it was a competitive process; staff is seeking guidance on

whether or not the Board wants staff to do a negotiation committee that will be comprised of Steve Darling, Central Services Director, John Denninghoff, Assistant County Manager, and himself, and to come back to the Board with the results for its final approval; and they are not seeking pre-approval of the negotiating committee, they want to bring it back to the Board so it has full conscience of what they were able to negotiate. He stated the Board has the options of Option 3A, 3B, and the potential of separating commercial; they are not exclusive; and the Board can ask the committee to negotiate on all of them to see what the best price is, and then to bring it back to the Board.

Dina Reider-Hicks, Waste Management, stated in the interest of time, George Geletko will join her at the podium; and she advised she is the Public Affairs Director of Waste Management in Brevard County. She stated just a few points she wanted to bring up, and Mr. Geletko is passing out a packet to the Board, of some questions that arose either at the Selection Committee meeting or even prior to the solicitation being released; one of the things that she wants to bring to the Board's attention are the benefits of combined residential and commercial service; as Mr. Rodriguez alluded to, they went into the solicitation with the understanding that the pricing intent was a complete package with residential and commercial services combined; and they understood the bid document was designed to illustrate the pricing allocation between the various residential and commercial services, but not necessarily to split those particular services. She went on to say they did understand it could have been split geographically, but again they went into this with the idea that it was going to be a combined one service, integrated package for residential and commercial services; an important point to make of this, multi-family here in unincorporated Brevard County is considered residential but it is serviced with commercial trucks; that is a very important point here; again, alluding to that understanding that they had that they were going into this as an integrated package with commercial and residential services combined; and as a matter of fact, the multi-family pricing is included in the bid as a pre-populated percentage of the single-family rate, contributing to that intent that it is an integrated package. She explained with introducing another hauler in the County, the Board will certainly see greater wear and tear on County streets; they have a number of haulers here in the area now; some municipalities have their own haulers as well, some commercial services that are out there as well; and adding that additional hauler would again impact those streets. She added it is an important point to note that Waste Management holds the best safety record in the industry, and they have substantially more collection experience in Brevard County than all other haulers. She stated one other key point, Waste Management's proposal offers the lowest overall price when combined with residential and commercial services; this leads to greater economies of scale in Brevard County with those services combined; if the Board will look at the chart on Page 3 this illustrates that point; if it looks at the combined services, as Mr. Rodriguez mentioned, 3A through 3D of the various levels of service options that are being considered here, when residential and commercial are combined they offer the lowest rate, the lowest overall cost; and furthermore, if the Board looks at the life of the contract, the savings range from \$1.6 million to \$7.1 million over the life of that seven-year contract. She pointed out a couple of other important factors, they are adding more trucks, more routes, and more personnel among the residential lines of business; this is in response to the County expectation and customer expectation that they continue a high level of service as the population increases; they heard the Board loud and clear, they want to make sure they are continuing to deliver that service of excellence; they are increasing wages to obtain and attract the most qualified personnel; and they continue to see increases in yard volume here in the County, which is a strong consideration. She went on to say they are adding carts and another delivery route; there is a higher cost today to replace current trucks at the end of their useful life; the trucks that they have in use today are going to need to be replaced sometime in the span of the seven-year term of the future contract; the average truck price increased nearly 20 percent from 2013 to where it is today; there are global factors related to increased recycling processing and contamination costs that are a factor; but one key point, it is still more

economical than developing new landfill space. She stated Consumer Price Index (CPI) adjustments have not kept pace with increasing industry costs; as a matter of fact, the average of the CPI increase in Brevard County over the past six years has been 1.15 percent, whereas cost in the industry averages four to five percent per year; the residential population continues to outpace commercial industry growth, which is typical in most jurisdictions, Brevard is not excluded from that; and one supports the other as far as being a combined-service package. She advised the next chart illustrates the service-level differences; the chart on the left indicates their current 2-1-1 service, the number of vehicles for the various lines of residential business in use today; the chart on the right shows the number of trucks that they are going to be adding; and she would like to point out this is only for year one, this is what the Board will see in October 2020. She added they have a plan in place starting at year three to add even more additional trucks to make sure they are accounting for the continued growth here in the County. She stated the next chart is very telling, it shows two critical services here in Brevard County, arguably among the most important, residential bulky waste and yard waste collection; the chart on the left shows where they are currently; the chart in the center, again shows where they will be in October 2020; the chart on the right shows what the second ranked proposer is proposing; and there is a clear difference in number of vehicles. She went on by saying the bottom of that chart shows clam yard waste service; Waste Management is currently running six clam trucks for the unincorporated County, 300 cubic yards total capacity per day; and the second ranked proposer is proposing two vehicles per service day. She noted they heard the Selection Committee said loud and clear that this was not sufficient to service Brevard County; and she pointed out even with more equipment Waste Management's rate is overall the lowest.

Commissioner Lober asked Ms. Reider-Hicks if she wants the good or the bad comments first.

Ms. Reider-Hicks advised it is his choice.

Commissioner Lober stated on the fourth page of the handout that Mr. Geletko handed to the Board, he sees it mentions the average price increase at 20 percent since 2013; he does not know that, that is the best selling point for this considering the apples to apples option goes up 43 percent and it is over double the difference in the cost, so just maybe from a marketing standpoint, not the best sales tactic on that; from his perspective having spoken with folks in Waste Management, including both of them, over the past year that he has been here, he has been happy with the level of service that his office has received with respect to constituent complaints that have been forwarded to them, everything has been handled promptly, professionally, he does not have any complaints; and that does go away in term of buying some good will, at least from him. He went on by saying that said, obviously cost is a consideration; he will say it is interesting to note, not just with their proposal, but with a lot of the proposals, the difference in costs between twice weekly garbage pickup and once weekly; he has looked at this and tried to get a better understanding from his constituents as to what they would really accept; and he thinks they would be attacking him and storming his house and office with pitch forks if he went down to once a week. He pointed out it is fine with recyclable, because that is what they are used to, but unfortunately the way that it seems to operate is once people are accustomed or become accustomed to that higher level of service, that is the expectation, he does not know if the County can go down from there. He stated to him that would be a mission critical item that the Board would have to maintain that twice weekly pickup for garbage; beyond that, he understands, by way of Mr. Rodriguez, that unlimited yard waste that the delta between that and a limited amount of pickup is really so trivial that it is basically de minimis; to him if it is trivially more expensive, the Board may as well do that because the few folks that appreciate that, if it is not burdening the rest of the citizens then wonderful; as far as the commercial item, he would tend to agree; it is a good thing for the County to have commercial and residential tied in; and all else equal, he thinks having a fleet that is a bit beefier that can accommodate as needs shift, he thinks is a good thing. He added

it is not mission critical, but he thinks it is certainly something on the wish list. He advised he would be in favor of putting together the Negotiating Committee that Mr. Rodriguez had mentioned earlier; if someone on the Board wants to serve on it, God bless; he is not asking anyone to do it; if no one else wants to do it, he will do it; but he does not have a preference one way or the other. He noted however this is done, if he can convey one thing this evening, it is that the County continue having twice-weekly pickup; and he advised anything other than that, the Board will have problems with constituents.

Commissioner Pritchett stated Waste Management did definitely come out on top with price, and they provide good service; she expressed her appreciation to Ms. Rider-Hicks as every time there is a situation, she answers back pretty quickly; she stated what gets her attention with the chart, if a person has lived through a hurricane, the County has debris; that is the toughest thing to get that stuff picked up; and Waste Management already has the machinery to do this. She went on to add she is looking forward to seeing what the Negotiating Committee can do to chip Waste Management down a little bit more; but after the information came in, she feels better about it because she knows the cost has gone up, so she is glad the County went out for bids to kind of find out where everything is falling. She noted she is going to go ahead and move with the idea of them to negotiate with Waste Management on a contract.

Commissioner Lober seconded the motion, with the composition that was discussed.

Commissioner Pritchett asked if staff wants a Commissioner on the Negotiating Committee.

Mr. Rodriguez replied it would be up to the Board.

Chair Isnardi advised it gets pretty political.

Commissioner Lober stated if the Board prefers not to have a Commissioner on the Negotiating Committee, he is fine with it.

Mr. Rodriguez stated if he understands correctly, the motion is for negotiating the options for twice a week.

Commissioner Pritchett asked Chair Isnardi since they just went to one time a week in the City of Palm Bay how it is working.

Chair Isnardi responded it was a nightmare.

Commissioner Pritchett stated the City of Titusville is used to it.

Chair Isnardi stated they were trying to save the residents money; she was a big advocate; she was a Council Member that said to put it to a vote; they did a survey; 70 percent of residents wanted to keep it at once a week; not a single person on the Council wanted to do that, so they were sort of stuck with it; and there are people that like it and people who do not like it. She noted it should be explained to the people that it overall saves he or she money because the landfill is not being expanded; and people like it more as a matter of convenience, not as a matter of necessity, because a lot more people are recycling.

Commissioner Smith stated he can tell the Board from the constituents he has spoken with, they are adamantly in favor of twice a week pickup, because he is told that the garbage in their cans sits for seven days, and it is much worse in their side yards or their garages than it is if it only sits there for four days between pickups.

Commissioner Pritchett advised the garbage in North Brevard County smells much nicer then.

Mr. Rodriguez asked if the motion also includes the commercial side.

Commissioner Smith stated the only thing he would say is the bid was put out to be combined, but the other side of the coin is if it was separated the County could get cheaper prices that would be beneficial to the constituents; but Ms. Reider-Hicks said the prices Waste Management came up with when it is combined are much lower than the other company was. He reiterated the Board put it out for the bid to be combined, and that is how Waste Management did it, they relied on bid procedures and requirements, so he thinks the Board should go with the combined price.

Chair Isnardi inquired if Mr. Rodriguez believes that was the intent of the bid was the combined service.

Mr. Rodriguez replied yes, the County has never had it separately, and it did not even cross his mind.

Chair Isnardi questioned why it was calculated separately if that was not the intent. Mr. Rodriguez responded as part of what the County has always proposed, the commercial component is always put in there, because the County regulates how much they can charge, it does not pass through the County coffers; but it regulates how much they can charge. He went on to say they wanted to know how much the franchise hauler is going to charge for commercial, because complaints were received in the sense the County regulates it; and since the gap was so much, staff wanted to bring it to the Board's attention. He pointed out it is not in the form of a recommendation.

Chair Isnardi asked if there would be a lot of confusion on what the intent was, because if one piece of that service is showing a higher cost, and how fair is it to negotiate with the one company giving them the opportunity to lower the rate if the Board does not give the opportunity with the second highest company to have them lower the residential rate.

Mr. Rodriguez advised the second highest company, just so the Board has an idea, was quite dramatically higher in the residential rate.

Chair Isnardi stated she remembers, but in fairness is what she is saying.

Mr. Rodriguez stated when they looked at the thing as one package Waste Management came out with the best price.

Frank Abbate, County Manager, stated by a significant amount.

Commissioner Tobia stated he thinks it is a leverage play; he appreciates that the Committee looked at the price of the pizza and the price of the toppings so a decision could be made one way or another as the Board moves forward on this one, so he thinks it was a good move; by breaking it up into three different sections, it provided the Board with a whole slew of opportunities; and it just turns out that Waste Management looked like they came ahead on many of them. He went on to say the comparison with the FCC, he is not sure about the trucks, number of trucks, but someone has an F-150 and someone has an F-350, each one has a truck, and one hauls quite a bit more; he thinks that is probably something that can be handled best by the Negotiating Committee outside of the purview of the Board, to bring back to it; but certainly if a lower price can be negotiated based on an opposing contractor that is offering a lower bid for commercial service, if the Board had that ability to get the constituents a

lower price, and there were two different color trucks out there, it certainly would not bother him going forward; and that is certainly something to leave up to the Negotiating Committee to provide them with as many arrows in the quiver as possible instead of saying there can only be one company. He pointed out he just does not want to hamstring them as they move forward.

Chair Isnardi stated she thinks the proposal and request is that they do not negotiate with the second company, that they negotiate with Waste Management.

Commissioner Tobia advised he does not necessarily disagree with that, but he thinks it should be pointed out the fact that they are \$1.5 million more expensive on the commercial side.

Chair Isnardi stated she realizes that; what she is saying is once the County goes into negotiations with Waste Management that is probably not an option for the Board later to go back to the other company, because the Board is giving staff direction to negotiate with Waste Management.

Commissioner Tobia stated he understands that, but it is his understanding it still has to come back to the Board for its decision on whether or not to go forward with that contract, so they would not have the ability to unilaterally accept it, so certainly it does have to come back to the Board.

Chair Isnardi explained her only issue is fairness on not allowing the other vendor to come back with a proposal if the Board sends the Negotiating Committee in; she loves Waste Management, they are her heroes; she has called and texted them late in the evenings, sent them emails, and they are quick to respond; but she is just trying to be fair.

Mr. Rodriguez advised his understanding is the normal process on this is to negotiate with the number 1 ranking, and if those negotiations are not successful, then they go to the number 2 ranking, which is what staff does for everything else.

John Denninghoff, Assistant County Manager, stated staff will do that after coming back to the Board if they were having difficulty with the initial ranked firm they would come back to the Board, report that, and get authorization to go to the next ranked firm.

Chair Isnardi mentioned just because it has always been done one way does not mean it is the correct way, but she is not disagreeing on that method at all.

Commissioner Pritchett stated she thinks the confusion came with the separation out with the costs; but her guess is if staff went to either one of these and said one firm is just going to do residential or just will do commercial, their prices are going to go up because they would have to fix their delta and their fixed costs compared to variable border, so she does not think this bid would work if that is done differently; she gets that the County is seeing who charges what, that is why she is hoping the Negotiating Committee works their magic with this, because she remembers last time they negotiated with Waste Management, they talked them into doing a little extra; and she is hoping that will happen again, because Mr. Rodriguez was saying he really needs help in building the Reserves back up. She reiterated she is interested in seeing what they do in negotiations, and hopefully a contract will be brought back that the Board will be happy with. She went on to say Waste Management has done a great job, their trucks are excellent, and their technology is pretty amazing as well.

Chair Isnardi stated perhaps it should have been presented as a renegotiation on the combined service rather than a renegotiation on them getting Waste Management to drop the commercial

rates; and she and staff knows it is not two separate things, but that is the way, even in briefings, it was presented to her.

Mr. Rodriguez noted unless the Board tells him something different, his understanding is when he is sent out to negotiate he is sent out to negotiate the entire thing.

Chair Isnardi stated it probably should never have been separated, and it is confusing to the public; it looks like the County is just giving Waste Management the opportunity to renegotiate their commercial rate because they came in \$1 million higher, and that is just not the case; she hates it because these guys will get a black eye; and the previous negotiations of the Board did not go very politically smooth for the previous Board, so that is why there is no politician on that Negotiating Committee. She advised she does not want the Board to be involved at all.

Mr. Rodriguez stated the prior Board directed staff to negotiate with the number two ranked bidder, this Board is sending staff to negotiate with the number one ranked bidder.

Chair Isnardi stated even negotiations got a little squirrely.

Commissioner Lober asked is staff wants the Board to authorize them to negotiate with more than the number one bidder, because if they want he does not mind moving to do that.

Mr. Abbate pointed out negotiating with number one would be fine; and staff is prepared to do that.

The Board directed staff to enter into negotiations with the highest ranked contractor who proposed to provide services requested for Solid Waste Collection and Recycling within Brevard County; approved negotiating combining residential and commercial services Countywide; approved negotiating having twice a week pickup for garbage; appointed Negotiating Committee consisting of Euripides Rodriguez, Solid Waste Management Director, John Denninghoff, Assistant County Manager, and Steve Darling, Central Services Director; and directed staff to bring back to the Board the negotiated contract and rates with the selected contractor.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.3. An Appointment to the Save Our Indian River Lagoon Citizen Oversight Committee

Virginia Barker, Natural Resources Management Director, stated this is to fill an appointment on the Save Our Indian River Lagoon Citizen and Oversight Committee; the Board requested that staff advertise for new applicants to fill the vacancy, so the Board has the applications in its packets; and it has a ranking sheet with instructions on how to do that. She asked the Board to take the public comment, complete its rankings, she will tabulate them during the break, and then she will advise the Board of the topped ranked applicant.

Sandra Sullivan stated she knows she has talked about this before, but she went to a recent Save Our Indian River Lagoon Citizen Oversight Committee meeting; the County had a consultant speaking about arsenic, and they compared in contrast the background level of arsenic in Florida to the background arsenic in Montana; the consultant made the point that the arsenic level in the muck, even though it was over the commercial cleanup level by almost a

factor of two, that it was safe because the background level in Montana was high; and if there were more than one scientist, and definitely people with a science degree on that board, they would have recognized that they were being misrepresented since organic arsenic is safe and inorganic arsenic is a Class A Carcinogen. She noted they were being misled and it was deceptive. She stated she has been before the Board to say the Save Our Lagoon Citizens Oversight Committee needs to have a few additional people on it that have a background in science that can evaluate when they are being given data and scientific evidence. She went on to say when looking at the advisory board report, it had six sources cited from the 80s, and the most recent one was a decade old; there is a lot newer research that comes out all of the time; if there are scientists on the board that are doing this for a living or are in this industry they are aware of what is going on versus people who have full-time jobs, say administratively, in a city; and this is something they do not dedicate much time to. She encouraged there being a little restructuring, at least in the consideration of appointments, they at least have a degree in science to be able to serve on that board.

*The Board recessed at 6:46 p.m. and reconvened at 6:58 p.m.

Ms. Barker advised the next step is for the Board to appoint Jay Moynahan to the member seat representing real estate.

The Board ranked candidates to fill the vacant Real Estate Member seat; and appointed Jay Moynahan to the Save Our Indian River Lagoon Citizen Oversight Committee.

Result: Approved

Mover: Bryan Lober

Second: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.1. Policy Prohibiting Elected Officials' Names or District Designation on Specified Signs and Equipment

Commissioner Tobia stated he wants to briefly go over what this would and would not impact; this would apply to signs and equipment relating to construction projects that use County funds; this would include road signs like those near the Pineda Overpass, as well as park renovations; it would also include joint projects with municipalities when County funds are used; and it would not stop signs from being put up from product information or contact information from the department responsible for the project. He went on to add it is stated in the Agenda Report there are several reasons related to this proposed change; first it creates and equitable electoral advantages to incumbents; the Board Members all know name recognition is an important factor in political races; and having the County pay to have a politicians name up on a sign in an area that campaign signs are not permitted is repugnant. He stated the second reason it is not even true that the Commissioners are solely responsible for these projects; every one of these major construction projects are a result of policy decisions made by the full Board, which are implemented by countless hours of hard working staff; and more importantly, it makes sense that only citizens in a Commission District are those paying, in fact it is very rarely the case. He advised the roads and bridges MSTUs are at their limits, so these projects are often funded using general revenue or other sources such as gas tax, and not limited to the Commission District itself. He stated when park MSTU monies are used for renovations, it gets even more confusing; and by looking at a map of the County's existing tax districts, these parks MSTUs do not line up with Commission Districts at all. He concluded by saying there is simply no good reason to put the names of the elected officials on these signs, and there are plenty of reasons not to have them at all.

Commissioner Lober stated he agrees with Commissioner Tobia partway, but he is not 100 percent there; he thinks what he would be inclined to do to address part of the concern, and he does agree, the County should not have an individual Commissioners name on any project like that, but he will give the Board an example; he pulled up a photo that he took at Sykes Creek Wastewater Treatment Facility from 1988, and he noticed the names of all five Commissioners who were serving at that time, Judge Roberts, Roger Dobson, Andrea Deratany, Sue Schmitt, and Thad Altman, as well as the County Administration, Utilities Director, Water and Wastewater Manger, and the Engineering Contractor; he thought it was interesting decades after the fact; he does not know whether or not someone would try to use that on a wastewater treatment facility as a means of campaigning; and if the concern is one Commissioner is going to take credit, to put all the Commissioners on there. He stated he also agrees it should not be a certain percentage of the program costs; if Commissioner Tobia wants to limit it to a certain dollar value or certain percentage, or even a fraction of a certain percentage of an overall project, he is fine with that as well; he does not think it is something the County should blow big bucks on but if it is that important to someone, or he or she thinks it will add to prosperity, he does not have a problem with them doing it; but he does not know that he is really there to go all the way to say under no circumstances should there ever be a name associated with anything. He went on to say he agrees if someone is to be credited for something major that requires a majority of the Commission, it should be the entire Commission that is on there; and if Commissioner Tobia wants to make a motion to that end he is happy to support that, but as far as restricting it all together, he just thinks this may be more of a solution in need of a problem than the other way around.

Commissioner Smith stated he does not really have a horse in this race, he does not think it is important with all due respect to Commissioner Tobia; when he was elected there was a plaque in place at a time in the County, and the Board Members may remember, at the entrance of Districts there was a big green sign saying the District a person was entering and the Commissioner's name; Stockton Whitten, former County Manager, had gotten two of those made for himself and had them put up; and he saw them and told Mr. Whitten it was a terrible waste of money. He noted he rejected it. He mentioned the names Commissioner Tobia is mentioning, his one thought is it give constituents a name he or she can reach out to if they have questions regarding that project; Commissioner Tobia mentioned the one by Pineda Causeway, which has his name on it; he has not gotten any telephone calls, but that is his thought; if he is a constituent and he does not know who is in charge of a project, and he sees something going on that they would like to compliment somebody on or have a problem with, if he sees the name of a Commissioner on that sign then he can call that Commissioner; and otherwise, if he was a constituent just seeing that sign about the project on Pineda Causeway, he would think it was a Florida Department of Transportation (FDOT) project. He advised he would not know who to call at FDOT, and would not know where to begin; he reiterated he thinks it gives constituents a local name that he or she can reach out to; but then again, like Commissioner Lober mentioned, all five Commissioners names can be on there; and people can pick eeny, meeny, miny, moe. He added it just makes sense that the Commissioner whose District it is in should be the name on the sign, or maybe at the top of the list of Commissioners.

Commissioner Pritchett stated when she first got into office they were doing a project, and they asked if she wanted her name on it, and she said no; but here is the thing, if other Commissioners want to do it, she does not think it is that big of a deal; she knows there is a thought about candidates or whatever; it is not a candidate it is a Commissioner over a District who is responsible for a project; and her guess is most of the things that people drive by and they are bothered by something going on, they are going to want to know who to get a hold of, whether it is County level, federal level, State level, and that is a lot of questions she gets. She went on by saying they did put the sign up saying Brevard Board of County Commissioners;

she has had a few calls about a few projects, because they obviously know who their Commissioner is, but not everybody does; she learned that from college students; and she has asked them who the Governor is and he or she cannot tell her. She pointed out it does not really bother her; she does not really think it is going to give a Commissioner an up one as far as running, because by now if the people in Commissioner Tobia's District do not know he is the Commissioner, there is a big problem, with the super voters anyway; obviously, it is not going to affect her; she has no problem with the other Commissioners putting names on his or her Districts on things he or she is doing; and she thinks it may be a good thing for people to identify who it is that is responsible for taking care of their stuff.

Commissioner Tobia stated his thought is it would be a little strange if the Commissioners are concerned about contacting, there are no telephone numbers; while there are brilliant people on the Board, himself excluded from that list, none of them are engineers; if a person has a question on what is going on with the Pineda Extension, he knows he would pick up the telephone and call John Denninghoff, Assistant County Manager, because he has the answers to all of those things; and if the constituent really does have a question dealing with this stuff, he would say to put Mr. Denninghoff's home telephone number and say to please call 24 hours a day, but the reality of the situation is it is just a campaign. He noted he appreciates the suggestion that Commissioner Lober brings up, but he is on the exact opposite; that is the first question he asked staff, to please tell him his name is not up on any projects; the last thing he would want is to see his name on any project; and he would just as soon have one name and not his before he was to put his name up on any signs. He stated he just thinks entering campaign season, the electorate certainly does not want to see tax dollars used, whether it is \$1 or \$100; he imagines the plaque Commissioner Lober brought up was probably very expensive even back in the day; if it helps an individual gain one vote, he thinks it is an unfair advantage to somebody running against an incumbent. He stated while he appreciates the suggestion, it is not something he would be amenable to switching.

Commissioner Lober stated he will give a shout out to the County realty group that offered to pay the entirety of the cost, he thinks it was about \$4,500 to replace the signage on State Road 3 basically saying 'Welcome to Merritt Island'; one of the questions they asked of the office was does he want his name on that; and he did not want his name on it because he thought it was a little ostentatious to have a Commissioner's name on a big sign like that. He went on to say he is not inclined to have Bryan Lober Bridge or Bryan Lober Causeway, that is not something that means a lot to him; but he does not know if the Board should take the step to say that not under any circumstances will there ever be someone's name on there, because if it is something like on the wastewater treatment plant, he does not think anyone got one vote from that ever; he does not think it helped anyone; and for prosperity, when he is looking 30 years down-the-road, which is what it is at this point, he thinks it is kind of cool to see that plaque there indefinitely so a person can know who the County Manager was, the engineer, the contractor, and the Commissioners. He reiterated he does not have a problem with something like that, and in the scheme of the wastewater treatment plant, he does not know if it was \$50 or \$100 bucks, it was no \$5,000 sign though, he just does not have an issue with that, especially when the County has outside groups that sometimes are willing to step up and offer to pay or defer some of the costs, if it costs the County nothing and it puts someone's name on there, absolutely everyone in any way involved, he does not view that, especially when one is talking about a location like that, he does not view that as something that is giving anyone, forget an unfair advantage, but any advantage. He noted if anything, a person may lose a vote because a person may associate his or her name with the wastewater treatment.

Commissioner Smith pointed out with signs like that, that are project signs, they are informational signs, and that is the way most people view them, they do not view them as a

political sign; they are telling people what the project is, who is in charge of it, and who the local Commissioner is that he or she can reach out to if they have questions.

Commissioner Pritchett explained these are those wooden signs that are put out at projects anyway, and it would just be the individual Commissioner whether he or she want it there or not; her story is there was a sidewalk project, and they had it up there in Brevard County; they asked if she wanted her name on it; this was after she first got into office and someone called up mad that the money was being spent on that; and she told them it was Robin Fisher who did that on his own. She added that worked with them a little comically. She stated she thinks most of the time it would be informational, so she does not mind whatever the Board wants to do; she just thinks he or she is already a sitting Commissioner who already have a one up anyway; she thinks the sitting Commissioners are already good at his or her jobs; and she cannot imagine anyone wanting to run against any of the Commissioners anyway. She noted she does not think it would make a lot of difference in this climate; she reiterated again, whatever the Board wants to do; she does not do it, but it does not mean the other Board Members cannot do it; and she will not judge he or she for doing it.

Commissioner Smith pointed out the sign on Pineda Causeway that has his name on it, no one asked if he wanted his name on it, and he did not tell anyone to put his name on it; and the first time he saw it was the first time he knew it was there.

Chair Isnardi stated she thinks there is a little confusion in talking about which type of signs; as far as plaques dedicated, a project that is dedicated is a different kind of sign than a sign that is just an ongoing construction project, because they do it all over Brevard County, and that is so people do know who to notify if it is specific to a Commissioner's District; she knows like within the City of Palm Bay they list everybody on the Council because they do not have districts; but they do that to let the public know; and a person has to notice, so that sign is already paid for, the only thing different is the graphic. She mentioned she wants them to be able to call if he or she does not like something going on in her District, she wants them to know who to call, as long as it is a project sign that already has to be funded, not a welcome to a particular Commissioners District sign, that is unnecessary; she does not want to put plaques up either, she just thinks the project signs are important so people know who to contact if there is an issue or question; many people still think Mr. Denninghoff is the head of Public Works, and the Board Members sometimes think he is the head of Public Works; and the Commissioners are the ones who are accountable to those residents who have questions. She advised if the County is paying for the sign already, then she is fine with the Commissioners names being on there; and she does not think it has ever given someone a political advantage having his or her name put on a green County-required sign for a project. She noted if it is a required sign she will support, otherwise, she is okay with eliminating all others.

Commissioner Smith stated he would like to call the question; and he asked if there is even a second on this.

Commissioner Lober stated he does not think there was a motion made yet.

Commissioner Tobia stated it is clear this Board does not want his or her name up there, but it does not want policy that limits his or her names up there, which he does not understand; it is also clear there is not going to be a second on that; he would just ask staff when they move forward whether a sign is necessary or not, whether it is a dedication of a road, sidewalk, or wastewater treatment facility to please not ever put his name up there in any circumstance whatsoever; he stated it is a waste of dollars; and again, it adds an electoral advantage whether a person drives by it once or 50 times, he thinks it is obscene, wrong, and people have in the past and will in the future take advantage of it. He advised he does not think anyone

here would do that, but he thinks that is the reason the County has a policy that future Commissioners who very well may make bad decisions would not be allowed to.

Chair Isnardi mentioned she would be okay with a brand new policy limiting that stuff except for required, mandatory projects, not dedications to sidewalks or parks or anything like that, but there are things the Board is required to publicly notice; she would be okay with supporting eliminating anything else; but as far as if there is a big construction project, she wants people to be able to reach out and ask questions.

Commissioner Tobia stated as does he, but the people who are going to answer those questions are staff.

Chair Isnardi advised she is not giving them Mr. Denninghoff's house telephone number, they can call her office.

Commissioner Tobia stated the sign can say Public Works and have the telephone number.

Chair Isnardi pointed out the buck stops with the Commissioners every time.

Commissioner Tobia noted the constituents should know that, the Commissioners are the policy makers, but he feels bad for the folks running against the individual Commissioner that have to drive by those signs and see his or her names up there. He went on by saying there is a mayor who decided to name a city hall after herself; there is certainly some abuse of power by people's names; it has not happened here; but there is a precedent of this type of stuff happening.

Chair Isnardi explained she hopes if anyone ever sees a sign with her name inappropriately on it to let her know; the first thing she did when she came into office was she got rid of the Commissioners parking spot, so that is how she feels about it as well; and she does not think the Commissioners deserve any special privilege.

Commissioner Lober stated it does not seem like Commissioner Tobia is going to have support to do everything he is looking at, if he wants to have a percent and/or dollar value cap for signs that include names, he is happy to support that if he thinks it is something that is really subject to abuse; but he does not know if Commissioner Tobia has an interest in doing that or not.

The Board discussed a policy prohibiting elected officials' names or district designation on specified signs and equipment, but took no formal action.

J.2. Resolution to Limit Resolutions

Commissioner Tobia stated he is going to bring this one up realizing this too may make him look like a bad guy; the Board Members can accuse him of being heartless or against little children or puppies because he does not want to place quantitative limits on some of these resolutions; this is not why he is bringing this forward; and in fact, he thinks it is a serious issue that has to do with fiscal responsibility. He went on to say he recognizes that the Resolutions, Awards, and Presentations section of the Agenda serves an important purpose; it allows an opportunity for groups both government and private to present information to the Board; it allows the Board to recognize current and emerging leaders of the community or people who have made a singular impact; it gives the Board the opportunity to spread awareness on topics of great public importance such as cancer screening programs or legislation that has an impact on this County; but yet, like most everything else, there is a cost. He pointed out the Board has uniquely qualified and very effective staff; every day they spend here they could be bringing to

bare their skills on matters of importance to the County as a whole; even more concerning is the cost, money for the members of the public to be here while they wait to hear their Agenda Item that concerns them, whether this could be an issue with an easement, ordinance, or even just wishing to give public comment; and many of these people are taking time away from their jobs and families to become involved, and this is something he respects enormously. He advised this resolution does not stop any Commissioner from introducing any resolution they can today; if a Commissioner would like to introduce a resolution to honor a long-time employee, a resolution about disease awareness, or a resolution recognizing Taco Tuesday he or she can still do that; all this resolution does is ask that the Board to take a step back and think about which of these are really important to the Commissioners individually and to prioritize; and if each of the five Commissioners use his or her allotment of 12 per year at five minutes a piece, this would still be five hours a year. He went on by saying so far in 2019 the Board has increased its rate of resolutions year-to-date by 35 percent; he would argue that through this process, this resolution introduced will have an even greater impact because it will not so dilute the process; and he made the motion to adopt the resolution as presented.

Chair Isnardi seconded the motion with discussion.

Commissioner Lober stated he is part of the way there with Commissioner Tobia; one of the concerns he has with respect with what is proposed is the limit of 12 a year; he does not think necessarily that is a bad limit; but he does not think that at anyone on staff should be responsible for tracking that; and if Commissioner Tobia were to say on the other hand a limit of two per meeting period, he would be fine with that, he would support that all day every day. He added her would be fine to say two per meeting period or alternatively two per meeting on the front end, along with Awards, Presentations, things of that nature, and anything over and above on the very back end after quite literally everything else is concluded during the meeting; he thinks that would have a chilling effect on people going overboard on the resolutions; but he does not know that the Board should put staff in a position where they have something else to track; and he thinks that is something that could potentially get out-of-hand as far as tracking the 12. He noted if Commissioner Tobia wants self-certification and he wants to propose that in some way the Commissioners are able to follow, he could entertain that; but he reiterated having staff tracking 12 per meeting is perhaps not the best way of accomplishing the goal. He stated he does not know if he has had at any meeting where he has put on more than two; many meetings he has zero; some meetings he has none; and he thinks it is overly stringent in how it is phrased.

Commissioner Tobia stated staff does not need any extra work, the Clerk already does this and has the breakdown of the resolutions; for fiscal year 18/19 he can pull it off of the website and get it right there; his office took a little time to find out how many minutes had gone on, which is not in the report that they get from the Clerk's office; but keeping track of 12, he would not care in all honesty if one member brought all 12 up in one meeting, that does not bother him; what bothers him is when there is seven one meeting, five the next, and to leave it up to the Board what 12 are the most important to him or her; and the last thing he would want to do is limit it to a certain number per meeting, as some things are timely. He went on by saying there are clauses in his request for fallen first responders and service members as exceptions; but he thinks keeping track of 12 is not a big task either by staff or the Clerk's office.

Commissioner Lober advised if it is not creating a new burden, then he is not have as much of a problem as he thought he would.

Commissioner Smith stated he liked the last issue; he does not really have a dog in the hunt if the Board decides it wants to do this; he is okay with that; ironically when he took office, probably the first meeting he attended, he raised this very issue, because he had been to two

Commission meetings prior to his election; and it just seemed to him as an outsider that it was almost a waste of time for the Board, employees, and staff to sit through that process. He went on to say it was explained to him, and he finally got to the point he agreed, this is a large County, almost 600,000 people, and there are a lot of people in this County who do a lot of good things; he thinks the Commission should be encouraging people in the County to continue to do good things; and one of the ways to do that is to recognize them publicly. He pointed out it is very important for a Boy Scout who has achieved the Eagle Scout, it is important to give recognition to a company that is spending a lot of money to start a new program here like a fertility clinic, that goes on and on. He asked who is going to be the resolution czar to say which resolution qualifies and which does not; he stated he thinks it is a dangerous step for the Board to be taking; and if a Commissioner gets to his or her limit, who gets to tell the Boy Scout that other Boy Scouts were recognized but he or she is over the limit so that Boy Scout cannot be recognized. He noted that is a slippery slope that he does not think he would be supporting. He reiterated he thinks it is good for the community; there are approximately 600,000 people, if the Board recognized 60 or 70 people a year he does not think that is a big deal; and as far as costs, most of the County staff is on salary, so if they are there for 12 hours a day or six hours a day, it costs the County and taxpayers the same amount of money. He added when they decided they wanted to work for the County, he or she signed on for that.

Commissioner Pritchett stated she has a hard time when she has to read those things, she gets nervous every time, but she does enjoy being able to give people things; when a person is Chair, he or she gets handed the Countywide resolutions to read, so it is his or her job to pick up the other resolutions that are not specific to a District; she stated the Board has 24 meetings a year, so even if a Commissioner tries to do two a meeting, that is 48 resolutions a year; but she understands the problem because the Board is sitting in some of these meetings where there are like 15 resolutions being presented; and it is getting to be a little much. She went on by saying when she was in city government, they did awards and presentations, so it kind of interests her how everything became resolutions when coming to the County; she understands the importance of it to the community; she understands the Eagle Scout awards; and the City of Satellite Beach's cross country team just won the State title. She pointed out that is sometimes 30 young people coming in here being introduced to government, which she thinks is really important, and there is a disconnect with a lot of the youth, so she does not know how to do this. She added she does agree that there are some meetings where it is a little out of hand with some things; there are some things that should possibly not be brought as a County resolution; but some of these that are actually pulling in County projects that are very noteworthy she thinks are kind of important; the Board Members may want to put a little bit more restraint on what he or she is bringing forward; she reiterated she does not know how to do this in a way where the Board is not actually affecting the public and government; and she noted she thinks it is healthy. She stated she is probably not going to vote to support this the way it is written, not that she enjoys reading them, but she thinks they have a great importance in the County with pulling in the public participation.

Commissioner Lober stated he has thought about this over the past couple of minutes and listening to Commissioners Smith and Pritchett, he agrees that something needs to be done, and it is appropriate to do something to limit them in some way, because it has gotten to the point where it is a bit excessive and aggregate; what really constitutes the problem is it is really not the number over the course of the year, it is how many there are in any one Commission meeting; in his mind, again, he goes back to some reasonable limit per meeting; and he thinks saying two per meeting is a reasonable number. He went on to say he cannot think of a time where he put more than two on; he is not saying there has not been one instance, there might have been, but he struggles to think of any time he has more than two, and even two is not frequent for him; but that said, if someone really feels strongly that, that Boy Scout needs a resolution and he or she is pushing up to two, and it is not one of the two he or she prioritized

on the front end, he would say make them wait until after Board Reports and do it at the back end of the meeting. He explained that is kind of a middle ground where the goal is partly accomplished, and it is not over restricted; a Commissioner could really prioritize by figuring out what is worth spending the time on so the Commission can avoid some of these six-plus hour meetings where there are 15-plus resolutions on the front end; he thinks that is really the problem; and it is unfair to the folks who have business during the course of the meeting to have 15 or 20 resolutions at the front end, and that is really who it is hurting the most.

Commissioner Smith inquired if the suggestion is that the Board have two per Commissioner per meeting or to limit it to two period.

Commissioner Lober responded two per Commissioner per meeting; anything over and above that, he does not have a problem with the remainder to be done on the back end of every meeting, because quite frankly, there are going to be so few people here at that point; and he thinks the Commissioners are going to self-police and not put much on the back end of the meeting, but it gives the Board Members an out if he or she does have two at a particular meeting for whatever reason, and if there is something that is really that meaningful to him or her, a resolution can still be passed.

Commissioner Smith noted he thinks that is a good idea, but here is an issue that comes to mind; suppose a Commissioner has three resolutions that are time sensitive, in other words, like Real Men Wear Pink, that is the month of October, or Breast Cancer Awareness Month, and there is a third thing, maybe an Eagle Scout; maybe a Commissioner can reach out to someone else on the Board to see if he or she can read one if that particular Commissioner has three resolutions; and he thinks that would be workable. He stated he thinks it is a noble and great idea to try to limit meetings; but the Commissioners can self-police themselves and do that by not repeating things, or when there is 30 people speaking, a Commissioner does not need to repeat everything that is already said in the interest of saving time; and he reiterated the Commissioners can police themselves and shorten these meetings if that is really the goal.

Commissioner Tobia stated he is not aiming to be the resolution czar; he thinks the Board Members, as adults, can make this determination of which 12 are most important to him or her; because staff is paid it does not mean that staff does not have a family; and each and every minute they spend here, is one minute less he or she is spending with their family. He added saying staff is getting paid the same is real, he does not think it was meant that way, but he thinks it was a slight to the hardworking staff that go above and beyond day in and day out. He went on by saying he misspoke, his staff advised him the County Manager got them the list of resolutions that had been passed; yes, the Commissioners could control themselves, but he or she does not; District 1 had 15, District 2 had 11, District 3 had five, District 4 had 30, and District 5 had 20 resolutions; and it is 35 percent higher year to date than it was last year.

Chair Isnardi advised it is a little different when a Commissioner is Chair, because stuff that gets memorialized, it is almost expected for him or her to do; and she is not saying it is right. She went on to say she is with Commissioner Tobia; she would go so far as to say 10 resolutions a piece, because she is completely onboard; the Commissioners have some of the most ridiculous resolutions sometimes; but she thinks it really minimizes peoples' accomplishments when the Board had some of these silly reasons to have these resolutions. She stated Commissioner Tobia said staff has family time, she would argue with him that during the day meetings staff could be doing work instead of being stuck here through the 45 minutes of resolutions because they are far too long; the resolutions could even be put on the Consent Agenda and they could be presented to the people at their schools or organizations; and that way it is still impactful, but the Board is not wasting everyone's time here in the same manner only because there are people that have other places to be. She added everybody's

time is valuable and it is hard to say who's time is more valuable. She reiterated she would be fine with 10 or 12 resolutions; and she noted if a Commissioner has an Eagle Scout who needs a resolution, he or she can bring it up during Commission business.

Commissioner Tobia stated he would be happy with zero; he thought 12 was in between zero and the obscene number the Board has now; he would be okay with 20; and he thinks 20 is an absolute crazy number.

Chair Isnardi advised she had 20, she was the Chair, and she still thinks that was too many.

Commissioner Tobia noted he thinks 10 is too many.

Chair Isnardi pointed out she is going to vote against it just because he is going back on what he asked for. She stated it should be 10 to 12 because it is ridiculous the amount of time it takes; it is a ridiculous amount of time the Board is taking right now to talk about it; there is government business; and the Commissioners have to find that balance with supporting members of the community.

Commissioner Smith stated he agrees with Commissioner Tobia that County staff has homes and families, and when the Board keeps them until 11:00 p.m. at night because the Commissioners want to beat to death, like it is doing right now, a subject matter, he or she should be thinking about that; part of staff's job is to attend these meeting; he reiterated if the Commissioners make them long by beating things to death, the Board is more responsible in keeping them out late at night than any five or 10 resolutions; how about if a Commissioner has someone that has requested a resolution bring it up under Board Reports; and the Board can take a vote whether or not to do a resolution, and not to put numbers on them. He noted that way it would be the entire Board deciding and not one Commissioner deciding if it was important.

Commissioner Pritchett advised she thinks it has gotten abused a bit, and if it had not gotten abused, this conversation would not be happening; she does not think she is abusing it; she hates putting stipulations on the Board Members because he or she are elected officials, and have a community the Commissioners represent; and if one of the Board Members have a real need to do it in his or her community, she really hates setting up rules to restrict them from serving the community. She went on to say there are a few resolutions she does not understand why they are done; even Commissioners who do not normally give resolutions, she wonders why he or she gives certain ones; she reiterated she is concerned when stipulations are put on the elected officials serving his or her communities; and she kind of likes the idea of some of them being put on the Consent Agenda. She noted she does not know how to pick the winners and losers, and trying to figure out what is worthy and what is not worthy of a resolution; she thinks every Eagle Scout is worthy of a resolution, they have worked so hard, as it is a great accomplishment; she thinks schools winning State titles are worthy; the Space one the Board passed tonight was marvelous; but again, she does not know how to do all of this. She went on by adding there are 24 meetings a year; she thinks the Board should take time and figure this out instead of slapping out a number here; she will probably not have any problem staying under 12; but some of these things other Commissioners bring out are important.

Commissioner Lober stated he does think there is value of putting some of these under Consent; he is not going to support Commissioner Tobia's motion; but what he intends to turn around and do is to limit it to two per meeting being added to Resolutions, Awards, and Presentations, without a particular yearly limit, but two per meeting period; and the rest would have to either go to the end of the meeting after Board Reports or in the alternative on the

Consent Agenda, with the understanding that whichever Commissioner adds it to Consent is not to pull that particular Item. He added if another Commissioner wants to pull it, that is fine; but he does not think that the Commissioner who adds it to Consent should use that as a work around to get past the limit of two. He stated that is where he is at and that is what he will be doing; as the guy who has the second least amount of resolutions, he does not think he has abused it in any means; and he thinks that is a way to try to respect folk's abilities to get things accomplished, but also respect the time that people have and the folk's that are sitting in the audience oftentimes for protracted meetings that really do not need to be as long as they are.

Commissioner Pritchett advised she agrees with that, but she would like to throw a caveat that the Chair should have a little bit more flexibility; and she may have had 15 last year, but probably less than four were hers, because there is County stuff that they have to do.

Commissioner Lober asked if Commissioner Pritchett wants to say one or two per Chair.

Commissioner Pritchett stated Commissioner Lober is going to be Chair next year, he is going to have to have that discretion; and he will have to determine that, he is not probably wanting to do National Turkey Month or something.

Commissioner Lober stated he does not mind holding the Chair to it even if he does not serve as Chair next year; and his thought is he hates to leave it open ended down-the-road.

Chair Isnardi asked who decides which two end up on the Agenda, or is it two per Commissioner.

Commissioner Lober stated two per Commissioner.

Chair Isnardi stated that puts the Board back in the mess it was in.

Commissioner Lober noted it is still a lot better.

Chair Isnardi pointed out that is a potential of 10 per meeting.

Commissioner Pritchett stated it will not though; there are one or two who do five or six; and that would probably solve the problem.

Commissioner Lober stated he thinks that is the case, and if it does not and it is the same next year, he is happy to restrict it; he thinks this is a good step to see if it solves it; and if it does not, believe him, he will be more flexible down-the-road.

Chair Isnardi advised she is probably more apt to lean into Commissioner Tobia's proposal or less than 12.

Commissioner Lober noted if that passes, God bless, he is not going to support it tonight, but he is not going to be up at night if it goes through.

Chair Isnardi stated she thinks it makes people's resolutions more meaningful; and if she wants to recognize someone in the community she can ask the Board during Commission business if he or she is okay if she recognizes these guys; and the Board has done that back in the past.

Commissioner Pritchett pointed out she does not mind using the Consent Agenda a little bit more for her stuff, with stuff she does, she would like to do that; and the Board can just approve it, and then to take it out to the community.

Chair Isnardi stated the Board can do that easily, at least that will be an alternative to those who like to use multiple.

Commissioner Smith stated he cannot hear Commissioner Pritchett.

Commissioner Pritchett stated that is because she did not turn the mike on; she just said she would like to utilize the Consent Agenda, she never thought about that; and she is going to start utilizing it for things that she could take to the community.

Commissioner Smith asked how that would work.

Commissioner Pritchett responded the same way the Board does it but just the Commission would just approve it under the Consent Agenda, and that way the certificate could be taken out to the community in each Commissioner's own District.

Chair Isnardi advised that could probably be prearranged prior to the meeting; usually it is people calling and requesting the resolution; and rather than having to tell them that he or she cannot do it, the Commissioner tells them he or she will bring it to them and present it. She asked if legislative intent can be waived if the Commission is okay with the Item.

Eden Bentley, County Attorney, replied this is just a resolution, so the Board can build in a waiver in the resolution; and legislative intent does not have to be waived.

Chair Isnardi inquired if the Board had a resolution that had to go on the next Agenda it would not have to waive legislative intent for that.

Attorney Bentley responded no, because it is not an ordinance.

Chair Isnardi asked if Commissioner Tobia had anything else he wants to add, or if he is going to stick with his motion.

Commissioner Tobia advised he is going to amend it to Chair Isnardi's suggestion of 10.

Motion by Commissioner Tobia, seconded by Commissioner Isnardi, to limit the number of calendar year resolutions to 10 per Commissioner with no stipulation as the number per meeting but a total per calendar year.

Motion denied. Commissioners Pritchett, Lober, and Smith voted nay.

Result: Denied

Mover: John Tobia

Second: Kristine Isnardi

Ayes: Tobia, and Isnardi

Nay: Pritchett, Lober, and Smith

Chair Isnardi asked Commissioner Tobia if he had anything additional or anything else as it is his Item.

Commissioner Tobia stated no, he has just never seen so many people that do not want his or her name anywhere and want shorter meetings but he or she want their name everywhere and want longer meetings; and he noted it is just Bazarro World up here.

Commissioner Lober stated he does not want his name solo, he wants to be in good company with Commissioner Tobia anywhere his name appears. He stated he does have a motion.

Chair Isnardi stated okay.

Motion by Commissioner Lober to limit resolutions to two per Commissioner per meeting on the Resolutions, Awards, and Presentations portion of the Agenda, anything above two per Commissioner per meeting would have to be added either at the end of the meeting after Board Reports or in the alternative on Consent, with the understanding that they are not to be pulled from the Consent Agenda by the Commissioner who added them to that particular Consent Agenda. He asked then just before he finishes, does the Board want him to do something differently for the Chair; and he stated he is happy to keep himself locked in for next year if that is the way that it goes, he does not feel the need to go beyond that.

Commissioner Pritchett inquired if Chair Isnardi had times when she had more than two.

Chair Isnardi stated she thinks maybe a handful of times she had more than two, but it was probably once or twice.

Commissioner Pritchett suggested to just allow the Chair the flexibility.

Chair Isnardi noted they may have not been necessary for them to be on there.

Commissioner Lober stated he does not really want to lessen it, or lessen the grip on the Chair, he thinks it needs to be kept universal, but if the Board wants to, he can tell it right now his intention is not to go buck wild if he has the Chair position next year.

Commissioner Pritchett stated it does not matter to her.

Commissioner Lober advised he will keep it applying to everyone; if he needs to get permission to exceed it then he will go ahead and do that.

Frank Abbate, County Manager, stated he would suggest instead of doing it after Board Reports, because then it is really off of the Agenda, to do it under Miscellaneous, under New Business Miscellaneous at the end, it is at the very end before going to Public Comment and before going to Board Reports, he thinks that may be the best way to do it.

Commissioner Lober stated he will consider the motion modified as to that one change.

Commissioner Pritchett seconded the motion.

Commissioner Tobia stated he took a little time with the resolution that he had, so he took out resolutions recognizing fallen law enforcement or fallen members of the United States Armed Forces shall not be included in this limit; and he inquired if Commissioner Lober's deal with that as an exception or not.

Commissioner Lober explained if Commissioner Tobia wants him to he is happy to do that, but for that variety of item, if he brings it to the Board in advance, he does not have a problem making exceptions on a case-by-case basis; however he wants to do it, he is not opposed to it.

Commissioner Tobia asked how in Sunshine that would take place.

Commissioner Lober advised that would probably happen before the meeting at the prior meeting, which is the cleanest way he knows.

Commissioner Tobia questioned if the Board would have to wait a whole meeting prior to that for a fallen officer.

Commissioner Lober noted the other thing that could be done is to give it to staff to farm out to whichever Commissioner has not added something, that way the Commissioners are not having direct contact with anyone other than staff.

Commissioner Tobia stated he gets it, and he knows this is now Commissioner Lober's Agenda Item, it is no longer his, he respects that, but his intent was create less staff involvement on all this stuff; it seems like this is just getting more and more.

Commissioner Lober stated he thinks the way to clean it up and resolve this issue all together, and it is kind of in keeping with what Commissioner Pritchett said earlier, to make this apply to everyone but the Chair; and then he will just say send them to him if and when he is Chair, or whoever else is Chair, that variety of resolution, and the problem is resolved to keep it nice, clean, and easy. He noted he will modify the motion to apply that to all Commissioners except for the Chair.

Commissioner Pritchett advised the second holds.

Chair Isnardi mentioned she still thinks it is too many resolutions; she is not saying the intentions are not pure; but she thought the idea was minimize the beginning of the meetings for people waiting to do business.

Commissioner Lober stated he is going to try to keep it as minimal as possible.

Chair Isnardi called for a vote on the motion.

The Board adopted Resolution No. 19-223, limiting resolutions an individual Commissioner can add to the Resolutions, Awards, and Presentations Section of the Agenda to two per Commissioner per meeting; anything over and above the two resolutions per Commissioner per meeting would have to be added to New Business under the Miscellaneous section of the Agenda or under the Consent Agenda with the understanding that they are not to be pulled from the Consent Agenda by the Commissioner who added them; and this applies to all Commissioners except the Chair.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, and Smith

Nay: Tobia, and Isnardi

J.3. Transmittal of Request to Municipalities to Cease Charging Citizens Within Certain Taxing Districts Fees to Access Facilities

Commissioner Tobia stated this proposal came through a conversation his office had with staff on a whole number of subjects; he was seeking information regarding various fees; and he learned that the Parks and Recreation Department stopped charging access fees years ago, some cities within Brevard County still charge for things like parking. He went on to say for example the City of Cocoa Beach charges just to park at City Hall on certain days and \$2.50 an

hour at several parks; this weekend taxpayers will have to pay \$7 to use the City Hall parking garage in downtown City of Melbourne, District 5; there is a plug for the Food Festival in downtown Melbourne without a resolution there; this includes facilities such as downtown Melbourne and Cocoa Beach parking garages where County tax dollars were utilized to build; and what this means is the very people who pay for these parks and other facilities are being charged to see what they built or may have not even had means to visit it at all. He noted hardworking taxpayers are not able to utilize the fruits of their labor, and instead are forced to drive their children somewhere else for the day; to him, again, this is disgusting; similarly Representative Randy Fine has filed Bill HB183 which would stop the Sebastian Inlet District charging those who live in the taxing district for its access; he is very happy to learn that while the County does not engage in this practice, he would like to take it a step further; he proposes to send a letter to every single municipality in Brevard County to request that they not charge taxpayers for access to facilities; and thankfully, it seems that most municipalities in Brevard County also have stopped charging access fees, so in those cases he thanks them for respecting their taxpayers. He stated on the other hand some of these municipalities are charging for in part by County tax dollars; to be clear, the substance of this letter is very limited; it is not a demand, it is merely a request; and it only asks that they provide free access to those who reside in the taxing districts whose funds go to those facilities, not necessarily to anyone else. He added it does not apply to all usage fees, just access fees; and for instance, it is understood that municipalities may have to charge for private rentals, pavilions, or host soccer tournaments.

Motion by Commissioner Tobia for the Board to ratify the letter that he provided in the Agenda Report, and to direct staff to transmit the letter to all of the mayors of municipalities within Brevard County and copy to all the council members.

Commissioner Lober stated he likes some parts of this but he dislikes more parts of it, that is kind of the most direct way he can say it; there are a couple of concerns that he has; he just started looking at this to a pretty good degree with respect to Lori Wilson Park and how the County is going to pay for the maintenance of it; and when he looks at something like this there are a few concerns that he has. He went on by saying first is Home Rule in trying to respect the individual municipalities; if it were limited to municipalities or projects that are in receipt of County tax dollars, he would be a little better with this; but when he looks at the concept of it, he tries to think of what they are using the funds for and if it is essentially to upkeep that particular park or area that they are using facilities of any variety; the alternative to charging user fees is to raise taxes; and he would rather keep the budget lower, keep taxes down, and have users that disproportionately benefit from using particular facilities shoulder more cost. He noted he will tell the Board with respect to Lori Wilson Park, the things he was looking at was giving a break not obviously to Cocoa Beach residents but to all Brevard County residents, either making it free or a de minimis cost to get a decal on an annual basis; he was told though that based upon legal research there are State grants that were received that would mandate all Florida residents being treated equally; in that sense, he would expect if the County retains Lori Wilson Park, that it would have a substantial break for all Florida residents; but he does not know that he can say that they cannot charge at all; and he thinks if it is benefiting that particular facility with what they are collecting, there may be a benefit. He stated he does not know that he can support this as it is written; he thinks if it were paired down to a degree to reflect only those facilities that are recipients of County tax dollars, he would be more inclined to support it, but not just a blanket request; and he thinks it is a little overstepping on the County's part.

Commissioner Smith stated he thought long and hard on this; on one hand he can understand where Commissioner Tobia is coming from; he really does not have a problem with the intent; but for him it smacks of big brother; and it is a violation of Home Rule, which is pretty important

for most Republicans, it certainly is important to him. He pointed out for him as a County Commissioner to tell the municipalities how they should or should not fund their municipalities, that just rubs him the wrong way; if citizens of a municipality do not like something that the municipality is doing, in this case charging fees for parking, they can storm their council meetings with pitch forks and torches and appeal to their council members to change the rule; and he reiterated he does not think it is a Commissioner's duty or responsibility to be telling municipalities how they should be charging or not charging for properties that are within their municipality.

Commissioner Pritchett stated in light of the Board's last discussion with the last topic, Commissioner Lober just said most of the stuff she wanted to say, so she is not going to repeat a lot of that; a little extra thought on it, as far as taxes go, she is probably more of a user fee girl than charging the whole County for it; granted, some of it has to be done to get things up and going; but people who specifically use the product, she does not mind them having to pay for more of the product; like Lori Wilson Park when Commissioner Lober brought that up, she is never going to go there, so she would rather the County keep her general taxes lower, and to charge the people who are going to go park there all the time for using it; and she thinks if the residents are using it, more should be added to it, it is in their area. She pointed out her overall theory on that, and she does not know where it fits in Democrat or Republican, but she does like the user fees; she likes fair taxes, if that could ever get going as well; but she probably likes that aspect of it more; and she is going to quit now, because Commissioner Lober already said most of that pretty well.

Commissioner Tobia advised he would be willing to pare down the letter to just the municipalities that use County tax dollars; and he asked if that would be something that would be amenable to the Board.

Commissioner Lober responded if it is clear that it only applies to those facilities that are recipients of County tax dollars, he would be good with it.

Commissioner Pritchett replied she could be, but the thing is she would like to know which ones, because she would like to look and see; she explained if she is paying partial County taxes with that, she would rather that they pick it more up than to raise her County taxes later to pay for what they are not having to pay to specifically use it in their own city; she understands how Commissioner Tobia is on taxes, and she respects it, so just by him bringing this up made her think about it; but that is kind of throwing her off on the other side, so if Commissioner Tobia could get her something, she gives him her word she would definitely look at that and see if she could figure that out in the way that he is doing it.

Commissioner Tobia stated he will give the Board an example; he is going to pay \$7 to park in the Melbourne parking garage, it was a recipient of CRA dollars, or to talk about the garage that he uses when he goes to Cocoa Beach and park that was a recipient of CRA dollars; it is his understanding that these dollars go in there, they build the facility, they have a revenue source that then goes into general fund; it is not a user fee, it is a way to pad the general fund of these municipalities off of the backs of County taxpayers; and that is two examples of direct recipients of County tax dollars. He noted he is all for user fees; he wishes the County could charge every person that is in the Brevard County jails the amount that it costs to do that; he wishes that public schools were paid for by the recipients and not everyone else; but that is not the reality of this situation; and the reality is it is up to the Board to raise taxes, it cannot blame it on anyone else, so he would pare this down to the municipalities that receive County tax dollars in one way or another.

Chair Isnardi inquired that have received or are currently receiving.

Commissioner Tobia replied affirmatively.

Chair Isnardi acknowledged she just wanted clarity.

Commissioner Lober stated he just wants to make sure as well that the letter specifies that the Board is making the request as to those facilities that have been beneficiaries or have benefited from those tax dollars; and if they have some other facility that is totally a municipal only thing, he does not want them to get the impression that the Board is over reaching, so if something has been a recipient of CRA funds, he gets it, he is fine with that, not in terms of that being a great or terrible thing, he is fine with them getting a letter with respect to that, but if something has truly been funded only out of city funds, he does not want to tell them what to do or even strongly suggest what they should do with something that has nothing to do with County tax dollars.

Commissioner Pritchett advised she is going to have to think through that, she is beginning to know that she will not, because a CRA really is not the County giving them money, it is that they use it to develop the areas; therefore, they are generating more tax funds, so the County never lost funds, it is just all of the extra went back into revitalizing those areas; she would have to look at the kind of benefit analysis with that; but again, if a city has this up in their city, she almost feels like she is getting a little bit out of her lane now; but if he is talking about direct County taxes, it is still continuing to pay, he has her attention; and she reiterated she has to think through this just a little bit, but not that she will not, so she will see if she can get some information on that.

Commissioner Tobia clarified by saying \$7 million goes to CRAs.

Commissioner Pritchett stated if they had not developed, the County would not have those funds anyway, it is added revenue, it starts with a baseline; she knows Commissioner Tobia and her have different philosophies, she thanked him for always respecting her on that; her thinking is a little different on that; but she promises him, she is going to think on this and look through it, because she does have great respect for his standards when he brings these informational items to her attention.

Commissioner Tobia pointed out to be clear this is merely a letter; this is a request, nothing more, nothing less; he does not think the City of Titusville is on the letter anyway; and she can take the letter and burn it, throw it away, and do away with it.

Chair Isnardi advised they probably will.

Commissioner Tobia noted they probably will, but to be clear they will receive one from his office; it will have a 24-point, bold, italicized font that the Board agreed upon; he does not like taxpayers paying into a project and then turning around having to pay into that, whether it came from the County or the State; he is tired of saying it is federal tax dollars, it is tax dollars that came out of his back pocket; city tax dollars came out of his back pocket if he happens to live in that city, so the reality of the situation is that he thinks the Board is shirking its responsibility; and he thinks the County is taking a very good stance by saying it is not going to charge for a person to go to a County park. He went on to add Representative Randy Fine said he does not want this to happen to the State; he certainly thinks the cities can follow; he does not want Commissioner Pritchett to think too much if she is not comfortable with doing that; he certainly does not want to waste staff's or anyone else's time with this; he can certainly give her a copy of this; but he reiterated something will be coming out of his office one way or the other with the correct size font that the Commissioners agreed upon.

Commissioner Lober stated it sounds to him like if Commissioner Tobia wants an extra one voting for it, he may have to table it; if he does not want a closer to unanimous vote, or potentially a unanimous vote, he may have the support to push it through now; and he will support again with the caveat that he mentioned today, a month from now, or whatever he wants, so it is up to him.

Chair Isnardi asked with the County thing.

Commissioner Lober replied yes.

Chair Isnardi advised she will support it with that as well.

Commissioner Lober noted as long as Commissioner Tobia specifies he is talking about those specific facilities, not just municipalities as recipients of County tax dollars, but those facilities that have had County tax dollars go in to them or continue to have County tax dollars go into them he would support it; but without it, he is not.

Commissioner Tobia stated he will amend his motion to include only the municipalities that receive County funds, as well as to name those specific projects, or those specific facilities that receive those funds.

Commissioner Lober seconded the motion.

Commissioner Pritchett stated she is sorry, she knows she is asking too many questions; she asked if the County is getting any of those funds when the cities collect them, do they just into the cities general funds.

Commissioner Tobia replied the general fund.

Commissioner Pritchett stated she is kind of understanding this; she questioned if the cities did not charge, will the County pay more County taxes to keep that facility up; and she asked does the County have any kind of liability in those things.

Chair Isnardi advised the Board has no say in how the cities spend their money as far as maintenance on their own facilities.

Commissioner Pritchett stated she just does not want all of the taxes to go up if the fees are not charged.

Chair Isnardi stated the cities should be maintaining their own parks with the money they are collecting from County and municipal residents; and she supports it.

Commissioner Pritchett stated sometimes she gets irritated when the State boys start putting the hammer down on the County for things, so that is a little bit of her hesitation; and she reiterated she gets concerned when the County does not stay in its own lane.

Chair Isnardi stated this would only apply to places that have had the County funding.

Commissioner Lober stated his final thought on this is he has a buddy, he and his son have an arrangement that if he is working or going to school he can stay in the house; his benefit is he gets to stay in the house; this is not overreaching to the extent that he would be concerned about the County telling a city what to do with city assets and resources, what it thinks they ought to do, this is the County telling them with respect to projects that either have been or

continue to be funded, at least in part, by County funds; and a person can tell his or her kid what to do if they want to earn their allowance.

Commissioner Pritchett stated the County is going to irritate all of the cities who get this letter.

Chair Isnardi advised the cities irritate the County as well with the slap in the face with the CRAs.

Commissioner Pritchett noted she is not going to vote for it; and she thinks she has turned this into more than it should be.

Frank Abbate, County Manager, asked since the Chair is going to sign the letter, is the letter going to be revised, and who is receiving it; he stated right now there is a listing; but understanding what the Board is saying, he does not know if it is the same listing.

Commissioner Tobia stated his office will revise it and send it to the County Attorney's Office to get confirmation on that, maybe budgeting, if they have any additional suggestions, and then he will send it to the Chair for signature.

Commissioner Smith stated he does not agree; even though it is just a request, from his perspective it is kind of in the face to the cities; but that is just his opinion.

Chair Isnardi stated she would agree with him if the County did not have a hand in funding it.

The Board approved transmittal of request to municipalities who have received or are currently receiving County tax dollars, limited to those facilities receiving those funds, to cease charging citizens access fees to those facilities, upon approval of the County Attorney's Office; authorized the Chair to sign the Letter; and directed staff to transmit the Letter to the Mayors of the Municipalities and to copy the City Council Members.

Result: Approved

Mover: John Tobia

Secunder: Bryan Lober

Ayes: Lober, Tobia, and Isnardi

Nay: Pritchett, and Smith

K. PUBLIC COMMENTS

Sandra Sullivan stated from 1998 to 2001, the City of Satellite Beach and the County were jointly involved in pursuing Florida Communities Trust (FCT) fund from the State, it is now under Florida Forever tax; she would recommend to the Board to pursue this even now for acquiring wetlands, because it is designed for very critically sensitive lands that are very important; it was County lands, and the reason the County was involved is because those lands got annexed into the City of Satellite Beach entrusting them to take care of them; and in overlapping that time frame, they were negotiating with the military regarding the Planned Unit Development (PUD) across the street to do 85-foot condos, which is incongruent with the agreement that was reached for the FCT to create a preserve that was to protect endangered animals, including the Green Sea Turtle and threatened the Loggerhead, an endangered mouse, and the offshore worm wreath. She went on to say that is why it got that funding, \$8.5 million; these were County lands entrusted to the City of Satellite Beach; there is a clause in the agreement that if any entity does not take care of them, they can revert back to another governmental level; she is asking the County to authorize the County Attorney to look at these agreements, because she is concerned that they were pursuing, at the same time that they

signed the agreement, that they would protect these lands, and that the adjacent property, she was going to read it to the Board, but she will send it later, was supposed to be low density; and at the same time that they were getting this \$8.5 million they were negotiating a deal for 85-foot towers across the street from a wildlife and turtle preserve. She added how they got those monies was a letter from University of Central Florida indicating about it being for endangered mice and also how important this was to the turtles; and this is the largest aggregate turtle nesting area for Loggerhead Turtles, the area of the beach, in the world.

1. Frank Abbate, County Manager
2. Eden Bentley, County Attorney
3. Rita Pritchett, Commissioner District 1
4. Bryan Lober, Commissioner District 2, Vice Chair

Commissioner Lober stated he is going to put the County Attorney on the spot now; she did not know he was going to do it; but he is going to ask for a report from her, he does not know if it was a garbanzo bean or a chick pea or what, but there was apparently a lifesaving incident in her office a little while back where Christi did the Heimlich on Abby; he thought about doing this as a resolution as one employee saved another employee's life; and then he saw the anti-resolution, resolution, so he thought it was probably not good to do it as a resolution, he would just do it under Board Reports. He asked if a little background could be given on that.

Eden Bentley, County Attorney, advised they were both having lunch at their desks; she guesses she is a cruel boss; Abby actually choked; she was able to get out of her office and over to Christi's office; she could not speak, but Christi asked her if she needed to do the Heimlich Maneuver; and she did it, and saved Abby's life.

Chair Isnardi stated she may need a resolution that is all she is saying; and to save someone's life, that is amazing.

Commissioner Lober stated he could buy her lunch or something, he does not think there is any ethical prohibition on that by any means, so just ask her to reach out when she wants, he is happy to do that.

Chair Isnardi pointed out she thinks Commissioner Lober needs to buy them both lunch, because the Board has embarrassed at least one of them.

Commissioner Lober stated that is fair, that is fine.

5. John Tobia, Commissioner District 3

Commissioner Tobia advised the Board he is getting some construction work done on a condo in the City of Palm Bay; he submitted the plans and he got the fee back; and it was \$2,241.25. He went on to say he thought that sounded like quite a bit of money on a \$60,000 renovation, so he got a hold of Permitting here in Brevard County; he asked them if he were to do this in County Land instead of City Land how much this would cost; is he crazy or does \$2,241.25 sound like a lot; and the response he received back was worst case scenario would be \$1,003.19. He stated he does not think the Board points this out not only how hard working County staff is, but what a value a person gets; he built a home in Brevard County; and the permitting for the whole house was about \$2,200.00. He expressed his appreciation to all of the people in that department for all he or she does, and clearly they do it for quite a good cost

compared to what a project would be in Palm Bay. He stated maybe he needs to stop reading the newspaper but this was about a government CEO that got a \$250,000 incentive; Captain Murray has been eligible for a \$250,000 bonus because he has, according to the Florida TODAY article dated October 29th, reportedly been courted by some unnamed private entities; the County's chief executive has nearly 30 years of work experience for this organization; and the Port CEO has three years of work experience with the Port, although he did spend time working for a subsidiary of a company that made flags. He went on to say the County's chief executive has a law degree from Dickinson's School of Law at Penn State; the chief executive obtained the rank of captain, certification available through Captain in a Box Program for \$495; the County's chief executive manages a staff of 2,700 people, while the Port has about 200 people; he did a little math; and if the Board paid the County's chief executive based on the number of people that he managed, his salary would be \$4,121,000. He noted that is the conservative number, the more accurate number would probably be based on the budget that they oversaw; the County's chief executive has a budget of a little over \$1.3 billion, the Port is \$118 million; and if it was done based on budget, the County Manager would have a salary of \$5.1 million. He explained all of this is to say the County continues to reap the benefits of a certainly good deal of the County Manager; his dedication, work ethic, and competency has been second to none; he cannot be thanked enough for the work that he does for this County; it should not take the wasting of \$250,000 for the Port Commission to thank he and his staff on a more consistent basis; unfortunately he is one of the most stingy; but he thinks John Denninghoff, Assistant County Manager, may be more stingy than he is and he really respects that. He added he has floated the idea of giving the County Manager a raise in the past and he politely turned it down; the Port CEO making \$375,000 but needing another \$250,000 is an absolute joke; the Board should look at this as a positive not a negative; he expressed his appreciation to the County Manager and his staff for all they do; and he will put into the record if anyone is curious about Captain in a Box, it is on eBay.

Commissioner Pritchett advised maybe the Board should put Frank Abbate's name on the County's signs.

Chair Isnardi stated no, then they will all call him.

Commissioner Tobia stated he is extremely pleased to report to the Board that the Palm Bay Bayfront Community Redevelopment Agency (CRA) and the City of Palm Bay City Council ratified the interlocal this Board passed unanimously with no changes; as such, the Interlocal Agreement (ILA) is not in effect upon record; this agreement provides savings and accountability over tax dollars while allowing Palm Bay to meet their contractual obligations; had this not passed there would have been an item on this Agenda invoking the Board's authority to cease the CRA; and he is very happy to say that was not necessary. He expressed his appreciation to staff for their efforts in securing this agreement, as well as the Board for its patience while this was being accomplished; he also thanked the City of Palm Bay in their efforts to come to this agreement; and he stated he hopes the City of Melbourne will look at this as an example to follow as the Eau Gallie CRA appears to be the final CRA not to have reached an ILA with the County.

6. Curt Smith, Commissioner District 4

Commissioner Smith stated he would double up on what Commissioner Tobia said about the Port; and Commissioner Tobia may not want to do another renovation in City of Palm Bay because it may be \$4,000. He stated he wants to recognize Chair Isnardi for completing her one year; she has done a great job; and he expressed his appreciation to her for all of her efforts.

Chair Isnardi thanked Commissioner Smith.

Commissioner Lober asked Commissioner Pritchett if she would serve as vice chair next year, because his intention would be to nominate her for that position come the next meeting. He asked her to think it over.

7. Kristine Isnardi, Commissioner District 5, Chair

Chair Isnardi stated yesterday was Veteran's Day; she thanked all of the veterans serving locally and abroad, and all of those who have made the ultimate sacrifice; Brevard County is a huge veteran community; it has a lot of veterans who work for this very County; and she is so appreciative as she has family serving overseas and her husband is retired military. She pointed out until it is a person's son who is out of country, he or she does not fully appreciate the level of support, the level of anguish a family goes through.

Upon consensus of the Board, the meeting adjourned at 8:26 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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