

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on April 3, 2014 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Present	
Chuck Nelson	Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Mary Bolin Lewis	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Chairman/Commissioner District 5	Present	

INVOCATION

The Invocation was given by Reverend Joy Willard-Williford, Chaplain for Holy Trinity Episcopal School, Melbourne, Florida.

PLEDGE OF ALLEGIANCE

Commissioner Fisher led the assembly in the Pledge of Allegiance.

PLANNING AND ZONING BOARD RECOMMENDATIONS OF MARCH 10, 2014 AND NMI BOARD RECOMMENDATIONS OF MARCH 13, 2014

Chairman Bolin Lewis called for a public hearing to consider the Planning and Zoning Board's recommendations of March 10, 2014, and NMI Board's recommendations of March 13, 2014.

ITEM III.B.1. (14PZ-00006) - AEJ DEVELOPMENT, LLC - (Anna Morris) - requests a Conditional Use Permit for Alcoholic Beverages for On-Premesis Consumption in a PUD (Planned Unit Development) zoning classification on 0.07 acre, located on the south side of Wickham Road, approximately 160 feet east of Interlachen Road (7777 N. Wickham Road., Melbourne)

Anna Morris stated she is looking to open an upscale bar with a tapas menu.

Chairman Bolin Lewis inquired what a tappas menu was. Ms. Morris responded it is an appetizer menu; they are looking to serve an antipasta platter, cheese and cracker platter, specialty sandwiches, nothing on the grill, nothing fried, just light menu items. Chairman Bolin Lewis added that may lighten their moods; and she was curious about that.

There being no further comments or objections, the Board approved the request for a Conditional Use Permit (CUP) for Alcoholic Beverages for On-Premesis Consumption in a PUD (Planned Unit Development) zoning classification on 0.07 acre, located on the south side of Wickham Road, approximately 160 feet east of Interlachen Road, with the conditions that there be tapas food service, and no outdoor seating.

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.2 (14PZ-0001) DEBRA WEICHE-POOR - requests a change in classification from GU (General Use) to RR-1 (Rural Residential) on 1.05 acres, located on the north side of Scott Road, approximately 255 feet west of Friday Raod (5020 Scott Road, Cocoa)

Debra Poor stated she was available if the Board has any questions.

There being no further comments or objections, the Board approved the change of classification from GU (General Use) to RR-1 (Rural Residential) on 1.05 acres, located on the north side of Scott Road, approximately 255 feet west of Friday Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.3. (14PZ-00007) MARK J. FALABELLA - requests a change of classification from GU (General Use) to AU(L) (Agricultural Residential - Low Intensity) on 1 acre, located on the north side of Detroit Street, approximately 630 feet west of Shawnee Place (3690 Detroit Street, Cocoa)

Mark Falabella stated he is new to Florida, he retired from Massachusetts; he bought a piece of property in Canaveral Groves which was advertised as being already zoned Agricultural; and it turns out it is off by one piece of property. He noted his next-door neighbor is zoned Agricultural, and he is General Use; he would like to have an accessory building larger than what is allowed on his current zoning; he has waited a long time to build his ideal woodworking shop; he has some collector cars he would like to keep under cover; and the change in zoning to Agricultural would give him the relief he needs to do the those things.

There being no further comments or objections, the Board approved the request for a change of zoning classification from GU (General Use) to AU(L) (Agricultural Residential - Low Intensity) on 1 acre, located on the north side of Detroit Street, approximately 630 feet west of Shawnee Place.

Chairman Bolin Lewis inquired what type of cars he collects. Mr. Falabella stated he is now working on a muscle car collection, he is a child of the 1960's; unfortunately he was unable to buy them when they were new; but he is making up for it now.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Trudie Infantini, Commissioner District 3
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.4. (14PZ-00005) - COURTENAY VENTURES, LLC - (Joe Mayer) - requests a change of classification from BU-1 to RU-1-13 on 5.68 acres, located on the east side on N. Courtenay Parkway, approximately 490 feet south of Chase Hammock Road (No assigned address. In the N. Merritt Island area)

Joe Mayer stated he is the owner of the Bussen-Mayer Engineer Group, and is present as the engineer for this project. He added the owner of the parcel is Courtenay Ventures, LLC, represented by Harry Carswell, a long time resident of Merritt Island whom is present in the audience with him tonight. He advised this application is for a 5.68 acres parcel located on the east side of North Courtenay Parkway, about 500 feet south of Chase Hammock Road; the application is for the re-zoning of the parcel from BU-1, Commercial, to RU-1-13, Residential; they have submitted a Binding Development Plan Agreement to Zoning Staff; and it proposes to develop no more than 12 single-family residential units on the parcel. He added they do not propose any land use changes or Comprehensive Plan changes, just strictly a re-zoning of the parcel; this re-zoning would change the development of the property from as much as almost 50,000 square feet of commercial retail or shopping plaza, to 12 single-family residential units. He noted he believes this land use change is much more compatible with the surrounding residential properties. He went on to say the parcel is surrounded by residential properties on three sides, and North Courtenay is on the fourth side; they propose a simple cul-de-sac with a 50 foot right-of-way with 12 lots, with the required 15-foot buffer around the perimeter of the property; these are quarter acre lots, roughly 75x160, so they are nice and deep; and one wetland is on the property and has been identified and will not be impacted, it will be put in an open space or preservation tract. He stated all of the drainage from the project will be routed to on-site retention areas located at the front for treatment and attenuation, then discharged to the north Courtenay Parkway system if the storm is large enough and discharge is required. He went on to say they would certainly have to meet all of the on-site stormwater permitting requirements with both St. Johns River Water Management District (SJRWMD), Florida Department of Transportation (FDOT), and Brevard County. He added the impact to proposed traffic patterns on North Merritt Island, the commercial project, if left as a BU-1, would generate, according to the staff report, more than 2,100 trips per day; and the residential property would generate about 115 trips per day. He stated the proposed re-zoning would reduce the potential demand on the water system for North Merritt Island from its current demand that would be required for a BU-1 type project; the lots would be on septic tanks and drain-field systems, as there is no sewer available in this area, so all of the houses and businesses are on septic tanks. He went on to say they have submitted and received a preliminary school concurrency determination that shows there will be sufficient school capacity to serve the project; the impact on the established character of the surrounding property is to be more compatible, right now it is zoned commercial and surrounded by residential; they are proposing to come in line and be residential along with the neighbors; and this re-zoning to RU-1-13 is the most appropriate zoning category and use for the property; the proposed density is 2.12 units per acre; and that is consistent with Policy 2.13 of the County's Future Land Use Element of the Comprehensive Plan. He added this policy encourages residential development in the community commercial land use classification, and allows up to 25 residential lots on this property; and they are proposing a maximum of 12. He stated they believe this is a much better, more compatible

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zoning for this particular property, and will have less impact on North Merritt Island in a variety of ways than the existing zoning would have if it was developed as that.

Commissioner Fisher inquired if they have addressed the flooding issues with the property owners that surround that property. Mr. Mayer stated they are aware of the concerns, but he has not done any engineering yet; he needs to get the topographic information, and there is a wetland area that needs to be addressed; he can say he believes this project will help the localized flooding if that is occurring there, because a lot of the water is migrating towards the wetland now. He went on to say they are catching it, because they have to get permits and bringing it to the front for treatment and attenuation; and he may not be able to convince every body in the room with this tonight, but in his opinion the drainage will get better.

Commissioner Nelson stated he met with the applicant, Mr. Carswell and his representative Mr. Mayer; and inquired how the property could be used if the re-zoning was denied. He added that was a discussion that started even before the application; it is his understanding that there could be 12 houses built on this property in the current zoning category; and further inquired if that was accurate.

Cynthia Fox, Planning and Zoning Manager, responded they could actually do up to 25 lots with this property and it could remain commercially zoned, but they have volunteered to limit themselves to the 12. Commissioner Nelson inquired if that could be done without any Board approval. Ms. Fox stated, yes. Commissioner Nelson stated in the zoning category, the way it exists today, they could do all of the things they are asking for. Ms. Fox stated a single-family dwelling is a permitted use in the BU-1 zoning classification; and they could go through the process to do subdivisions, site plans, whatever is required for this property and proceed. Mr. Mayer stated the only reason that they are not doing that is because they would prefer not to have a residential subdivision zoned commercial, because there are concerns that it creates issues between neighbors in the future. He added if someone down the line wanted to open a fruit stand down the line, it may not be able to be stopped; and that would impact the character of the subdivision.

Kim Smith stated she represents the North Merritt Island Homeowners Association; as specified in Zoning Code Section 62-1151(C), applications are supposed to be approved or denied based on character of the surrounding property, impact of changes on traffic patterns, compatibility with consisting land use, and appropriateness of existing zoning based on the surrounding public. She added based on this criteria, the North Merritt Island Homeowners Association voted to oppose this request as it exists, because its density does not conform with corridor study recommendations, to the character of the surrounding properties, and with this density its ingress and egress traffic is going to create a traffic problem. She went on to say a more appropriate zoning would be RR-1 (Rural Residential) with one unit per acre because of the property location; the character of the property that surrounds this piece of land are zoned A(U), and there are several residences next to the border of the property; no where near the area are houses clustered two houses or four houses per acre. She added this will greatly increase run-off, and flooding on surrounding properties; this area is now classified as State and Federal Flood Zone; and it has passed its ability to handle extra runoff in tropical storms.

Cathy Testa stated she has recently moved from New York, and they moved to North Merritt Island for the beauty of the corridor; coming over the Barge Canal there is open space; there is spotted commercial and industrial development with the occasional house here and there and that is the beauty of the main road; her concern is with the density of this proposal and there will be so many houses in one space; and it will look like a little city in the middle of an agricultural area. She added once the trees are taken down there will be greater chances of flooding; and there are already issues on North Merritt Island with flooding. She went on to say the trees should be left alone and they should build around them; and there will be a lot more traffic.

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Steve Smith stated his concern is traffic related; and with the potential of 150 or more cars per day, there will be an issue with traffic safety.

William Perdue stated he is interested in keeping the water run-off off of his property; and he would like the builder to put in a berm.

Jane Perdue stated she has some of the same issues as the rest of the speakers, including drainage, flooding, and traffic.

Robert Scolah stated he owns Ralphs Lane, he has had three people tell him they would like to cut through to Ralphs Lane to the subject property already; he objects to the zoning change; and believes there should be no more than one house per acre. He added he also believes flooding will be an issue.

Mary Hillberg stated the North Merritt Island Homeowners Association, or the residents of North Merritt Island were asked back in 2005 to work up a corridor study for the commercial corridor and this study was done at long length; the end result was that it was approved by the Board and adopted into the Code of Ordinances and it demonstrates this area is a commercial area. She went on to say she is asking the Board to not set the precedence to allow developments to be allowed on the commercial corridor, because they want the commercial corridor to be commercial for boutiques, stores, and perhaps good restaurants; and the same goes for residential staying residential. She added there are of course traffic and water issues as well.

Mike Hirkala stated he also is worried about flooding.

Commissioner Nelson stated a denial on this item does not stop the project; but it does stop the Board's ability to put restrictions on it. He went on to say they could approve 25 residences instead of 12, a house could turn into a tattoo parlor because it is still commercial, and it does not restrict the ability to say there can be no septic tanks, that is a State issue; and if the Board asks the applicant not to approve the request, then it loses the ability to control those things. He inquired if Mr. Mayer had any idea of the pumping issues for water were. Mr. Mayer responded he believes the issue has to do with the wetland that is back there; and this project as a residential project will not impact flooding the way the residents believe it will, but if it was commercial it would be about 80 percent impervious, as residential it would be 60 percent impervious; and it has more potential to impact as commercial than residential from the drainage standpoint. He added it is a FDOT road, so FDOT engineers would look at the drainage design, the County will look at the drainage design along with the SJRWMD; and he will have to prove he is not impacting the adjacent properties or he will not receive permits.

Commissioner Fisher stated he saw some of the emails from the concerned citizens and normally there is not opposition from downgrading the zoning of a property; and he thought of what could be built in a BU-1 zoning classification. He went on to say those things are a car wash, auto parts store, boat sales and service, cabinet making, carpentry, dry cleaning, pawn shops, alcohol package stores, paint and wallpaper stores, all of those things could be put in that zoning and never have to come before the Board for approval. He added all they would have to do is submit a site plan and go; this applicant would like to downgrade to the use to residential with only 12 lots; and has to abide by County and State Codes and Regulations. He went on to say he can put 12 residential lots on that property today with the current zoning, and someone could purchase the corner lot and decide they want it to be a commercial property; and he does not think the residents understand that.

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Commissioner Anderson stated the Board goes through the drainage issue all the time, the applicant is required to retain or divert every cup of water that lands on that property; and inquired if staff could explain that to the public.

Ms. Fox stated basically whatever they are able to capture on the property, they have to show they capture before and after development, so they are not allowed to outfall to other properties.

Commissioner Anderson stated that is a pretty stringent process, he has been through it in his own District; and the ingress/egress issue he assumes is the jurisdiction of FDOT.

Commissioner Nelson stated for him this is about preventing the worst case scenario; this was rezoned at some point before any one of them were on the Board, he is not sure why, but it is literally big enough to put a Publix on; and he would like to be sure that is someone buys a house in there that it will not be a tattoo parlor in the future. He added that he would require the applicant to coordinate with stormwater and if there were any opportunities for the Board to correct some of those problems that are out there that the Board avails itself over those, because if there is a chance to fix some of the mess, it would be a good time to fix it.

There being no further comments or objections, the Board granted request for the change of classification from BU-1 to RU-1-13 on 5.68 acres, located on the east side of North Courtenay Parkway, approximately 490 feet south of Chase Hammock Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.C. BOARD CONSIDERATION, RE: REVISION OF STORMWATER UTILITY ASSESSMENT RATE

Chairman Bolin Lewis stated there are 47 speaker cards at this moment in time; currently the Board gives five minutes, which is over three hours; and if the Board would like, it can make a motion to make it three minutes per person to make it a little over two hours.

Motion by Commissioner Infantini, seconded by Commissioner Anderson, to change the Public Speakers time from five minutes to three minutes.

Commissioner Nelson stated he would prefer for people to say what they need to say, do not repeat, but does not want to go to the three minutes.

Chairman Bolin Lewis stated there will be a staff presentation before hearing the speakers.

Ernie Brown, Natural Resources Management Director stated the presentation he is going through shows information the Board has seen on many occasions, but to provide the Board an opportunity to weigh all of the facts as it relates to the technical elements of the current program and the next steps moving forward. He noted the program was created in 1991 by the Board; it was focused on flooding and water quality; at the time it was created, there were no State or Federal mandates requiring the County to address flooding or water quality; the first Federal Mandate, which was the National Pollution Discharge Elimination System (NPDES) Permit was imposed on the County in 2003; and that was followed by the Total Maximum Daily Load

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(TMDL) requirements, which was an allocation of how many nutrients must be reduced by the municipalities to bring the lagoon into sustainable condition, that was in 2009. He stated the Basic Management Action Plan (BMAP), which tell the County how to implement the TMDL, was issued in 2013; all three of those mandates did not exist prior to 2003; and it certainly did not exist in 1991 when the Board initially created the \$36 per household utility. He added since 1991, the program has implemented or constructed over 450 projects to date; that is both flooding and water quality; and treated over 21,000 acres for flooding and water quality. He went on to say the focus tonight is the Indian River Lagoon; the system in its totality has three different water bodies, the Indian River Lagoon, Banana River Lagoon, and the Mosquito Lagoon; they are all hydrologically connected; and they extend 156 miles from New Smyrna Beach down to West Palm Beach, a total of six counties. He advised Brevard County has about 71 percent of the water body, the vast majority of it; the total economic benefit of the Indian River Lagoon to the surrounding counties is approximately \$3.7 billion per year; and that is the 2007 economic estimate that was done by the St. Johns River Water Management District (SJRWMD). He stated as it related to Brevard County, the Indian River Lagoon itself supports 3,100 full and part time jobs, \$1.2 billion in economic benefits, over \$100 million in income, and approximately \$14 million in tax revenues. He stated previously, the Indian River Lagoon is just slightly over 71 percent of the Lagoon's water body resides within Brevard County, therefore it bears the brunt of the impacts and nutrient reduction requirements from the State and Federal Government. He added the Indian River Lagoon is a shallow, closed system, especially in this area, and is sea grass dependant. He went on to say it has historically been sea grass bed system which provides nursery habitat and food sources for a great deal of recreational and commercially beneficial fisheries. He added that it has lost sea grass dues to the blocking of sunlight; sun light is what sea grass needs to grow and thrive. He went on to say the vast majority of it is turbidity; they do focus a lot on nutrients this evening is focused on nutrients this evening, but he does not want to misrepresent the facts, sediments and organic materials that come from aquatic weed breakdown contribute to this a great deal; and come down from the outfalls. He stated as it relates to the nature of phosphorus, which is what the Federal Mandates focus on, nitrogen and phosphorus, as far as the TMDL; a great deal of the nitrogen comes from the base flow, or groundwater, which flows into the ditches and outfalls; phosphorus comes from the storm water runoff; and when looking at base flow and storm water runoff, both of those elements come down into the ditches and straight into the discharges and into the Lagoon. He stated he is not a Biologist, he is a Geologist, and this is what he believes has happened; a lot of this he is pulling from the respected scientists that have been looking at it for quite some time; it is important to note that prior to the super bloom of 2009, progress was being made. He went on to say the nitrogen loading in the central Lagoon area, was going down and was contributed in part by a drought-like environment, but nitrogen was being reduced. He added the same thing happened with phosphorus; a representation of algae is what is called Chlorophyll A; and that was also reducing during that time period. He went on to say sea grass was growing during that time period, 1943 was the benchmark of sea grass levels that were trying to be attained, and for all intensive purposes, the Central River Lagoon was not only meeting that, but far exceeding that up through 2009; success was being seen, things were going well, then something happened. He added there is a lot of speculation as to what it was that kicked off the super bloom; it clearly was a combination of naturally occurring events, and nutrients associated with the system itself. He stated it speaks to a question of resilience, the word used is "tipping point"; a tipping point in the system is where it does not have the capacity to absorb natural conditions or natural phenomena and it crashes; that is what is believed to have happened here; and because of that up to 60 percent of the total sea grass beds were lost in the Indian River Lagoon from Fort Pierce all the way up to New Smyrna Beach. He added 2011 was the super bloom that was unprecedented in magnitude and duration; there was a secondary bloom in 2011, another in 2012, and in 2013 the brown tide returned. He advised there is every indication that will continue to happen this summer as well; there is no end in sight at the moment with this; they do not have a firm grasp on the nutrient loadings that are still in the system; that is one of the reasons they are looking at a restoration strategy that deals with

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reducing the nutrients, removing the muck, and restoring the filter feeders. He stated the vast majority of sea grass was lost between Titusville down to about the Vero Beach area; that was the most significant sea grass losses in the entire Indian River Lagoon; that also happens to be the most populated are in the Indian River Lagoon; and Brevard County took a significant hit. He added the super bloom did exist in the Mosquito Lagoon, but very little sea grass was impacted from the bloom; it has to do with density and duration; and the Mosquito Lagoon did not have the same density as in the more urbanized areas, so not nearly as much was lost. He noted in the Port St. Lucie area is in the recovery area, and that is because of all of the inlets and it is flushing and seeing recovery; and it is not seen here because the system here is not seeing that because it is so heavily laden with nutrients right now that it does not have the capacity or resilience to see recovery. He went on to say during that time frame there were unusual mortality events, there are rare mortality events that get the attention of the scientists to figure out what was happening; there was an inordinate amount of Manatees, Bottlenose Dolphins, and Brown Pelicans that died off during this time period; and they are currently doing the studies to find out what happened with that. He added there has been no direct correlation at this point, they just know it happened at the same time. He pointed out filter feeders sit below the water, there is not a lot of press on it, there are not a lot of headlines on this, but these are the liver and kidneys of the entire ecosystem; they are also the primary economic engine for the ecosystem as well. He went on to say in 1986 is when the data was collected, was when there was a robust harvest of oysters, they have continued to decline, until about 1996 to where it dropped the lowest and has stayed there since; in fact, oysters are less than one percent of the harvest of 27 years ago. He advised Brevard County was, at one time, a very prolific ecosystem with oysters, and it is virtually non existent now. He advised it is the same thing with clams; clams are much more episodic than oysters, but the bottom line is, Brevard County is less than .2 percent of the clam harvest that was 27 years ago. He stated 1996 seemed to be the threshold to where things plummeted, and was not able to recover at that point, he is unsure of the significance of that is, but that seemed to be the tipping point for the filter feeders. He advised Blue Crabs can move around, and can move around when water quality is bad; they can migrate and seek out food, but they are still in that same category and the decline is clearly shown; Brevard County is at 11 percent of where it was 27 years ago. He stated these indicators do not bode well for Brevard County; and there is three decades worth of problems beneath the waves; now what is being seen is the resiliency of the system does not have the ability to ward off natural phenomena like was experienced in 2011 and 2013. He stated there are solutions and there are ways to get there; the three primary actions are reducing the pollutants and nutrients, removing the muck, and restoring the oysters, clams, and wetlands; this has to be under girded by good research. He went on to say the Legislative body is working hard to find resources to not only address good, solid research right now, but also looking at the issue of removing the muck; and making those Capital Investments into that area. He added the issue of the reduction of nutrients and the restoration of the ecosystems are not currently being addressed at those levels; they tend to be left into the realm of local government and local citizenry. He added the muck is caused from stormwater runoff, excess fertilizer runoff/leaching, failing septic systems, organics, and silts that run through the discharges, outfalls, and ditches into the system. He went on to say a doctor from Florida Institute of Technology (FIT) was instrumental in the process of doing a study to remove the muck; the largest deposits are in the more urbanized areas; and coincidentally, those areas happen to have the most outfalls, ditches, or pipes that discharge directly into the Indian River Lagoon. He added the restorative component of this is dealing with oyster gardening, the Board made the investment into oyster gardening in an effort to put \$1 million oysters back into the river to start with that restoration effort; Mosquito Lagoon Oyster Reef Restoration has been going on for an extensive period of time and has seen great success; and The Living Shoreline Practice, which is dealing with coastal wetlands and restoring those along areas where appropriate. He stated Brevard's storm water program itself, at this juncture, is focusing on the water quality elements; this deals with reducing the nutrients and pollutants and restoring those ecosystems; and that is where Brevard County can make the difference. He added Brevard does not have the

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resources or the where-with-all to address, at a large scale, the muck issue, nor does the County have the institutionalized knowledge to initiate the research. He advised as part of that restoration strategy, staff is looking at targeting retrofits; as he mentioned before, Brevard County has approximately 874 outfalls, that is ditches and pipes that flow directly into the Lagoon. He stated less than 11 percent of those have any kind of treatment; that is approximately 89 to 90 percent have direct discharge into the Indian River Lagoon with silts, sediments, organics, nutrients, and other pollutants that go unencumbered into the Lagoon. He stated staff's objective is to focus on the treatment of those discharges, continue to work with partners to redirect fresh water to the St. Johns River, focus on harvesting of aquatic weeds, increase street sweeping and baffle box maintenance, engage the community for restoration solutions, and dealing with the oyster restoration effort. He advised in 2003, there was a Federal Mandate that required the County to implement some of these elements, this was a new requirement, prior to that it was not a requirement; there is now an obligation to fund these reduction efforts. He added in 2009 they added what the nutrient reductions were, and in 2013, they defined throughout the State, how to do that over a 15 year period. He noted revenues have not kept up with inflation, it has been static for 24 years, at \$36; current revenues are insufficient to leverage grant funds at this time; current revenues are inadequate to meet State and Federal mandates; and insufficient to make meaningful headway on reducing pollutant inputs to the Lagoon or ecosystem restoration. He added there are 874 pipes or ditches that run directly into the Indian River Lagoon; only 11 percent of them have some kind of treatment on them; they are heavily clustered in the urbanized areas, more sparse in the less urbanized areas, but interestingly enough, where those pipes are, there is more much and less sea grass; and there is a direct correlation between the uncontrolled discharges out of those pipes to the increased muck and the increased loss of sea grass. He advised throughout the State, there are benchmarking measurements, or levels of service that stormwater programs are evaluated against; this way one can see how well the stormwater program is doing; staff hired CDM Smith, who has done this for a wide variety of stormwater programs; and Brevard County's grade was a D. He added the reasons for that are because of reactionary planning and minimal CIP implementation capabilities, minimal permit compliance for MS4 compliance activities, responsive only (complaint based) for operation and maintenance programs activities; and have a 75 year or more plan for Capital Improvement Projects. He went on to say the revenues that were proposed going from \$36 to \$64 a year per residential household, and to evaluate what that would do for the County; and it took the County from a D to a C, and that would at least maintain compliance with unfunded mandates, allows the addressing of priority planning, maintain and operate the structures and projects built to date in a way that makes meaningful and effectual benefit to the Lagoon. He stated Florida Statute established the stormwater funding capability for local governments, under Florida Statute 403.0893, and what this specifically does is provides for a dedicated, restricted, and recurring funding for local governments to ensure that they can set aside revenues to meet the mandates to meet water quality needs that cannot be raided by trust fund sweeps or moved to other priorities, that have to be maintained in those programs; and that is what has been done since 1991. He noted the bottom line is the proposed level of service in excess of 55 percent, actually all of these resources would go to Enhanced Water Quality Projects; it would not go towards Administrative Costs or Flood Protection, but strictly Enhanced Water Quality Projects. He advised tonight the Board is presented with the question of raising the rate not to exceed \$64 per year, per household; currently the rate is at \$36 per year, per household. He added Brevard County is far below the State average as it sits right now, but if the rate is raised, it will be just below average. He noted there are some municipalities to the north and south that are much higher than the County rate to address their stormwater issues; when looking at the west coast, Charlotte County, Tampa, Sarasota County, those are all counties that are actually dealing with and seeing successful restoration of their waterways due to their significantly higher stormwater rates. He pointed another perspective is that the proposed rate will put Brevard in the direct middle of the pack. He stated with the additional resources staff will be able to reallocate investments; would see an enhancement or efficiency, instead of \$25 per pound, per year of

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nitrogen being removed, the County could get more removed at less cost; it would be able to go down to \$10 per pound per year of nitrogen and remove more. He advised that is a simple matter of being able to leverage other resources, like grants, and mobilize the appropriate projects.

Commissioner Nelson inquired if the map of outfalls Mr. Brown showed included only unincorporated Brevard County, and what it would be for all jurisdictions. Mr. Brown responded about 1,500 total; and 874 County-wide, with a little over 600 of them fall within the cities themselves; and the cities themselves address that through their stormwater utilities.

Susan Larson thanked Mr. Brown for his presentation; stated the citizens are aware of how valuable the Indian River Lagoon is; and how much in need of repair it is. She added she has a half acre pond on her property that she maintains and there is no problem with the sea grass; the County has given her restrictions on what she can and cannot do as far as fertilizers and when and how to do it. She noted she understands that Mr. Brown is a geologist, and she is looking for an economist because there is an audited budget report of the Stormwater Commission available online; she was impressed with the 450 projects Mr. Brown said he completed, but in so far as the capital projects, which are the projects that are going to make a difference, 20, on average since 2007 have been proposed in the budgets; and since 2007, 20 every year since 2007, that makes 120 capital projects, and there are less that 20 completed. She advised those budgets show that Mr. Brown has spent less than 18 percent of what was budgeted for capital projects; and she is wondering where the money is, because he should have \$9 million by now to spend on capital projects. She pointed out just because the rest of the State is up there in what they charge their people, does not mean Brevard has to be equal. She stated until Mr. Brown can show the public what he has done with the money already collected, she does not want to raise the rate.

Doug Sphar stated he supports the increase; and has seen the results of how these fees are used.

Tom Schuller, Brevard County Farm Bureau stated the Farm Bureau, wants to oppose the increase; they are not doing that because they feel the Lagoon is a pristine body of water, but they do feel that it should be the State's responsibility. He added he is glad equitability was brought up between the counties and cities, but if it is truly a waterway of the State then the water management districts are cast with getting the funding needed to do that; and he feels the citizens of the County pay enough.

Edward Rossi stated he is also in opposition this increase; first of all, it is a 78 percent increase in his assessment all in one year; he challenges the inflation rate, it is shown on the letter he received to be three percent, and he went back to 1990 and found that the total increase in the last 24 years is 2.6 percent. He advised in the last seven years it has only been two percent. He added he is not opposed to cleaning up the river, but he is opposed to doing it all in one year; and he has a lot of neighbors that have been here many more years than he has, are older, and they cannot afford it. He stated that he agrees that something could have been done sooner and that the river needs to be cleaned, he can still catch trout and does not feel that it is that big of an issue.

Robert Robertson stated the tax increase on the land will cause problems for the younger generation when they start to buy; and it may only be a little bit of money to some people, but it is a lot of money to others. He added he is not against cleaning the Lagoon, he does fish, but his problem is the issues it has are caused by scientists that have ideas, and they think their ideas are the right way; and sometimes they are not.

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Ed Priselac stated it appears to him that turbidity could be reduced in the Lagoon by continuing introduction of oysters; oysters and worms fit a certain category, put worms into sludge and after time there will be clean topsoil, put oysters into water and they will filter and clean the water. He advised otherwise there is very little science associated with fixes to the estuary. He added as with everything now days, a combination of fear, emotion, and media hype, lead to, at best, questionable political decisions; in the 1980's in Marina Del Ray, California, the government spent huge tax dollars to clean the Bay to find out it was from sea birds and sea lions that had always been there. He noted there is a plethora of theories and solutions, but very little science about conditions in the Lagoon; and he requested the Board table this request to garner more true, scientific data.

Shirley Malindowski stated she is opposed to the increase, her taxes have gone up since she acquired the property from her mother-in-law back in the 1980's, it has tripled since then. She inquired how the Board expects retirees on fixed incomes to agree to this or if it makes any difference to the Board. She noted last year was the garbage trucks and cans, and now the firefighters are looking forward to a raise.

Ron Bobay stated he appreciates the efforts in communicating the proposals to those affected in the community; the County has grown from some 25,000 people in the 1950's to a population of over 500,000 in a period of 60 years; and there has been little attention to stormwater through many of these years, letting stormwater flow to where it may. He added it found its way into the Lagoon in the early years there was minimal impact due to the low population, but became more critical as the years progressed. He stated with 71 percent of the Lagoon in Brevard County, it has a dominant responsibility to address the concern; it is not just stormwater causing the problem any more than it is the fertilizer finding its way into the Lagoon, but the combination of factors that make it incumbent of the County to address these factors that are within control. He complimented the Board on addressing the fertilizer ordinances and it is evident in conversations with appropriate departments that the County has taken actions along the way to address other factors as well, such as septic tanks, although more will need to be accomplished. He added as a minimum he supports the current recommendation, in a supportive environment, perhaps even a more aggressive approach is demonstrated by Tampa and Sarasota should be considered. He added while he is no expert, it has been reported they have made significant progress in their water quality; and he would suggest it that it may be to a greater commitment in dollars to stormwater runoff. He stated he supports the recommendation.

Alice Brutscher stated there are no storm sewers in her area, they are in an old subdivision that used to be called Atlantic Gardens; and they asked to have storm sewers put in but it was too expensive to retrofit, so they have never had them, but have been paying this stormwater fee since 1991. She stated she has a proposal that they would like to urge the Board to act now to create an alternative billing code designation for property owners who's property or properties lie in areas lie in the County like hers, that do not have storm water sewer systems; and she is asking for a lower rate for residents in those areas.

Rick Hallum stated this is a 78 percent increase and his concerns are in how the monies are going to be used; when vegetation is cleared, some of it falls into the ditches and is left there for six to eight weeks at a minimum and that vegetable matter is decaying in the canals which then runs into the Lagoon and instead of it being cleared out in a timely manner, all that stuff is going in and clogging up the stormwater system; and is effecting the drainage of the areas. He added there are fish in the canals and wildlife eats things like the raccoons and bald eagles, osprey, anhinga, kingfisher, all of those have been in his area have disappeared from his area because the fish are dying.

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Paul Mycoskie stated he is opposed to the tax increase of 78 percent; he would like to know why it is being doubled especially after hearing about all of the money the first speaker talked about. He added he does not understand why the increase is so much at one time.

Joann Principi stated she is against the proposal and increase; and she would appreciate a more common sense approach to the problem. She added money is never the solution to bettering the quality of life in Brevard County; and she inquired if any of the Board had any farming in its background. She advised they are agriculture based people; citrus, cattle, vegetable farming, all of which takes fertilizer; one of the slides portrayed 1986 as a starting point and went through 1996, there were back to back freezes in the citrus industry, most of the Indian River citrus that could be purchased all over the country came from this area, it does not exist any more. She stated 666, the balance fertilizer that went into the fields has all been replaced by 1055, nitrogen being the highest percentage rate for fertilizer that everyone is putting on their lawn. She stated it would cost a flier in the children's hands that are going home on the school bus and an announcement with the tax bill to ban using fertilizers on lawns for several years; and if the Board would like to stop nitrogen real fast that would help the Board get rid of it. She stated if nitrogen is being used while trying to clean up the river it will be pointless; and she inquired where the people from agriculture are and what their opinions are. She advised she understands what the gentleman from the Farm Bureau was saying about the State taking on more responsibility, but the Board also needs the common sense close to the earth. She went on to say in her father's generation there was no pollution, between the two of them, they have a maximum of 13 gallons of trash in the garbage once a week, they are all green, they are all saving, the bottom line is, the guy from the Farm Bureau is on the right track.

Frank Miles stated he has been a resident of Brevard County for 12 years; he was quite shocked to see an increase of approximately 78 percent in the stormwater utility fee; and felt compelled to come before the Board to register his objection in person. He added taxes and assessments are never popular; he is not opposed to a modest increase, he believes a 78 percent increase is extremely objectionable. He noted the presentation seemed to be solely focused on water quality with little emphasis on flood control, even though the assessment fee is for both purposes; and feels it is a little slanted in that regard. He went on to say the proposed increase appears to establish a new permanent floor, which is then indexed in inflation in future years; this all comes at a time that there has been little or no growth in wages for many residents in the past few years and a growing number of residents are living on fixed incomes. He pointed out the notice does not appear to tell of a mechanism to reevaluate the rate to see if the higher rate is required; an example would be if there was a period of deflation in the future would taxpayers then get credit. He advised he has concerns with the billing calculation itself and the application and mitigation factor, specifically, does the mitigation factor in place today remain permanent; and in his case, he would be looking at 592 percent increase if his current mitigation factor went to 1.0 on the scale that is in the calculation table. He added he sees this as a potentially bad trend for residents when taken in concert with other actions pending before this Board; such as the possibility of an increased Fire Assessment fee; all of these add to the pocketbook costs of the taxpayers in this County, not to mention the proposed half cent increase that will be voted on in November for the schools; and it seems that this is turning into open season on taxpayers. He went on to say he is not opposed to an increase, but it needs to be reasonable; he believes everyone understands the environmental concerns, but taxpayers have concerns as well; all that is needed is a little balance from the Board; he hopes the Board will either phase in the increase over a number of years, or eliminating the inflation index. He added it apparently took 23 to 24 years to get into this situation so it is not going to be fixed in one night.

Steve Schull inquired if any of the Commissioners received the letter in the mail, because he only received the letter for one property that is in the County. Commissioner Infantini stated she received the letter and it is only for unincorporated areas. Mr. Schull stated this tax is just for

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unincorporated areas and he agrees that something needs to be done, he does not know what it is, and he is curious if there is a way to distribute this tax evenly throughout the County because everyone is reaping the benefit of the clean-up. Commissioner Anderson stated the cities already pay. Mr. Schull stated his city property is staying the same, but his County property goes up. Commissioner Anderson stated he lives in Palm Bay and he pays more than the County. Mr. Schull stated he has a property in Melbourne and pays half of what this is proposing, so he would encourage the Board to look at the options that are out there that would maybe lead to a solution without increasing taxes and being fiscally responsible.

Ray Brown, Jr. stated in 1996, the oysters and clams diminished in the Lagoon; at that time, net fishing was being closed out; net fishing did a lot of damage in Brevard County, but when they stopped netting, they had to do something else, so they started harvesting clams and oysters. He added that devastated Brevard County; there were hundreds, if not thousands of fishermen that were out clamming, so the decrease in the oysters in clams is from that. He noted it was not necessarily runoff that caused the decrease in these shellfish, it was because of people being put out of work. He went on to say the flow is not great, there are some locks out there, and he wants to know if a study has been done to open the locks; and if it can be left open for an extended amount of time, so the Lagoon can get some flow. He added he has been fishing in Brevard County for over 45 years, he has lived here for 50 years, he knows the river like the back of his hand, knows where the manatees are, he has seen the seagrass, and he wants to understand that when he goes fishing, he rakes the grass with lures, there is a lot of seagrass still there, especially in Titusville and Mims. He added there may be some areas where the grass is devastated, but it is not devastated everywhere; and how do they know that the algae bloom was caused by runoff.

Lorraine DeMontigny stated she brought in a ream of paper to demonstrate the amount of paperwork, maybe it was electronic, but the agenda packet is 548 pages long for this evening; of that 548 pages, 480 pages is for this item on this item; and the devil is in the details. She added the paper hold a lot of details; if the Board is wondering where the money went, it was to the paperwork, a lot of studies, and pretty grass; and she does agree that the Lagoon has some water quality issues; however, the way they are being addressed tells her that somebody has been asleep at the switch. She inquired why the Board has waited 24 years, Mr. Brown admitted to being reactionary, but wonders where the accountability is; \$64 might no seem like a lot of money to some people, but her and her husband run a business; and they have to work within their budget, they have kept their prices low. She went on to say most of their customers are retired and on fixed incomes; they have cut every way they know how to live within their budget, they have six children, there are currently 13 people in her household, so they are pretty strapped at the moment. She noted there are most likely funds that are needed to address the issue of the Lagoon, but she gets the feeling from the presentation that they were not sure exactly how the damage was occurring; the two nutrients that are mentioned are nitrogen and phosphorus, those are two main ingredients in fertilizers; there is a fertilizer restriction, or ban, coming up this summer from what she understands; and inquired if the Board can take some time to see how that works, and in the mean time, maybe put a tax on fertilizer, so the people that use it to make their lawns look so beautiful, can bear the cost of some of this as well. She added she felt like she was alone from the south, she spoke to some people to come with her, and they would not come because they felt this was already a done deal, that it was going to pass; and she feels that is a sad thing for citizens to say, that they should not even bother to come up to speak. Commissioner Infantini stated she would like for all of those people to keep coming to speak, because tonight she was surprised at the outpouring of support to show, because she thought she was the lone person on the Board; and that it means a lot for people to come show their views whether or not she agrees with them or not.

Mary Bonawski stated she is new to the area, thinks it is beautiful, and she appreciates what the Board does to keep the river clean, but she is opposed to this increase for two reasons, one is

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because it is linked to the inflation rate over the next few years, and that is scary to her because she does not know where that is going, price wise. She added she owns a house in Viera and she does not feel like she is contributing to the pollution in the river. She added she goes out there and hand weeds her yard, buys organic fertilizer, so she does not put so much phosphorus down, and believes it is an individual responsibility for the citizens to keep the Lagoon clean by doing what they can as an individual and be a tiny cog in the great big wheel in all the projects that are going on.

Pat Pasley stated in the past few weeks she has received a lot of emails from a lot of people smarter than her; the Board has been copied on all of them; and one of the points was very interesting. She noted in 1876, manatees were not common to the Lagoon system; by the 1920's to the 1930's a manatee was even a cause of much of the curiosity, now it is estimated that there are approximately 1,700 manatees in the Lagoon; conservative estimates say that they consume 15,000 tons of seagrass per year; and with the lack of teeth, the manatees are pulling the seagrass out by the roots. She went on to say it is a good possibility of why a lot of the seagrass is gone; the other interesting fact is that the byproduct of this is approximately 7,000 tons of excrement, and that is a lot of poop; and that is a significant amount of nitrogen and phosphorus being passed directly back into the Lagoon. She added everyone may think it is coming from fertilizer, but it is coming from the manatees; and if every man, woman, and child in Brevard County went to the river's edge and poured a 25 pound bag of fertilizer directly into the river, recognizing that only small percentages of the 25 pounds are actually nutrients, it would be a short estimate of the manatee excrement production. She advised rather than putting this burden on the backs of taxpayers right now, she has a couple suggestions; there is over \$2 million currently looking at going into a Mims Welcome Center; what good is a welcome Center if there is no Lagoon; and she it was unbelievable to see another million dollars going into that; and thinks the Board should cancel that Welcome Center and put that money towards the Lagoon.

Roger Jubert stated he lives on the river; he shrimps and fishes everyday; last year he caught more shrimp, over 4,000 shrimp between May 15 and August 15 of last year; and most years prior to that maybe 1,200, or something like that. He added he has heard about the clams and the oysters; he thinks the shrimp are the canary in the coal mine for the river; and for the shrimp to be up like they were last year, he does not think there is that much wrong with the river. He went on to say there may be a shortage of seagrass in some areas, same with trout fishing, he fishes every day and has caught more trout in the last year or two than he ever has; and he has lived there for 20 years. He noted as of November 2011, Mr. Brown ran a department with 38 employees and a budget of \$14 million; if the Board approves this 77 percent increase, he assumes his budget and number of employees under his purview will also increase by that amount; and the citizens have the right to vote the Commissioners out from time to time if they do not term limit out, but not Mr. Brown. He advised with this indexed to inflation, there has not been inflation for 10 or 12 years and it will hit soon and this will be a run away number. He stated with all the new things going on, but he is curious as to why the Board cannot look to where the money is rather than the residents and small business owners. He noted he understands the Board can choose a percentage of zero to 77 percent for the increase and he asks that the Board goes low and slow, if at all.

Leslie Chappelle stated most of the problem is that things are not getting fixed; there is a catch basin at the end of his driveway, he has had a problem with it since 2008, he does not know how many man hours, at least 300; and how many tons of asphalt that has been put down there. He added there has been at least 15 cubic yards of sand that has gone into the catch basin that is still leaking; the newest fix is not working; and it was just the 18th of March that he got someone from Public Works to send workers out so he could show them with a garden hose where it was leaking. He added the Public Works employees insisted they could not fix it until they did a dye test; next day two men came out, realized it had numerous patches, the head

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wall was falling apart, and said they would be back with a backhoe; and no one has been back. He advised getting volunteers to go around checking the catch basins; he would even go out with an umbrella and check them out; and if he has this one that has been in disrepair since 2008, that he knows of, then there are most likely more; and he also found out from the previous owners in-laws that they had a problem with it six years prior to him. He went on to say that is where the money is going and suggested that there need to be some repairs done.

Jim Durocher stated the Board has taken serious consideration to this issue since the meeting with the Marine Resources Council; he appreciates that; and would like to explain how this proposed fee increase will effect him. He advised he owns and lives in a multi-family apartment building, which will have a larger increase than the normal homeowner; he has been paying \$162 per year since 2004, that was as far back as he could go on his taxes. He went on to say that Mr. Brown proposes to raise it to \$288, or \$126 more per year; in breaking this down, it is \$10.50 per month, or \$2.42 per week; he averages about six one way trips to the Lagoon per week, that equates to about 40 cents each time over the bridges. He added to look out over living ecosystems, with birds and dolphins, and no smell, or a dying waterway with little life, and a rotten smell, along with crushing property values, and everyone's property will go down in value if the Lagoon goes down. He added he understands that people are concerned with the money, but it costs money to save things; he thinks it is a good value; and all of his tenants that help pay these expenses receive the benefit as well; and that is not included in that. He stated to remember the recent turf wars, and the most adamant complaint from the turf industry was that they were being singled out, and being made the scapegoat for all of the woe's of the Lagoon; and this is the time to show them the truth. He added the seriousness needs to be demonstrated about solving this ecological crises in the Lagoon; and neither the fertilizer ordinance or the stormwater increase will have much effect unless the inspection and update of septic tanks, and tighten up municipal sewer systems; and asks the Board move this item so it can go onto the next problem. He advised the Lagoon and its creatures are barely hanging on right now.

Dave Pasley stated he understands Mr. Brown is having a tough time tonight; but the rainwater tax that the Board is proposing has him scratching his head. He inquired what the next thing will be, the plants and river does not grow without some sunlight, and if the Board is then going to charge for the sunlight. He added he is all for cleaning up the Lagoon, he lives on an just over an acre off of the river, he does not fertilize his yard, his wife yells at him a lot about that, and if it green and gets cut off, it is grass. He stated he looked at the manatee problem for a number of years, and he suggests that there is a problem, there is thermal pollution, where hot water is being put into the river which encourages manatees to live in parts of the river that are not their normal habitat; and that needs to be addressed. He went on to say he could buy dinner for maybe three people from the change from a \$10,000 bill that he pays in taxes on his property; he thinks the Board has the money; and they need to prioritize it properly. He added when looking at some of the expenditures over the last 10 years, there is a Tourist Development Tax, and other sources to clean up the river with; and wants it off the taxpayers back.

Amy Tidd thanked the Board for its interest in the Lagoon, she has watched as the community has been at a crisis with the marine life dying; the Board has heard from the citizens; and she commends it for the work done so far. She added when she first moved to Brevard, she could see hundreds of boats clamming, fishing, the Lagoon was healthy; that was about the same time as the stormwater fee was put into place the first time. She went on to say that was a long time ago, prices have gone up; this is a sensible step to take to increase the fee; and about 10 years ago, she was involved with a project going to the outfalls; she visited around 200 of them; they are all different, and there are some that have green slime so thick that a stick could not be put through it. She added other ones are full of dirt that flows out into the water, others come off US 1 with trash piled next to them because there is no filter. She noted she was looking to see if the Board could have some baffle boxes put into place, but there was no funding for it; she feels

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that she cannot criticize the Board for raising the fee when the citizens have asked for something to change.

Deborah Chavez stated she is against the increase, but would like to clean up the muck in the river, is glad to hear of the moratorium on artificial fertilizers; she likes the organic, non-polluting types; and she thinks it is more than just the fertilizers, she believes it is pesticides as well. She added she has some neighbors that use natural remedies, and another neighbor that coats her entire yard with pesticide; and pharmaceuticals also cause a lot of pollution problems. She added a lot of people think they can flush their unwanted medication, and that goes into the water as well; they are in the air and can come out through the persons pores. She went on to say her mother had a growth on her arm from cleaning her sick father up and when her mother cut the growth open, she removed the same crystals that were in the medications her sick father was taking; and she believes it would be good for the pharmaceutical companies to reclaim the unused or out of date drugs.

Earl Medlin stated in Barefoot Bay his water bill would be \$14 a month, and then three times that he is charged for the sewer runoff in order to clean the waterways; pollutants from his place are not going in there; and regardless of what he pays in taxes, he does not even want to pay that, just in case Commissioner Fisher would like to go into the computer and look up his tax bill like he did once before. He went on to say he understands money has been collected from the people by the County, since 1991, his understanding is that is 23 years. He added it has been led to understand that this money has been kept for over a decade in a savings account and not used; it is being kept for big projects rather than taking care of some smaller ones, and after 23 years the nutrients are still building up. He added the Board expects the people to give up more money; and the Board should bring it up to a vote for the people to see how many of them vote for the Board to have more money to waste and flush down the toilet to pollute the river with. He stated \$64 is double the price; the Board comes up with the unthinkable to make the statement that the stormwater utility fee will thereafter increase each year by the 12 month percentage charge in the consumer price index; there is no limit on that; and he would like to know how many years the Board would go on with an automatic increase and how high it would have to get, \$1,000 per year per household, \$5,000, \$10,000, \$30,000, before the Board thinks that it has extorted enough money out of the people through coercion of the State.

Linda Behret stated she supports the stormwater fee increase; she thanked the Board for passing the strong fertilizer Ordinance about a month ago; that was only one step in helping the Lagoon; and this is another. She added not all of them can be free like the Ordinance, but this is going to cost a little, but is necessary; the Lagoon needs help. She went on to say it will help improve water quality, restore unimpaired waters; not only is it good for the investment for the residents, it will keep the housing market and property values up; it is part of the quality of life and if a little more has to be paid for that then it needs to be paid. She added this is also part of a Comprehensive Plan that will help improve the Lagoon, which is part of the requirement to justify the fertilizer Ordinance that was passed, which was stronger than the State modeled ordinance; and this is a necessary change. She noted she does not see the amount of money as that much; and she does not see herself as a rich person. She advised she is not worried about it being tied to the consumer price index, she has had salaries tied to it for a good part of her life and there was not much of a salary increase each year, so she does not expect this to be much of an increase if it is tied to the index.

Antonio Soto stated he is against the increase on the technical merits as well as a project management point of view. He advised if he received this at work or formulated it where he works at the Space Center, it would be summarily rejected; Mr. Brown's presentation told that staff does not fully understand the costs or fixes, but yet fixes will be implemented immediately, before priorities are set, before managing monies already out there, and this is something he considers as a tax. He stated it would be there for perpetuity and go on for perpetuity

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increasing; it is brazen, and amazing to him how someone cannot tell exactly how it will effect the environment. He added he is for clean water, healthy babies, apple pie; and it is just a matter of how to achieve the common goal of a healthy environment; simply doing this is irresponsible, because there is no clear understanding of the fixes and problems. He stated in reading the 480 page report that the Commissioners office referred him to, he learned some things that were astounding to him; the County is graded on a point scale that based by the State, which are people who set standards that can change at any time, which could immediately put the County in some sort of an unfunded mandate position; and he could change a standard tonight and make that triple. He stated he is astounded that arbitrarily the Board feels obligated to comply with something other people set instead of looking objectively at the damage to this area; and by going with this point system that says to raise this tax, will get a "C" rating instead of a "D"; and if that is the scale, he would like to be an "F". He advised this is not something that holds water in a technical environment; besides that in reading the report, he gives the Commissioner kudos, because his office did not receive the report until March 25, he got the letter on March 11, and yet he called to see if his Commissioner had formulated an opinion and he said no. He added that meant he had to digest that in less than a week; he had a hard time going through it because there was a lot of old information in it; the money that has been collected is just sitting there, and the Board wants to collect more without knowing how it will be spent.

Alfred Volkman stated he and his wife recently moved to this community to seek a better quality of life; and to reduce taxes. He added he is from New York; from listening to the speakers and presentation this evening, the geologist was very enlightening; and thinks this whole process is being done in a backwards way. He added the Board is raising money for projects that have not been done, or commenced in some cases; and this agency seems to be out of control to some degree, because it is not being properly managed. He went on to say it is not being properly managed because the Departments do not come to the Board with a budget with the requirements of the coming year. He added they would need a list of projects with costs and then the Board could fix the rate or the tax to fund that project; and if something is not done that year, then the money rolls over to the next year and the budget would be developed again. He noted to raise money through taxes to put in a savings account is not prudent; and it is also not prudent to tie this tax to the cost of living increase.

Mary Hillberg stated so far the Board has heard everything from the netters did it, to sea life have dared to defecate, to the problem does not exist at all because there are still live fish to be found in the Lagoon. She advised she was born here, and has not heard anyone else say that; when she was growing up, the Lagoon was clear, brimming with fish, in fact, it looked silvery and glittery because of all of the bream that would jump constantly; it was clean enough to allow children to swim in it. She added now as a registered nurse, she would not recommend anyone swim in this Lagoon; she is no scientist by any stretch of the imagination, but she does know what has caused the Lagoon's collapse. She advised it is the people, the people have caused this tragedy, all one half million of the people; if the people do not want to contribute to fixing the Lagoon, the people deserve the results of loss of revenues, property values, and jobs. She stated 71 percent of the Lagoon is Brevard County, so far the Board has been the first Commission in Brevard County to take real action to support the Lagoon; the lack of knowledge of the general public can be allowed; can sympathize with those that feel that \$2.34 more a month is too much to bear, but all five of the Commissioners know better. She added the Board knows what needs to be done, and she hopes it is willing to do it.

George Rosenfield stated he is the guy with the Master's Degree in Environmental Science and Forestry; he lived in Brevard County in the 1950's and 1960's, for nine years; he has been very active in the Lagoon with the Marine Resources Council, he is wearing their t-shirt, it is 25 years old, it is a relic. He added as a volunteer scientist, after his return in 1986 after more than 10 years, he has been a continuous member ever since; the present assessment for stormwater

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management dates back to 1991, this happened as a result of the Comprehensive Conservation and Management Plan produced by Marine Resources Council in the late 1980's. He went on to say this was also instrumental in obtaining \$3 million from the Department of Environmental Protection to start the Indian River Lagoon National Estuary Program; existing roads and County properties were retrofitted with stormwater drainage ponds and all new construction was the cause to have these ponds; also road drainage into the Lagoon were fitted with baffle boxes to filter out sediments before water entered the Lagoon. He stated the plan was to clean the baffle boxes every three months, but it became necessary to clean them every three weeks; he recently heard the rumor that they are not cleaned at all due to lack of funds; and if it takes an increased assessment on all private property then so be it. He added no increase due to cost of living increase has been applied since 1991; either the people are very fortunate, or the work has not been done; the same can be said for every other County function and School Board, if there is waste, stop it. He noted if money is needed to save the Lagoon, along with the wonderful Florida environment, the people in already responded positively, so please pass the increase.

Vince Lamb stated the Lagoon is clearly in a crisis condition; the evidence is overwhelming; in 2013, school groups were not allowed to enter the Lagoon for the first time, ever; this is not quite as severe as the St. Lucie river where the public was told not to touch the water to avoid health hazards; and inquired if that is where Brevard County is headed. He added he is encouraged by the passage of the strong fertilizer ordinance, but the two largest municipalities in Brevard have yet to take that step, if people change their practices, and largely comply with the strong fertilizer ordinances, the nutrients entering the Lagoon could be reduced by three percent. He went on to say studies from Tampa Bay have been indicating that it may even be higher than that; no Lagoon scientist believes that the strong fertilizer ordinance alone would be sufficient to restore the water quality in the Lagoon. He advised since 1960, the population of Brevard County has went from 23,000 to almost 550,000 residents; for many years it was thought that the natural water bodies had unlimited capacities to absorb chemical waste; and until recently, treated sewage effluent was discharged into the Lagoon. He went on to say housing for half of a million people was constructed with ditches dug to take stormwater to the Lagoon to prevent flooding; only 11 percent of the 874 stormwater outfalls have any provisions to remove nutrients. He stated he inquired about a recent project at Pine Island Conservation Area, south of Kennedy Space Center; stormwater from the subdivisions to the east enter a 73 acre detention lake; the process of holding the water in the detention lake removes 2,500 pounds of nitrogen and 1,900 pounds of phosphorus annually before it reaches the Lagoon. He added 31 tons of suspended soils are also removed; Brevard County received matching funds from Florida Department of Environmental Protection (FDEP) to complete this \$1.6 million project in 2012. He noted he can get excited about the opportunities to redirect stormwater from lands close to I-95 to the St. Johns River Water Shed, these lands originally drained to the west, but with the construction of I-95, it was redirected to the Lagoon, the St. Johns River Water Management District (SJRWMD) has been working in recent years to return the drainage of West Palm Bay to the St. Johns. He went on to say at least one third of the stormwater that flowed into Turkey Creek 10 years ago now flows west; similar opportunities are available throughout the County. He stated to return to the crisis issue, he was pleased to hear of the company the EDC has lured to Brevard County that promises 1,800 jobs paying \$100,000 a year; if there were signs posted along the Lagoon saying do not touch the water, he wonders if that company would come to this location. He added there are ugly stories about cities in Michigan and western states that have experienced serious population declines and inquired if that could happen here. He stated there is an opportunity to reverse that decline and need to act quickly, and hopes the Board approves this increase.

Rodney Smith stated he has been a business owner in Brevard for 35 years; he emphasizes with Mary Hillberg on the born and raised Floridian; and would like to commend the Board on the passing of the strong fertilizer Ordinance. He added his family has been distressed over the

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Lagoon, it has hurt them, and continues to do so; he applauds Mr. Brown for his work and as well as staff on the PowerPoint presentation. He advised it will take money to fix the Lagoon; he is not here to talk about how the County manages money; that is a whole different issues; and he has listened to the people talk tonight. He added there have been a lot of mixing up of issues and a lot of blaming; just like the netters that have been blamed, Ernie Brown has been blamed, manatees have been blamed, scientists have been blamed, and he is surprised the President Obama has not been blamed yet. He noted the facts are that for 23 years the fee was not raised, but the population and water shed have expanded immensely; the people have been polluting the Lagoon all along; and who is suffering are the regular residents. He stated everyone has been suffering together; property values are going to suffer; and the more they suffer, the more all of the residents will suffer. He advised the money the residents will be spending when the Board raises the fee, will help cure some of the Lagoon issues in the future; and he would think the Board will work better in the future to manage money and spending, because he sees the people on the Board that will do that. He commended the Board on its work; and he understands that the Commissioners get paid, but there is no way that each of them could get paid enough money to sit and listen to all of the blame that it listens to. He added it is incredible that everyone blames everyone else but themselves.

Suzanne Valencia stated her cohorts have said everything that she could have said; and inquired where the savings account is that has all of the money in it. Chairman Bolin Lewis stated the Board will be happy to pull discussion after all of the speakers. Ms. Valencia noted she is confused about this; she is for the increase; and she would challenge any member of the audience or the Board to show one person in this whole County who cannot forego a Starbucks coffee one a month, or a Happy Meal once a month, or bottled water once a month. She advised she is an elderly citizen that is on a fixed income with Social Security and she understands, but to go from \$3 a month to \$5.33 a month, she just cannot believe that anyone could not afford that. She added she would gladly help anyone with formulating a budget; the Lagoon needs help now; and she does not believe these people realize what is at stake if the Lagoon is not helped.

Kenneth Denman thanked the Board for having this meeting open to the public; his property is west of I-95; he has lived in his house since 1958; he used to deliver papers in the 1960's; and he knows which way the water flows in his neighborhood. He advised when it floods, the water goes to the west, it does not go to the Lagoon, but all of the neighborhoods and the ones around his property are having to pay this fee and their water does not flow to the Lagoon. He stated he is for cleaning up the Lagoon, but he is against more taxes.

Lisa Ruckman stated she understands there has not been funding for a number of years to meet the responsibilities of cleaning up the stormwater that the residents and tourists are creating; and she believes it is their responsibility to raise the funding to where it should have been all along, so the messes can be cleaned up.

Warren Wneck stated he is part of the group Anglers for Conservation, and the mission statement is to raise a new generation of marine stewards. He added the reason that he got into the group was because he grew up here; is familiar with the water; there are a lot of kids and people moving to this area; and they have no idea how diverse the Lagoon is. He went on to say they come from all over and have no concept; since he has lived here, the Lagoon has been under attack from apathy; stormwater runoff from the roads when it rains, gardens; and all of that drains into the Lagoon and sits on the bottom killing everything. He advised when he goes out on the water he brings a bottle of hydrogen peroxide to put on his cuts, because if not they will get infected. He noted people have complained that they have been here all of their life, and the fact of the matter is this increase is needed and outdated; all of these people are saying they cannot afford the increase, but in reality is that the Board cannot afford not to increase. He went on to say a dead river is a dead economy; nobody will want to move here;

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intelligence and technology will not come here because we will not have anything to offer; and the areas here are some of the most beautiful in the Country. He added that is because of the river, estuaries, and feeding grounds are there, and if the people do not do their moral and civic responsibility to approve this and move forward to cleaning this the people will be sending a message to the children that they cannot take care of themselves.

Cathy Testa stated she thinks the Lagoon needs the help; she understands that taxes would help that situation; but her concern is if there is an end to the taxation. She advised the Lagoon needs to be fixed, cleaned, and the residents need to do their part; she comes from New York, when she moved into her new house there, her taxes were \$3,000 a year; and when she left her taxes were over \$11,000 a year. She added she came to Florida because it is a tax friendly State and that they were reasonable; she expects them to stay reasonable, but does not expect there to be no end in sight. She stated the Lagoon needs to be cleaned and maintained, but the tax should not keep going without a limit.

Carol Hamilton congratulated Commissioner Nelson for the Keep Brevard Beautiful Sustainability Award; and thanked the Board for passing the stronger fertilizer ordinance for Brevard County, because it took strength to do that. She added she has found some residents say that there is a \$64 increase in stormwater fees; she feels there is some confusion there; the increase is \$28 for a single-family home; and it works out to 54 cents a week. She advised she cannot go to McDonalds and buy a cup of coffee for 54 cents; this is such a small increase since it is the first one since 1991; and encourages the Board to move forward with the stormwater project. She noted the Lagoon clean-up can no longer wait.

Ron Taylor stated he is a business professional, homeowner, and he also walks the streets talking to the residents; as a business person he would think to look at an individual situation, for example, he built 3700 Commerce Center on North Merritt Island, there is no water that falls on his property that goes into the Lagoon by any system. He added he had to pay impact fees, build a retention pond for the overflow, and 14 acres are behind that which were given to the County; and the Board may want to look at those types of situations. He went on to say as a homeowner, the Board just passed the fertilizer ordinance, and it was probably more than was necessary, but he understands; and disagrees with some of the people saying they cannot afford the extra money. He advised he has been out talking to people and one lady is trying to hold on to her home; her daughter and her daughters children; and they would love to have the money to go out and get a hamburger, but cannot afford even that. He stated there is another lady that is taking care of her daughter who is handicapped, and this has been for her entire life; and she is having trouble making ends meet; she is the sole provider in the family. He added the Board needs to look at not putting this all on the homeowner, but who will contribute from the business industry, or from Port Canaveral. He stated he would like to see specific items in the budget; he is not for zero based budgeting, but he would like to see projects and how they are paid for.

Dr. Leesa Soto stated she is the Executive Director of the Marine Resources Council; she is here to encourage the Board to adopt the fee; most of the things she was going to say have already been said and she does not want to belabor what has already been said. She advised \$2.33 should not impose an additional hardship on anybody; she is a single mother working for a non-profit, she has a very tight budget; and she feels that if she can afford it than anybody can, because the Lagoon is worth saving. She added before she started with the MRC, she worked with the University of Central Florida in the Stormwater Management Academy, and she has a lot of experience working with Brevard County staff; its staff are brilliant, they know what they are doing, and she trusts that the revenues that are being generated are being used appropriately. She went on to say stormwater costs a lot of money, it is all engineering, engineers cost a fortune, and these huge structures cost a fortune; and the vacuum trucks cost a lot of money but all of this is much needed. She added re-diversion costs a lot of money;

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trying to re-divert waters that have been controlled in the past for flooding purposes and redirect them in a different direction than the way they are going costs tens of millions of dollars. She stated during Tropical Storm Fay, she was a business owner then, and was worried about her business; she tried to use the big truck they had to get to the business, the road was blocked off and completely flooded; and there was a car flooded up to the roof. She went on to say that she could see her business, the officers told her she could not go and see if it was flooded, she got there just in time to put the sandbags in front of the door; and the vac truck pulled up to the stormwater drain and within 30 seconds all of the water drained down the storm drain. She advised it is very important that these storm drains be cleaned out regularly, it is not just an environmental problem, it is a serious flood potential problem, and they need to be cleaned more than once a year.

Gail Meredith thanked the Board for the work they are doing to help restore the river to its original vitality; her family has been here for 45 years; and it has been horrible to watch the degradation of the Lagoon. She added it is terrible the economic slump this community is in because of the river; and the Lagoon has affected every aspect of Brevard County residents lives. She went on to say the residents are also in trouble for the future of their health if something is not done with the river; the Board will continue to have lawsuits from the bad water; and it is a relief that the Board is starting to take action now. She added the water treatment solutions are way overdue; staff is great; the Board needs to continue to listen to them; and she hopes the Board can continue to make the decisions necessary for the health and safety of the Lagoon and the residents. She stated this is a long journey; it is sad that there are people in the community that do not want to help; and they encourage a pitiful attitude towards the collective consciousness; and she thinks it is sad that Commissioner Infantini has encouraged people to come out and be small minded and pathetic about supporting the Board and group efforts. She commended Commissioner Fisher for encouraging people to think in terms of being public spirited; and life has gone way downhill because of low level consciousness that is causing people to be pitiful together about supporting the Lagoon.

Maureen Rupe stated she will do practically whatever she can to save the Lagoon; she does not think that some people realize the seriousness of the Lagoon and the state it is in right now. She noted if the Lagoon dies, the economy is gone, the property values are gone, everything will be gone; she believes it is the people that caused the Lagoon to be in such bad shape; and also believes Local, State, and Federal government should be held responsible. She noted she has went through the report and found out the baffle boxes have not been cleaned out for over two years; she checked with the cities, the cities have had theirs cleaned out once a month, on average; that is not all of the cities, but most of them do. She noted it is not in the County budget to clean the baffle boxes; the vacuum truck is broken, has been for two and one half years; it would take \$16,000 to fix it; and it has not been done. She went on to say it is not just this, Patrick Air Force Base, she has never seen such filth in her life; she has resorted to getting down on her hands and knees looking at drains that go toward the river. She added she wants the problem with the river solved; and she will do anything she can to save it.

John Hitchcock stated he has lived in Brevard County for 30 years; has hunted and fished here; and the Board has heard his stories of what it used to look like. He added a little bit of understanding of what the residents are dealing with from a historical standpoint is important; and he has not heard anyone say anything about that yet. He went on to say the stormwater system in Brevard County is antiquated; many of the original canals that were formed in the stormwater system in this County were dredged before many of the residents were born; and there are a lot of old people in this room right now. He noted they were dredged because Brevard County for the most part was virgin wetlands; back then there was a lot more bird poop than now; the original canals were connected to areas as they were developed; and a lot of the areas were drained for agriculture, then later on developed. He went on to say this is a problem that has not been fixed, and has existed originally because of peoples needs to grow

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crops and live here; since then, other than just pouring more stormwater into the canals and draining them off into the Lagoon, nothing else has been done; there are a few exceptions like the C-1 conversion project, but there is a lot of work left. He noted the scale of these problems also needs to be pointed out, from the money standpoint; this is millions and millions of dollars, he believes the Board is aware of that; but he does not think the people are aware of that; for example, the C-1 diversion project is at about \$10 million at this point and the basic filter margins are created, the reservoir that is in the second phase of the project that still needs to be created; and that \$10 million does not include the price of the land that this marsh sits on. He added there will be many of these types of projects around the County before it is done; and is important to note that typically these projects are cost-sharing projects, a lot of times they are dollar for dollar; and he believes the message here is that the residents need to participate in this cost-sharing. He advised this is a republic, they have to be responsible, that is what goes along with being free citizens of this republic, and that responsibility, in some cases, means taking care of issues, in this case, stormwater infrastructure, so that residents can continue to have the quality of life they have today. He noted he would still like to go hunt ducks and fish; and have clean water to drink; and these are conservation and restoration issues; conservation of the habitat and natural resources; restoration of the water supply, Lagoon, and wetlands to the west as well.

Michael Myjak thanked Mr. Brown for the wonderful presentation, he did not have a lot of data to back-up his presentation before seeing the presentation; and he does not remember it all and will rely on him for support and substantiation of what he is going to say. He added his take away from the presentation is that the Lagoon is in peril, and the scientific documentation proves this beyond a shadow of a doubt; he knows exactly why, and what the specific, if there is only one specific cause is for the situation the Lagoon is in, but clearly is in a position it does not want to be in. He stated something like the Lagoon is not found anywhere but here; the Board is here to do something about it; with the increase the way it is, Brevard County will be sub-par with the rest of the State; and has not hit half, but just below half with this increase. He noted this is Brevard County, it has the Space Center, its not some place in the middle of nowhere; and is smart enough to figure out a way to fix this. He stated it will take 40 years to touch every baffle box, and outfall, and 40 years is more than a generation; he believes the fee should be doubled because the Lagoon is not healthy. He urged the Board to pass this tax, and maybe even consider a half penny sales tax for a vote just for the Lagoon; and shame on the Board for not doing more.

Eva Nagymihaly stated everyone is tired, the Board has heard all sides of the story; and one thing that everybody has said is the Lagoon needs saving. She added she knows there was one Commissioner out of the five that was willing to take this a step further and realized that the budget needed to be looked at; and that it needs to be followed. She advised there were some points that were not mentioned and that was that 22 percent of the budget was towards compensation and benefits, and things need to be looked at before going out to the taxpayers for more money; and needs to be examined. She added another thing that was not mentioned is that this fee is added to the tax bill, if a person does not pay their tax bill, their property will be taken; and she does not like to see something like this tied to the fact that a person can lose their property if it is not paid.

John Rivera stated he believes some of the information in the presentation is outdated, inaccurate, and when he made a presentation for his former job, he had to present facts; without facts there can be no decision; if the information is not correct, he asks Mr. Brown to step down from office; and he is curious as to why a geologist is doing a survey, and why it is not a marine biologist. He added the Lagoon is marine biology, he wants current information, what the money will do for him, and increasing the taxes is not good. He went on to say he is a disabled veteran, he went to war three times for these people, and he is on a limited budget. He stated he conserves what he has, he did not lose an airplane in 20 years; he did not lose a human life

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that was working for him defending the freedom of this Country. He recommended that the Board analyze what will be done with the Lagoon, re-channel the resources, eliminate the programs that are not needed; and have a budget.

Laurilee Thompson stated she supports the fee increase; there have been a lot of speakers before her that she does not feel she needs to repeat; she did hear one comment about the shrimp. She advised she does know shrimp; his comment was that he caught 4,000 shrimp and normally averages 1,800 shrimp during the summer season; and the reason he caught all of those shrimp is because the seagrass is gone and the shrimp have no place to hide. She went on to say if they would have had a place to hide he probably would have caught the normal 1,800; she has spoken to the shrimpers about shrimping off of the pier, and it has been a terrible time. She added she has had a terrible shrimp season, the Lagoon is affecting businesses all around the Lagoon; and this will continue to deteriorate.

Kathryn Bird stated she supports the Lagoon, always has and always will; she supports the proposal from the earlier citizen from Indialantic Beach regarding their bill coding that would specifying original homesteaded areas in Brevard County that have non-modern easement and no stormwater, no sewer, and no hopes of future service, because she can identify with that. She rejected the majority of Mr. Brown's presentation. She went on to say she lives on a non-modern road; there is no stormwater, which she is being asked to pay; and Mr. Brown also did not advise the public that this is only FDEP data. She stated this is Herschel Vinyard's data; it is not with Florida Wildlife Commission, or any of the other regulatory authorities; especially when the directive is dredging, and when it toes into Resolution 13-070, without the FWC data. She added the algae is coming into the river because of the cruise ships and things like that picking it up in foreign places and bringing it back here; and would like the Resolution to be tied into any future resolution of the stormwater utility fee.

Nancy Higgs stated over the last year, the Board has heard the science in many different venues, the Board knows the economics, and the condition of the Lagoon. She added the Board also knows the importance of cleaning up the Lagoon; this is just a start, it is not enough to fix it; the water going into the Lagoon off of Brevard County land is at the fault of the people; and it is the people of Brevard County that need to take responsibility to fix it. She stated when the Apollo astronauts were in trouble, the scientists did not ask for more studies, they figured out what they could do with all kinds of creative and necessary pieces of trash to put those astronauts back to safety; and now is the time to think creatively to move forward to implement fixes.

Linda Janse stated she listened to the presentation and has changed her decision about the turf regulations; and that shows a very deliberate and responsive group of people. She added she could not disagree more with the person saying that the Board is not prepared to make a decision tonight; it has heard the facts, it has the resources, it knows where it is going; and it is time to get started. She went on to say the speakers first did not like the science, then did like it, then said there needs to be more science, but does not like that either; the Lagoon is a jewel, it needs to be kept that way; and people come from all over the world to see it.

Mr. Brown stated in an effort to save time and get to public comment, he did not dwell on some of the details about the projects that are allocated for those resources; did not spend time discussing the projects and programs that were being proposed with these revenues; nor did he discuss the five year Capital Improvement Program (CIP). He added he did not go over the annual review of the budget, the detailed evaluation that goes into that, or the economic assessment that was done by Dr. Schlotkins with Florida Institute of Technology (FIT), that evaluated Brevard County's condition which basically showed the revenues for this particular program have been relatively flat for the last 20 years. He explained that is because annexations occur, so the revenues have essentially stayed stable for the last 20 years; he

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added he has a great deal of respect for FIT, not slighting University of Florida (UF), but they do understand Brevard's immediate culture and they have done a good job with that information. He noted he did choose to put in Natural Resources Management Office's Financial Audit, which was done in 2012; he is a big fan of transparency and believes it is very important to show the public everything that his department has to offer; the review looked back over a three to four year period; when his department took over the stormwater program in 2007, late 2008, there was about \$12 million in reserves. He went on to say those reserves were there because in a five year CIP, the plan is to look forward five years, sometimes more, to large scale projects that need to be saved for; and to give a correlating example, he is saving up to replace his roof. He advised he does not believe in going out and getting into debt to do so, he saves up and hopes it will not leak before it happens; so that reserve is accumulating. He added it is the same idea in the five year CIP for the stormwater program; it currently is written into the Code that governs this that staff is not allowed to bond, so it is not even a question as to whether or not this program has been able to bond those dollars, or go into debt to build a project now. He explained those funds have had to be accumulated and placed into reserves in looking forward to that project, with flood projects and water quality projects; they look forward to that, estimate the revenues, and then build the revenues to construct the project. He added it is not a function of them not knowing what to do, it was never a function of them not being wise stewards of the resources; and it frequently takes years to acquire the land, permitting, environmental permitting, design, and in Brevard's case, leverage grants extensively over the last several years to get those grant dollars in place. He noted the financial called Brevard as flaw was that it was putting those reserves, or savings account dollars, up in the budget as opposed to into the reserves; that was the flaw the Internal Audit revealed; it was not a financial discrepancy, it was a preferential application to where the money should be held. He stated all of those revenues were being saved up for projects that were on the Capital Improvement list, to be expended for that particular project; and he wanted to clear that up, because he believes there was a misunderstanding of a misappropriation of funds or a lack of understanding where those funds would be spent. He added they clearly had a direction, this Board, for decades, has approved a five year CIP, and those funds have been compiled and expended in accordance with that. He noted in the packet, there is a basic management action plan, there are projects in there, such as the North Area Precinct Zone, or project zone, and the projects that were directly applied to that; it shows whether they were completed, ongoing, planned and funded, or funded and completed. He went on to say that is just one area, but the reports shows all of the projects in different zones that are completed, ongoing, planned and funded, planned and completed, or planned and unfunded. He continued to go through the Indian River Lagoon Basin Action Plan to show the different projects and the status of them. He advised this information is provided and well documented for the Basin Management Action Plan as it relates to the amount of nutrients that have been reduced, and the projects that have been applied historically, currently, and in the future to address those nutrient reductions; they are based on science, SJRWMD was the baseline for the modeling of that information; and the FDEP was the purveyor of this particular process, but they did take in through that Basin Management Action Plan process, the entire sweep of the scientific community that was available to them. He assured the public that they debated, deliberated, disagreed, for years to refine and define these projects; and there is an enormous list of projects that have been completed, are ongoing, proposed, planned, funded and unfunded, available to the public in the documentation he prepared. He understood that several Commissioners he spoke with had went through in great, painful detail; and he assures the Board this information; and asked them to understand that these are consistent with the five year CIP. He went on to say these projects are long awaited for, some are coming to fruition, many of the projects have had to wait for years, because they needed matched dollars through grants to fund them; and those revenues that were awaiting the match funding have been set aside in reserves for that purpose.

Commissioner Fisher stated the fact that there has not been any rate adjustments in 24 years or so, the Lagoon is in a crisis, and he is supportive of doing something. He went on to say he

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would not like to raise the rate all at once. He added he would like to do it in a three step process; establish the rate of \$64, but in 2014, that rate would go from \$36 to \$46; in 2015, it would go from \$46 to \$56; and in 2016, go from \$56 to \$64. He advised his reason in that is that it will take a while to create and engineer the projects; there will be a time where the public can judge how well the Board has done; and if an additional rate is needed at that point in time, then he would like the new Commission to decide what that possible increase would be. He stated he is not in favor of a built in inflation thing of three percent; but does believe three years gives the Board plenty of time to see how well it has done and what things will look like, and its performance. He noted it is important to establish what the rate will be in 2016 at \$64; it is reasonable for the taxpayers; and is not one big hit at once.

Chairman Bolin Lewis stated she is in favor of the increase, but she would like to increase it \$8 this year, \$10 next year, and \$10 in 2016; but she will yield the \$2.

Commissioner Nelson stated there is a magic number for grant applications, where if a certain amount is collected, points are accumulated; so as when competing for grants with other counties and cities, Brevard Could be losing points if money is not set aside; and inquired what the number is. Mr. Brown responded the number for the TMDL's and the 319 grants is \$4.30, or \$51.60 a year as an established rate; which would be a baseline rate for being competitive in those grants. He added staff has sat down with the attorneys to evaluate that language specificity, and the key to that wording is whether or not a rate greater than that has been adopted; and it is not necessarily associated with the phasing process, but the key is whether or not a rate greater than that has been adopted.

Chairman Bolin Lewis inquired if it had that amount and was okay. Commissioner Fisher stated if the \$64 rate is adopted, then staff would meet the language. Mr. Brown responded that is his understanding of the language in the competitive grant process, which is whether or not the county or city municipality has adopted a rate that is greater than \$4.30 cents per month; and if that is the adopted rate, it would achieve that number. Chairman Bolin Lewis inquired if the way the Board implemented the rate would cause concern to the State. Mr. Brown responded that is their understanding. Commissioner Nelson stated that is a roll of the dice.

Commissioner Fisher stated his thought is if the rate is \$4.30, in 2015, staff would be there anyway, because what he is suggesting is that the rate would be \$4.66; and he is not sure what grants are available out there.

Commissioner Anderson stated there is no way he would vote for an increase off the bat of \$64, it is just not going to happen. He advised he can live with phasing it in as long as Commissioner Fisher's proposal includes getting rid of the CPI. Commissioner Fisher responded no, it does not. Commissioner Anderson stated the CPI would not kick in until 2016. Commissioner Fisher stated his proposal is to raise the rate to \$46 in 2014, \$56 in 2015, which equate to \$10 increases per year, and then bring it to the \$64 in the third year, and at the end of the third year, this Board is gone, and the next Commission would have to revisit the subject to decide if it needs more money. Commissioner Anderson stated that would eliminate the CPI. Commissioner Fisher stated he would not just automatically put three percent on something forever; and that it is okay to prove that the department is doing a good job.

Commissioner Infantini stated on behalf of roughly 15,000 people that are still unemployed in Brevard County, the senior citizens that are on fixed incomes, and while \$8 is not a lot to some people, these people have cut all of the things that they can cut, many people are living paycheck to paycheck; and she promised along with somebody else that is on the Board, that she would not raise people's taxes. She went on to say she would only do that if she found out that there was no waste left in the budget and all of the prioritizing that could possibly be done was done, she would never vote to raise tax rates; and she plans on keeping that promise. She

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went on to say it is looking at a fire tax increase, stormwater tax increase, school sales tax increase, and the automatic three percent property tax increase that happens every year because the property would hopefully go up in value; and even if the rate is not raised, the value will automatically go up. She added with all of that factored in *Florida TODAY* took a poll in August or September 2013, and it asked if the people would like to pay more money in taxes to clean up the Lagoon, 72 percent of the people out there said they did not want to pay more in taxes. She added she took that as a request for the Board to look in its current budget to find the money needed to clean up the Lagoon, rather than building and spending money to build a mall; that is a revenue stream of roughly \$4 million per year that is going to be dedicated to rebuilding District 1; and she understands wanting to rebuild, but there is an enormous list of projects that are already slated to go up. She added if any economy needs assistance, it is not District 1 for the building; she spoke to builders and they have said they have nothing but constant contracts coming out. She noted she will not be voting for this, but there are already four voters.

Commissioner Nelson stated he sits on the Indian River Lagoon Collaborative with five counties, as well as the Indian River National Estuary Program; and the people on those boards are respected throughout the region and State for the work they do. He apologized for the abuse that Mr. Brown has endured tonight for being the messenger, because he has heard the same thing from different sources and all of those meetings that were not him; and the information has been constant. He added it is sad to him that when someone does not want to do something the information is attacked; and that was the direction that some of the speakers went. He went on to say one of the mistakes he made with receiving State support, was that he got involved with the Executive Committee of the Regional Planning Council, and went from being a member of that to Chairman at the next meeting. He advised the interesting thing is the Regional Planning Council Director is going to Tallahassee next week; and one of the things he is going to talk to is FDOT about creating a funding program for the Lagoon, which would be all of the counties of the Lagoon to give a higher priority to all of the outfalls. He stated he will also be talking to the Department of Economic Opportunity about the impact of the loss of the Lagoon to the economy in the State of Florida; and the Regional Planning Council is stepping up to try to have some action taken on the State level. He stated on the comment of opening up the locks to get water flow, after one of the hurricanes, they did that, and the locks silted in; it took several hundred thousand dollars to re-dredge to be able to use the locks again. He went on to say the Florida Power Plant almost ran out of fuel because at that time they were barging over to the plant; so it is not practical to open the locks for that purpose; and he wishes there were a better solution. He advised he is concerned if a rate is established that is less than the rate that would get the County grant funding and hold the County accountable; and he would hate to miss out on those grants and opportunities. He added some of the projects the Board has been able to accomplish are because of grants; and Pine Island, or Fortenberry would not have been done without grants, the list is significant. He added this is not just about the Lagoon, because stormwater projects have been done that impact the St. Johns River; and it is necessary to purchase land for mitigation. He added in talking with Volusia County they have issues with the springs; and they believe that the nitrate problem is solely runoff; and has worked its way down to the springs, so it is not just dealing with the runoff as it comes off the streets, it is worse than that. He proposed a phasing that would be a little bit different, but along the same lines; and it would be \$52, \$52, \$64. He advised there would be no change for two years, and that would get staff up to the amount that would ensure grants, but end up to the same place in three years. He stated it would be a little higher to begin with, but no change for the second year then the third year would be the full \$64.

Chairman Bolin Lewis inquired if Commissioner Nelson's suggestion would get the Board grant quality funding. Commissioner Nelson inquired if \$52 was the magic number. Mr. Brown responded \$51.60 is technically the magical number.

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Commissioner Nelson stated he would not want to lose a grant because of action they took when the Board thought it was doing the right thing, but miscalculated on what they would accept. He noted he would like a future commission to deal with the cost of living; he would love to put it in there, does not know if there is support for that, but does not know if there is support for that, that would be his suggestion.

Commissioner Fisher inquired if Mr. Brown had the grant language that he could read into the record. Mr. Brown responded he can give it close to verbatim.

Commissioner Anderson stated as the Board knows, he is not a fan of taxes or fees; and has not raised one since he has been in office. He added it is a matter of fairness; he can say as a Palm Bay resident, he is currently subsidizing County resident in stormwater cleanup. He went on to say unincorporated Brevard County residents pay \$3, Palm Bay residents \$4.47, Satellite Beach \$4.50, Cocoa \$5, Cocoa Beach \$6, and Titusville \$6.46, this is per month; the cities have stepped up and said they are willing to do what they can to limit the pollutants going into the St. Johns River and Indian River Lagoon; and to have County residents come up and say they are not willing to match that is a slap in the face to a lot of people. He advised he represents more municipal residents than any other Commissioner on the Board. And that is not fair to them, or to his neighbors; and he would like to even the playing field.

Commissioner Fisher stated he is trying to soften the increase; and inquired if Mr. Brown had the language. Mr. Brown stated he can give a near verbatim because he does not actually have it here with him; but it says has the locality or municipality adopted a stormwater utility, or other funding source, that is in excess of \$4.30 per month. Commissioner Fisher stated his understanding is that if the Board adopts the \$64 rate, it will have met the definition; and that it is a yes or no question on the application. He added he was trying to soften the blow; and inquired if Scott Knox has seen that or knows if that is correct. Scott Knox, County Attorney responded he was not the one to review with Mr. Brown, so he does not know. Commissioner Fisher stated he represents a lot more than 15,000 people, he represents 550,000 people, as well as 3,100 people that are full or part time that deal with the Lagoon, as well as the economic benefits that the Lagoon brings in; and there is also \$100 million in revenues that the Lagoon brings in. He went on to say when talking about the mass of people each commissioner represents, 550,000 in the County, 3,100 that are employed by it, the \$1.2 in economic benefits, that is what he is talking about when increasing people, whether it is \$.83 a month or \$1 a month, that is worth it; and he will defend that. He added the mall does have a return on investment, because people will pay taxes.

Commissioner Infantini stated she is not proposing that the people of Brevard County should not pay at least even as much as the others; what she is proposing is that the Board does not find an additional tax to charge them; and prioritize the money that is already being collected; and it could be the same amount per household if not more than is already being paid in Palm Bay. She added it is not that; and it is nice when her comments are re-characterized. Commissioner Anderson stated that is fine, just tell him where to prioritize. Commissioner Infantini stated her priorities, because she does represent all 550,00 people in Brevard County, she would never take a sum of money and earmark it just for one District to grow; and if there is a sum of money to help Brevard County grow, it should be for all of Brevard County, not just one District, she would like to rededicate those funds and re-prioritize and say that the most important thing is not just District 1, but that all Districts should grow.

Commissioner Anderson stated he is not going to play politics with the Lagoon; he fishes and boats there, takes his kids there, and property values are dependant on it. He added he is from Northeast Ohio, and the Cuyahoga River issue was the nail in the coffin for Northeast Ohio, it died; and if Commissioner Infantini would like to do that to this economy, fine, but he is not

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going to look his neighbors in Palm Bay in the face and tell them to subsidize the rest of the County.

Commissioner Nelson stated as a County the Board has committed quite a few dollars and resources to a variety of projects, a lot of those were in south County, he did so willingly; and where the Board has not is probably central Brevard; and there is an irony in the north Brevard project that has a component to do a retrofit to all the stormwater for that site so it is brought up to current treatment standards. He added within that project there is a stormwater benefit to it; and his community is a large number of water front property, the values there fell last, and came back first. He stated that community has done its share as far as looking at the impact; but if the Lagoon is lost, all of the water front property values will plummet; that means the properties not on the water will also plummet; and that is Russian roulette and he is not willing to play that either. He stated he believes the Board is moving in the right direction, he does not see it as excessive, and he has talked to Mr. Brown behind closed doors, he has yelled and talked about the beating they would take for a small amount of money.

Mr. Brown stated item number two is simply discussing the minimum fee; currently the Tax Collector has a minimum fee is \$5 that is applied, this is simply a matter of clean up and consistency; currently there is a fee of \$2.35, and in this item, the consideration is to raise it to \$5 to be consistent with the rest of the tax bill. Commissioner Nelson inquired if that is what the Tax Collector is charging. Mr. Brown responded if there is a tax bill that is \$4.27, they raise it to \$5 and send a bill, that is the minimum bill that they charge. He went on to say currently, Natural Resources Management's minimum is \$2.35, she is obligated to send out a bill if it meets that \$2.35, so he is requesting the Board raise it to \$5 to make the Tax Collector's billing process consistent. He added it is not a huge revenue, it is around \$12,000 a year differential. Commissioner Fisher stated he would not like to charge someone \$5 if their bill is only \$2.35, and that does not seem right.

The Board adopted Resolution No. 14-051, to raise the Stormwater Assessment Rates to \$52 per ERU for the 2014-2015 FY, \$52 per ERU for the 2015-2016 FY, and \$64 per ERU for the 2016-2017 FY with no annual Consumer Price Index (CPI); took no action on raising the minimum fee collected by the Tax Collector; and directed that the increase in the approved increment be dedicated to improving water quality for impaired waters.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Chuck Nelson, Commissioner District 2
AYES:	Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV.A. BOARD DISCUSSION, RE: CHAPTER 164 CONFLICT RESOLUTION PROCESS REGARDING THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AND SCHOOL CONCURRENCY, AND THE MATTER OF BREVARD COUNTY V. DISTRICT SCHOOL BOARD OF BREVARD COUNTY, CASE NO. 06-2013-CA-033202-XXXX-XX

Scott Knox, County Attorney, stated this is a result of a conflict resolution process between the Board and the School Board, over the issue of school closures; the Board's initial response to the issues that were raised in that case were primarily related to closures; and staff was told to come back before the Board with some sort of closure criteria. He went on to say those criteria

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have been developed by the School Board and are going to be adopted next week; and are bringing those to the Board's attention this evening for comments and suggestions. He added staff needs direction on what to do with them in terms of proposing them or dropping the lawsuit at this point all together; ultimately, the School Board gets to make the decision on whether or not to adopt specific closure standards; and that the Board can make recommendations, but the School Board may not use them.

David Lindemann, Brevard Public Schools, stated would like to confirm that the School Closure Analysis Procedure, and School Closure Criteria is on the School Board Agenda, as the stipulation the County Attorney stated in the Agenda Package.

Commissioner Nelson stated he was disappointed because the School Board could have been more forthcoming with working with that community; does not see how this is going to work; it puts a bullseye on small schools, which are mostly beachside; and the Board does not have a lot of pull.

The Board approved the conclusion of the Chapter 164 resolution process regarding the Interlocal Agreement for Public School Facility Planning and School Concurrency; and the dismissal of the matter of Brevard County v. District School Board of Brevard County, Case No. 05-20130CA-033202-XXXX-XX.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chuck Nelson, Commissioner District 2
SECONDER:	Andy Anderson, Chairman/Commissioner District 5
AYES:	Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ADJOURNMENT

Upon consensus of the Board, the meeting was closed at 9:31 p.m.