

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 February 12, 2019 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
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Chair Commissioner District 4	Present	

ITEM B. MOMENT OF SILENCE

Chair Isnardi called for a moment of silence.

ITEM C. PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

ITEM D. MINUTES FOR APPROVAL - DECEMBER 6, 2018, ZONING; AND JANUARY 8, 2019, REGULAR

The Board approved the December 6, 2018 Zoning Meeting Minutes and the January 8, 2019 Regular Meeting Minutes.

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

ITEM E.1., RESOLUTION - ALBERTA GILESPIE

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-011, recognizing Alberta 'Bertie' Gillespie for her service to Brevard County.

Ms. Gillespie advised it was her pleasure, and she is so happy everything has turned out as well as it has.

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

ITEM E.2., RESOLUTION - BLACK HISTORY MONTH

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-012, recognizing February 2019 as Black History Month in Brevard County.

Don Walker, Space Coast Government TV Director, expressed the appreciation to the Board for the Resolution; he recognized Clarence Whipple, President of Central Florida NAACP, Alberta Wilson, Area Director, James Minus, South Brevard Branch President of NAACP, and also from the South Brevard Branch the Reverend George White; and he also wants to recognize Brevard County Government's Team Diversity. He went on to say six years ago Brevard County Government put together Team Diversity; it is a group of County employees whose mission is to both educate and celebrate the communities cultural diversity; and it is what makes Brevard County great, not only for a place to live, work, and play, but because of who their neighbors are and where they come from. He added throughout the years Team Diversity has hosted many cultural events at the Brevard County Government Center in Viera, and that continues later this month with the Black History Month celebration they are having on February 28th from 11:00 a.m. to 1:00 p.m.; it will include live performances, music, art, and food trucks; and there is a little something for everybody. He advised the Board, the public, and the co-workers are invited.

A representative from NAACP expressed his appreciation to the Board for the Resolution; he stated he cannot speak for everyone, but they are all in this together to do the right things for humanity; there was a quote from Dr. Martin Luther King, "Injustice anywhere is injustice everywhere."

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

ITEMS PULLED FROM CONSENT

Commissioner Lober asked to pull Item F.1., Time Extensions for Three City of Melbourne Save Our Indian River Lagoon Cost-Share Agreements, from the Agenda to be heard along with Item J.8.

Chair Isnardi stated she has a card on that Item as well.

Commissioner Lober stated the speaker may speak now if he or she would like.

Commissioner Tobia stated he would like to vote Nay on Item F.3., Acceptance, Re: Binding Development Plan - Anthony Lopes and Eugene Lomando, without comment.

ITEM F.2., FINAL PLAT AND CONTRACT APPROVAL, RE: TRASONA AT ADDISON VILLAGE PHASE 9 (18SD00021)

The Board approved final plat approval, subject to minor engineering changes, as applicable, and developer responsible for obtaining all other necessary jurisdictional permits; and executed Subdivision Infrastructure Contract with The Viera Company for Trasona at Addison Village Phase 9.

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

ITEM F.3., ACCEPTANCE, RE: BINDING DEVELOPMENT PLAN - ANTHONY LOPES AND EUGENE LOMANDO (18PZ00077)

The Board executed Binding Development Plan Agreement with Anthony Lopes and Eugene Lomando for property located on the west side of U.S. Highway, south of Garretts Road, Micco.

RESULT: ADOPTED [4 TO 1]
MOVER: Rita Pritchett, Commissioner District 1
SECONDER: Bryan Lober, Vice Chair Commissioner District 2
AYES: Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS: John Tobia

ITEM F.4., RESOLUTION AND RELEASE OF PERFORMANCE BOND, RE: ADDISON DRIVE AND STADIUM PARKWAY SOUTH EXTENSION, PHASE 1 SUBDIVISION - THE VIERA COMPANY

The Board of County Commissioners, in regular session on February 12, 2019, adopted Resolution No. 19-013, releasing the Contract and Surety Performance Bond dated February 6, 2018, for Addison Drive and Stadium Parkway South Extension, Phase 1 Subdivision - The Viera Company.

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

ITEM F.5., AUTHORIZATION TO APPROVE CHANGE ORDER #2 FOR MEAD & HUNT, INC.

The Board of County Commissioners, in regular session on February 12, 2019, authorized the Chair to execute Change Order No. 2 with Mead & Hunt, Inc., formerly Quentin L. Hampton Associates, for engineering design at the South Central Wastewater Treatment Facility in the amount of \$256,230.

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

ITEM F.6., APPROVAL OF EMERGENCY CHANGE ORDER FOR ATLANTIC DEVELOPMENT OF COCOA, INC. FOR EMERGENCY REPAIR SERVICES

The Board of County Commissioners, in regular session on February 12, 2019, approved emergency Change Order with Atlantic Development of Cocoa, Inc. for emergency repair services of the replacement of sanitary manhole on Interlachen Road, including gravity sewer and roadway restoration, in the amount of \$242,000; and approved any associated budget changes.

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

ITEM F.7., VALKARIA AIRPORT - BREVARD COUNTY MOSQUITO CONTROL NEW LEASE AGREEMENT

The Board of County Commissioners, in regular session on February 12, 2019, approved and authorized the Chair to execute a new five-year Lease Agreement between Brevard County and Brevard County Mosquito Control for Valkaria Airport.

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

ITEM F.8., VALKARIA AIRPORT - BCC-79 AMENDMENT

The Board of County Commissioners, in regular session on February 12, 2019, approved and authorized the Chair to execute Amendment to Policy BCC-79 - Airport Rules and Regulations, specifically new requirements related to aircraft fueling.

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

ITEM F.9., VALKARIA AIRPORT - FDOT GRANT EXTENSIONS

The Board of County Commissioners, in regular session on February 12, 2019, authorized Valkaria Airport staff to request time extensions to existing FDOT grants when needed.

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

ITEM F.10., APPROVAL, RE: CONSTRUCTION MANAGER CONTRACT WITH CANAVERAL CONSTRUCTION CO FOR DRAINAGE IMPROVEMENTS AT CHAIN OF LAKES

The Board of County Commissioners, in regular session on February 12, 2019, approved and authorized the Chair to execute a Construction Manager Contract with Canaveral Construction Co., Inc. for drainage improvements at Chain of Lakes; and authorized the County Manager to approve any budget change requests.

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

ITEM F.11., APPROVAL, RE: PERMISSION TO UTILIZE CITY OF TAMPA CONTRACT WITH WATERFRONT PROPERTY SERVICES LLC, DBA GATOR DREDGING, FOR WORK TO BE PERFORMED AT SCOTTSMOOR LANDING

The Board of County Commissioners, in regular session on February 12, 2019, granted permission to utilize the City of Tampa's contract with Waterfront Property Services LLC, dba Gator Dredging, for work to be performed at Scotts Moor Landing; authorized the Chair to execute all related contracts; and authorized the County Manager to approve all necessary Budget Change Requests.

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

ITEM F.12., APPROVAL, RE: TRANSIT SERVICES SECTION 5339 GRANT APPLICATION FOR SCAT NORTH TERMINAL

The Board of County Commissioners, in regular session on February 12, 2019, adopted Resolution No. 19-014, authorizing the filing of application(s) for grants; authorized the Chair to sign the Grant Application; approved the use of FDOT Toll Revenue Credits; authorized the Chair to sign the Designation of Signature authority allowing staff to submit the Grant electronically; authorized the Transit Services Director to execute and submit the Grant

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Agreement electronically, contingent upon County Attorney and Risk Management approval; authorized the Transit Services Director to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds; and authorized the County Manager to approve all necessary Budget Change Requests.

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

ITEM F.13., COMMUNICATIONS TOWER MAINTENANCE, REPAIR, AND SUPPORT SERVICES

The Board of County Commissioners, in regular session on February 12, 2019, approved staff issuing a request for bids for a five-year service/maintenance agreement from qualified contractors to provide tower maintenance, repair, and support services for the towers and antenna systems that are part of the 800 MHz Public Safety Radio System and the County-owned communications towers that are administered by Emergency Management; authorized the County Manager, or his designee, to sign/execute any documents and renewals on behalf of the Board as may be required to execute/administer any new agreements and any subsequent extensions, subject to approval by the County Attorney's Office and Risk Management; and approved any associated budgetary changes.

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

ITEM F.14., PUBLIC SAFETY RADIO FREQUENCY EQUIPMENT MIGRATION TO PROJECT 25 STANDARDS

The Board of County Commissioners, in regular session on February 12, 2019, approved advertisement of an Invitation to Bid to migrate the 800 MHz Radio Frequency (RF) equipment/sites from Enhanced Digital Access Communications System (EDACS) to P-25 Phase II, completing the transition from analog to digital conforming to the latest FCC standards and providing full interoperability with regional, State, and federal public safety agencies; authorized Emergency Management/800 MHz Radio System Administration to utilize the \$12.50 surcharge fund for the RF equipment/site upgrades; authorized Emergency Management/800 MHz Radio System Administration to accrue reserves, as needed, from the annual radio user fees, without increasing the current annual user fees, and not exceeding \$250,000/year in total to be dedicated to these necessary upgrades; authorized the County Manager, or his designee, to sign/execute any documents and renewals on behalf of the Board as may be required to execute/administer any new agreement and any subsequent extensions, subject to approval by the County Attorney's Office and Risk Management; and authorized the County Manager, or his designee, to approve any associated budgetary changes.

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

ITEM F.15., REQUEST TO WRITE-OFF UNCOLLECTED AMBULANCE CHARGES FY-17/18

The Board of County Commissioners, in regular session on February 12, 2019, approved the FY 2017-2018 uncollectible Emergency Medical Services (EMS) accounts receivable write-off.

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

ITEM F.16., BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests.

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

ITEM F.17., PERMISSION TO ADVERTISE REQUEST FOR QUALIFICATIONS FOR SPECIAL MAGISTRATE SERVICE

The Board of County Commissioners, in regular session on February 12, 2019, approved the advertisement of a RFQ for Special Magistrate services to hold hearings for unlicensed contractor and vested right cases; approved establishing Selection and Negotiating Committees consisting of John Denninghoff, Assistant County Manager, Tad Calkins, Planning and Development Director, and Jerry Visco, Human Resources Director, or their designee; and authorized the Chair to execute resulting contract upon review by the County Attorney's Office and Risk Management.

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

ITEM F.18., REQUEST PERMISSION TO ISSUE AN RFP FOR PROPERTY & CASUALTY INSURANCE BROKER SERVICES

The Board of County Commissioners, in regular session on February 12, 2019, authorized the Office of Human Resources/Risk Management to develop and release for advertisement a RFP from established companies for Property and Casualty Insurance Broker Services necessary for the continued operation of the Board's property and casualty insurance program; approved Selection and Negotiating Committee consisting of the Human Resources Director, Risk Manager, Central Services Interim Director, and Public Safety Director; and authorized Human Resources Director to execute all resulting contracts upon approval by the County Attorney's Office and Risk Management.

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

ITEM F.19., BREVARD COUNTY SHORE PROTECTION PROJECT - MID REACH SEGMENT RESOLUTION

The Board of County Commissioners, in regular session on February 12, 2019, adopted Resolution No. 19-015, authorizing Kevin R. Bodge PhD, PE of Olsen Associates, Inc. and Mike McGarry, Program Manager for Beaches, Boating, and Waterways, to make engineering and project management related commitments on the County's behalf in condemnation proceedings regarding the Brevard County Shore Protection Project - Mid Reach Segment.

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

ITEM F.20., CONFIRMATION:PETER CRANIS AS TOURISM DEVELOPMENT OFFICE DIRECTOR

The Board of County Commissioners, in regular session on February 12, 2019, confirmed the appointment of Peter Cranis as the Tourism Development Office Director effective March 4, 2019, at an annual salary of \$115,000.

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

ITEM F.21., APPOINTMENTS/REAPPOINTMENTS

The Board appointed/reappointed **Brenda Fox** to Community Development Block Grant Advisory Board, with term expiring December 31, 2019; and **Chelsea Partridge** to Zoning Board of Adjustment, with term expiring December 31, 2019.

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

ITEM G. PUBLIC COMMENTS

Charles Tovey stated he submitted his card and on it was about his property liens, which he has no information about anything, it is just from recollection of things; he has given the Board a piece of paper with some photographs of his before and after work; on this piece of paper there is a boat that Natural Resources Management was supposed to take; but they inadvertently took his boat which was floating by his work; and then they put it in impound, put a big hole in it, he paid the fine, got it out, and Brevard County put a lien against him. He went on by saying not to mention Code Enforcement, because it was not on the brand new trailer all the way that he had to spend \$3,000 on; he fixed the hole they put in the boat, put it on the trailer like they wanted it, and later on it escalated; it went from the FEMA trailer he did not want from the hurricanes; and then it just kept on progressing and escalating. He pointed out he has a fine for the boat, and that is why he does not want to work with a lot of these people, because they have done a lot of things in his life that he does not accept and he does not condone. He stated these are six jumbo shrimp on a regular sized plate, he catches them by hand, or he used to; now he grows them; and he helped save the Lagoon, and all of this is after the fact. He asked where they were when it was needed and there was a Lagoon crisis, there was no one around; it took him years to get people involved more and more; and finally there is a platoon of community people who are concerned about the Lagoon. He noted instead of 50 million people doing it; the Lagoon should be separated into five different areas for each one of those five employees the Director of Natural Resources has, and they should go through the most effective area; and he will be spending his time releasing all of the information. He stated now people care about the Lagoon and are willing to do something about it, and he appreciates all of that; and all of that will help what he has already done.

ITEM H.1., PETITION TO VACATE PUBLIC UTILITY EASEMENT - COCOA - ROBERT WALLEN, JR.

Chair Isnardi called for a public hearing to consider a petition to vacate a portion of a public utility and drainage easement, located on Lot 1, Block 318, in Port St. John Unit 8 Subdivision, as requested by Robert Wallen, Jr.

Corinna Gumm, Interim Public Works Director, stated his Item is a petition to vacate a portion of a public utility and drainage easement to remove an existing storage building as an encroachment into the said easement; it is located on Lot 1, Block 318, Port St. John Unit 8 Subdivision; they have received no objections; and staff has no concerns with this request.

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There being no further comments or objections, the Board adopted Resolution No. 19-016, vacating part of a public utility and drainage easement on Lot 1, Block 318, Port St. John Unit 8, as petitioned by Robert Wallen, Jr.

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

ITEM H.2., PETITION TO VACATE PROPOSED DRAINAGE AND RETENTION AREA EASEMENT - ROCKLEDGE - MAINSTREAM ENGINEERING CORPORATION

Chair Isnardi called for a public hearing to consider a petition to vacate Parcel 1 identified as a proposed drainage and retention area easement, per ORB 2733, Page 858, running along Tax Parcels 556 and 581, located in Section 23, Township 25 South, Range 36 East.

Corrina Gumm, Interim Public Works Director, stated this Item is a petition to vacate Parcel 1 that is identified as a proposed drainage and retention area easement per ORB 2733, Page 858; this would remove an existing building as an encroachment in that said easement; they perceive no objections to this; and staff has no concerns with this request.

Commissioner Tobia asked if this would be the Scaringe property.

Ms. Gumm responded affirmatively.

Commissioner Tobia advised some great things come out of Brevard County; with all of the stuff that Elon Musk is doing, there was a Business Week or Wall Street Journal article or both saying one of Brevard County's own, Dr. R. J. Scaringe, is creating a brand new electric vehicle, and putting Mr. Musk's feet to the fire; Dr. Scaringe's son is also another example; he expressed his appreciation to Dr. Scaringe; and he asked Dr. Scaringe if he was ever in the area to come up and tell everyone the wonderful things he is doing.

There being no further comments or objections, the Board adopted Resolution No. 19-017, vacating Parcel 1, identified as a proposed drainage and retention area easement, per ORB 2733, Page 858, running along Tax Parcels 556 and 581, located in Section 23, Township 25 South, Range 36 East, as petitioned by Mainstream Engineering Corporation.

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

ITEM H.3., PETITION TO VACATE PUBLIC UTILITY EASEMENTS - BAREFOOT BAY - JAMES F. DIGELLONARDO

Chair Isnardi called for a public hearing to consider a petition to vacate public utility easements in Barefoot Bay Unit Two, Part Eleven, Barefoot Bay, as petitioned by James F. DiGellonardo.

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Corrina Gumm, Interim Public Works Director, stated this Item is a petition to vacate part of two public utility easements that are centered along the common line between Lots 38 and 39, Block 77, Barefoot Bay Unit Two, Part Eleven Subdivision; this would allow the owner who owns both lots to build a garage into said easements; there have been no objections received on this; and staff has no concerns about this request.

There being no further comments or objections, the Board adopted Resolution No. 19-018, vacating public utility easements in Barefoot Bay Unit Two Part Eleven Subdivision, Barefoot Bay, as petitioned by James F. DiGellonardo.

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

ITEM I.1., AWARD OF CONTRACTS FOR LAGOON EDUCATION/OUTREACH/MARKETING CAMPAGINS

Virginia Barker, Natural Resources Management Director, stated this is the Lagoon Education Outreach and Marketing Campaign that came to the Board about a month ago, and the Board directed staff to take the previous recommendation of the Save Our Indian River Lagoon Citizen Oversight Committee back to that Committee for options; this Agenda Packet provides the options the Committee came up with; they recommended that at a minimum that the Board move forward with funding three out of the five campaigns for fertilizer, grass clippings, and septic system maintenance; and to leave it to the Board's discretion whether it wants to fund the stormwater pond maintenance or excess irrigation programs.

Dr. John Windsor stated at the January 8, 2019, Board of County Commissioners meeting it sent this back to the Save Our Indian River Lagoon (SOIRL) Citizen Oversight Committee; he is on the SOIRL, but he is speaking for himself; he is an Florida Institute of Technology (FIT) emeritus professor of oceanography environmental science; he has worked on the Lagoon for 35 years; and he also served on the contract selection committee for picking out the firms that are going to get this award. He went on to say in order to turn off sources of nitrogen and phosphorous, and he thinks everyone agrees that nitrogen and phosphorous are problems to the Lagoon, all of Brevard citizens have a role to play, not just wastewater utility managers; what role the public can play in the Lagoon cleanup is a key element of these education programs; there are five campaigns that were described in the original contracts; and while he personally would like to see all five funded, he realizes the Board wants to cut back on the money, so at least fully-fund the three, the fertilizer, grass clippings, and the septic. He asked the Board to not do an across the board cut because none of the programs would be very effective if they cannot get a bare minimum of money to be accomplished.

James Glass stated he attended the meeting when the SOIRL took up this issue, and there are other agencies that do advertising and provide information and education about these issues; at that meeting no one mentioned that; and he would like to mention it to the Board so it knows there are other agencies that do this and there is some overlap. He went on by saying fertilizer education is administered by the University of Florida Institute of Food and Agricultural Services; Extension Services that is located in Cocoa; it is responsible for education on turf, lawn fertilizer, and management, including public advertising, lawn clippings, and sustainable fertilizer use; he visited that office two times because their orange tree got sick, and they have all kinds of information about fertilizer education and other issues; and that is one thing he wants to

mention. He advised the Board that septic tank maintenance education is administered by the Florida Department of Health, these are requirements; Florida Department of Health is responsible for septic tank education; he spoke with Dr. Roeder who is in charge of the septic tank programs for the State of Florida, and he gave him websites where there are information about education on septic tanks having to be cleaned out; and he attended a meeting at the IRLNEP, they have people and educational programs about fertilizer and septic tank maintenance and issues like that. He advised St. Johns Water Management District, they had Ed Garvey attend one of their fishing club meetings a couple of years ago, and he talked to them about these issues, he had some pamphlets there too. He asked the Board should these agencies not be asked to do their job as it is one of their responsibilities, and not to duplicate something that other agencies are taking care of; and to please consider deferring this decision until it takes up the actual Lagoon Plan because there are some other issues with that Plan they would like to talk to the Board about later.

John Weiler stated he recommends the Board in this specific issue not award a contract for over one-quarter of a million dollars this year and going into 2020; this is a feel good expenditure in his opinion, and does not require an outside marketing campaign to implement; as Mr. Glass, prior to him, indicated there are numerous organizations that are already putting out published information and distributing to the public for this specific issue; most Brevard County residents already are familiar with these things; and if a person owns a property with a septic system on it, he or she is fully aware of what to do to keep the septic system working. He went on to say if the Board believes the public needs to be frequently reminded of these issues again and again, he recommends the Board ask the County Natural Resources Management Department staff to focus news releases on a quarterly basis, then to distribute to all the digital and print media, TV, radio stations, newspapers, etc.; and this will be carried in the news at no additional expenditure from the Indian River Lagoon fund or from the County, it is just staff doing this.

Dr. Leesa Souto, Executive Director of Marine Resources Council, stated she encourages the Board to fully-fund the education budget that was originally proposed or the largest portion of it; she reiterated what Dr. Windsor said that cutting a campaign would be a bad idea; what they seek is research driven education so a person knows what the current status of knowledge is, it just cannot be speculated whose option of what the citizens know, the level of knowledge, what they are doing, their current actions and behaviors, those things can be known; she sent the Board a scientific journal that her colleague and she just published demonstrating without a doubt scientifically in Pinellas County the residents are more aware of their fertilizer ordinance; their fertilizer rates are lower than the adjacent counties; and their pollution loads are so much lower that the State of Florida is actually giving them a higher percentage decrease in their TMDLs, so they are savings themselves millions of dollars with their education campaign that they spent a couple of hundred thousand to evaluate over the course of seven years. She asked the Board to do just like it is with the rest of the plan, research driven education, they need to know these kinds of numbers; what is the current state of fertilizing; how many pounds of nitrogen are people applying to their lawns right now; and after a campaign they can calculate the load reduction, and without those numbers people are shooting in the dark. She stated there is the opportunity to do this here, the experts to do this; and she asked why not take advantage of a prime audience and get the work done that needs to get done to demonstrate proof positive that the citizens are ready to change their society. She stated they cannot keep going like people have done in the past; the theory is if they keep going without changing the way things have been done in the past and to expect a different result; and that is the definition of insanity. She pointed out trying to do things through the cheap and free media channels has not worked, and something different needs to be done; the Board should invest in good education and in the research to get it done; and she asked the Board to fund the education campaign.

Mary Sphar stated she supports the recommendation of the Citizens Oversight Committee; she thinks the educational outreach is extremely important; the County's educational outreach RFP

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has three parts, which will probably be awarded to MRC and MTN; and to improve the health of the Indian River Lagoon she suggests the Board asks Natural Resources Management to facilitate communication and idea sharing between MRC and MTN. She went on by saying they want the best educational outreach and such idea sharing has potential to improve the products of both MRC and MTN. She asked the Board to give this suggestion serious consideration for the precious Lagoon. She explained coordination between MRC and MTN especially makes sense for the grass clippings campaign; MRC is doing grass clippings campaigns in Volusia and Martin Counties, and starting one in Brevard County with some Lagoon tax funds; MRCs partner Uppercase has done very successful grass clippings campaign in Alachua County; and it looks like the Board is asking MTN to reinvent the wheel using MRCs survey data. She added with stormwater pond maintenance, if it is not chosen for the funding, she hopes the initiative will be temporarily set aside and perhaps revisited in a different contract; and she thinks homeowner association outreach, which is mentioned in that proposal, could make a huge difference, but it would require a very good community based social marketing campaign. She concluded by saying some information that might be helpful to MTN, after the 2016 fish kills, three citizens reached out to Natural Resources Management and suggested a Countywide ordinance requiring signage to be posted at retail establishments informing citizens of fertilizer application restrictions such as a summer ban on nitrogen and phosphorous; Martin County and some other local government have such a notice to consumer requirement in an ordinance; and they have been under the impression that the Board will consider such a Countywide ordinance, but she is not sure what is going on at this point. She stated hopefully MTN will consider a point of sale signage requirement for their fertilizer education campaign.

Jake Zehnder stated he is present on behalf of the Turtle Coast Group for the Sierra Club; and he expressed his appreciation to the Board for allowing people to comment publicly. He stated in regards to the education funding in the SOIRL plan, he thinks the Board did right when it gave citizens the opportunity to have an integral part of management in the SOIRL plan; they really understand and have a pulse of what the community wants; that is why monitoring is part of this plan so people can make sure their tax dollars are being spent effectively; and that is why the educational piece is in there as well, because the community wants that component. He pointed out it is a lot easier to prevent the nutrients from getting into the system by communicating effectively with the public about how they can prevent these nutrients in spending very expensive dollars on the back end to dredge it out; he thinks this is a no-brainer to keep educational funding in the SOIRL plan to a decent degree, and not spending huge percentages of the plan on education components; in fact, by following the Indian River Lagoon National Estuary Program, they just came out with their 10-year CCMP for 2018-2028; and a piece of that is the one voice, which is the community aspect, one voice, one community, one Lagoon. He went on to say a part of that is communication; one of the best ways to communicate with the public is go out there and actually tell them about the issues and how they can effectively make change in their own lives to prevent nutrients from overloading the system.

Commissioner Lober asked with respect to the IRLNEP it is his understanding, and to please correct him if he is wrong, that their one voice plan has a whole variety of different aspects of addressing the Lagoon, and it is essentially their position that it is up to the individual counties and municipalities to prioritize which of those many aspects individually or collectively some, not all, that they wish to focus on so it is not that the IRLNEP has suggested that any particular county focus on this particular item, it is one of a plethora of items that were made available for the counties to pick from, if is that right.

Mr. Zehnder replied affirmatively; he stated it is a high level guiding document; and it does not lay out exact replicable steps that each county needs to take as far as he is aware.

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Commissioner Lober stated he appreciates something Mr. Zehnder had mentioned, and Dr. Souto mentioned that a good goal would be, and he does not want to misquote him and to correct him if he is wrong, preventing nutrients from getting into the system.

Mr. Zehnder responded affirmatively.

Commissioner Lober stated he agrees with him at least 100 percent with that; and he also agrees with Dr. Souto when she mentioned that the County cannot keep going on with the way it has in the past, and that is essentially the definition of insanity. He asked in terms of this money, he would love to spend this money and much more on the Lagoon to get it fixed, but his question is if the Board is obligated to spend some portion that has been at least earmarked for this at present toward communication and outreach or is it possible to use some or all of this money toward actually fixing infrastructure and doing what it needs to do to keep those nutrients from coming in, in the first place.

Ms. Barker replied the plan the Board adopted last year, the 2018 plan update, allocated this amount of funding for outreach specifically for these five specific campaigns.

Commissioner Lober stated in terms of his question, he is looking as opposed to what the prior Board did, because obviously there is a different composition of the Board, and his take on it right, wrong, or indifferent is a much greater focus on infrastructure, and certainly a willingness to spend to a degree that has not been there in the past on infrastructure; and he is wondering if there are some lawful requirements that the Board spend this amount of money, or any particular amount of money that has been earmarked for this communication and outreach specifically on communication and outreach, or if it can take some or all of this money and put it directly toward infrastructure whether it is adding tertiary treatment at wastewater treatment facilities or toward realigning pipes or doing things of that nature.

Ms. Barker advised in response to the Board's request last month that the Oversight Committee reconsider this Item, their recommendation was to fund at least three of the five, and if the County Commission wishes to take the funds that were previously recommended for the stormwater pond maintenance or the excess irrigation and/or the excess irrigation campaigns; if the Board wants to move those to infrastructure projects, that would be consistent with what is in the plan, consistent of the kinds of projects that the voters approved, that they would defer to the Board's judgment and accept an amended 2019 plan based on whatever the Board's decision is here tonight on the outreach campaigns.

Commissioner Lober noted part of his concern with this is essentially whether or not there is a better alternative; he does not know at present whether there is a better alternative or not, this may be an excellent use of the funds; and he is not at the point that he is looking to ax this, certainly not at this juncture, because as he said he does not know if there is a better alternative. He stated he would ask to table this Item for four weeks or to the closest meeting, whether it is a little before or a little after that period in time so that his office, and he does not mind taking the spear or lead on this one, can at least look into whether there perhaps may be a more efficacious use of the funds; and if they find that there is nothing, he will happily be the one to move to approve this as suggested.

Commissioner Pritchett advised she would not mind that as long as the Board is not doing anything to hinder anything with the Lagoon; the Indian River Lagoon Plan, she thinks the Board needs to be careful; if it is doing upgrades on facilities it is good to lower the impact of what is being let out of the facilities of nitrogen and phosphorus; the Board has to be careful it does not use the money on failing infrastructure, because that is the Board's responsibility as the Brevard County sewer system, City of Titusville sewer system, and City of Cocoa; and maybe it can get an outline of what is appropriate that it can spend the money on so voter intent is not violated.

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She went on to say she is not a biologist; she listens to them and they are so brilliant and they teach her so much; but she knows when they are doing this they are looking at how much nitrogen and phosphorus is being affected, so the County gets the bang for the buck. She stated in the advertisement section it gets her attention when it talks about the grass clippings and how much nitrogen is being removed for \$11 per pound, so that is a pretty good number; the fertilizer was in the plan to begin with, the education on that, as far as voter intent; Ms. Barker told her the Board can kind of play around with four of them, fertilizer was kind of in the plan for education, and the Board wanted to do all five, but she said she believed the first three would have a good outcome as far as lowering the nitrogen levels into the community; and she asked if that is correct.

Ms. Barker replied affirmatively; and she stated in the Agenda Packet, J.1., the approval of the proposed plan, page Roman Numeral XIV, there is a table that provides the average cost per pound for every type of project that is in the plan. She stated if the Board wants to compare that to the cost per pound estimated for each of these outreach campaigns, in the Agenda summary there is a table on page 2 on the bottom row of that gives the cost per pound for each of these outreach campaigns, so it would be \$11 per pound for grass clippings; that is way more cost effective than any other program in the plan; \$67 per pound for septic system maintenance, that is also more cost effective than any other project in the plan; the stormwater pond maintenance at \$91, there are a few other project types that can compete with that; and also the excess irrigation at \$196 a pound, there are multiple project types that could compete with that. She pointed out one of the other changes, and she is sorry she is mixing two Agenda Items, but the changes proposed in the 2019 plan update draft, there is a whole section on unfunded project opportunities; and Commissioner Lober's question about if there is something else cost effective that can be done with these dollars, there are tables in there that show the next most cost effective septic/sewer project is this, and the next most cost effective project is this.

Commissioner Pritchett stated she would be willing to table this and she would be willing to pass it with the fertilizer, grass clippings, and the septic maintenance system; the reason why she is good with that is because the Board has been doing so much work over the last few months in really focusing in on getting septic tank systems; she almost would not mind if the Board just had a County Commission workshop and really explored all of the systems it has in the whole County to get an understanding of what is failing; and maybe funds could be shifted over from the Enterprise Funds and get some good handles on what is going on as far as the problem of this stuff leaking into the Lagoon and the water tables.

Commissioner Lober stated he thinks Commissioner Pritchett's brought up a good item here; obviously the tables the Board is looking at involve estimates; he could not say if they are incredibly accurate, largely accurate, or somewhere else on the scale; but he agrees that it appears at least if the Board is to rely on the estimates, which he does not have a reason to suspect they are incorrect, the most efficacious use of the funds used so far are the options that have been presented appear to be the grass clippings; and if it makes folks feel better and if it gives Natural Resources Management something to at least start working on now, he does not have a problem modifying the motion to pass grass clippings as requested because it is not in the scheme of the amount of money being asked for, it is not a tremendous amount, and it appears to have the most bang for the buck out of those items. He modified his motion to pass the \$20,000 for grass clippings, and to table the remainder of it for roughly one month.

Commissioner Smith stated he does not have trouble with tabling it; information is important; and the more information the Board gets the better off everyone will be. He went on to remind everyone that when he, Ms. Barker, and former Commissioner Barfield were going to countless homeowners associations and town halls up and down the County; the number one question they received was how do people know if the plan is passed that the plan will be adhered to, because everyone has seen politicians want to get hold of the money the voters vote for, and

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then they turn around and start using it for something else; there is where the idea came about to create the Citizens Oversight Committee, because the COC is charged with following the plan; and the COC is composed of regular, everyday folks, and scientists. He went on to say the idea was going forward the plan would be flexible because they would be applying all of the latest information and the latest technologies; but politicians would not get to choose where to spend the money; the question was a good question; and they assured everyone when speaking to them that they would follow the plan as long as the COC was in fact in charge. He pointed out as far as the education part, his mother always said education is the one thing a person can never get enough of because it is the one thing no one can take away from a person; he does not have any opposition in furthering the education that the COC has recommended; it is extremely important; and the folks need to be mobilized because the people are important, the Board is important, but if the public is not on board, this will not succeed.

Commissioner Lober stated he appreciates and he agrees with him in terms of the overall sentiment and spirit of what he is saying, it certainly makes sense; but it is important to keep in mind that an advisory board is just that; he can tell him that all else equal, he certainly would defer to the advisory board, but he thinks there are circumstances in which it is incumbent on the Board not to serve as rubber stamps for advisory boards, but to look at the information as eluded to; and if it turns out the information is not compelling, then by all means God bless, to do what the advisory board suggests. He noted if there is some reason or if the Board does not have all of the information in front of it he would caution all of the Board Members, himself included, from doing anything that is impulsive because this is a situation in which there are tremendous funds that need to be expended, and the tax is only going to be available for a certain period of time; when it is gone, he does not know if it will come back or not; God willing the Board will have a decent headway in terms of the start on the Lagoon and getting it cleaned up; but he is very cautious. He went on to say he agrees with Commissioner Smith in sentiment that if there is a question and it is a close call to defer to the advisory committee; but then again there is a reason it was set up as an advisory committee and not as a body that unilaterally has the authority to make decisions with respect to these things. He reiterated he agrees with Commissioner Smith, there are certainly folks who are more educated on the advisory committee than he is with respect to the Lagoon, but he has certainly gone out of his way as much as reasonably could be expected, and perhaps quite a bit beyond that, to surround himself by folks who are experts in the field, some are who are published, some of whom have, essentially degree collectors with more letters after their name than he could even in a lifetime figure out what they stand for; he has folks who work for NASA doing, among other things, or at least with the history of having done fluid mechanics for the propulsion systems there with backgrounds in water chemistry; these are folks that any day of the week he will grant that he has a doctorate, but they are infinitely brighter than he is; and it is not that he presumes he is brighter than any particular individual sitting in this room, it is that he presumes there are other individuals who are equally competent as those who are qualified on the advisory committee who for one reason or another may not be a part of the advisory committee, whether it is scheduling and teaching obligations or work obligations, and he is reticent to right off their options. He noted he thinks it is incumbent on him and the Board to make sure to at least do due diligence prior to making the decisions. He again pointed out he agrees with Commissioner Smith in spirit, but he asked that at least the ducks be put in a row, and if a Commissioner does not agree then by all means vote his or her conscience when it comes up again in a month.

Commissioner Smith stated he agrees the Board should not be a rubber stamp, so if Commissioner Lober believes tabling this for a month would benefit the Board and give it more information; he does not have a problem with it.

Commissioner Lober advised he is happy to come back in a months' time if he finds out there is nothing that appears to be more advantageous and move exactly how this is listed and pass at

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least the other two items out of the three that are identified as heavily important, or possibly all five of them, just depending on what he finds out.

Ms. Barker asked for clarification on the motion. She stated the way the proposed contracts work is there is a master contract with a firm to provide these sorts of services; but the dollar amount that they get paid and the campaigns that they work on that would be contracted through individual task orders; and if the Board wants to approve the contracts, staff would have the contracts in place for grass clippings and whatever other campaigns the Board may or may not approve down-the-road, but it would not be authorizing staff to proceed with anything except for grass clippings.

Commissioner Lober stated he wants to make sure the motion is sufficiently clear that it enables Ms. Barker to do something with it, it is not just intended to be a feel good to bide time; he asked how would Ms. Barker would like him to phrase it so it would allow her to spend the \$20,000 requested with respect to grass clippings, and allow the Board time to just consider the remainder of it; and he is happy to modify it however she would like if it would help her accomplish that.

Ms. Barker stated she is not sure how to phrase the motion, but it is approval of the contracts, but only authorizing expenditure on the grass clippings campaign.

Commissioner Lober advised he will modify the motion to basically reflect that terminology.

Chair Isnardi explained she agrees with Commissioner Smith, he said much of what she was going to say; the Board agreed when people were advocating for the Lagoon tax that it had a plan; ultimately the Board is responsible for not only making the decision but agreeing to that plan; and the Board is accountable. She went on by saying if someone has a different vision, she can talk to two scientists, and she has done it, almost back to back in her office, where one will say an inlet is needed, and the next scientist would say that was crazy, the County should just keep dredging; she asked which scientist has more weight; are resumes put together or are they just dismissed forever; and the Board has to listen to all sides. She pointed out ultimately the Board is who is accountable because it approved that plan; she does not always agree with the COC; in fact, she heard during the discussion that at first they were actually going to send it back to the Board and say they did not want any changes; the Board asked the COC to look at it and make changes; and she is glad cooler heads prevailed and they saw what the intention of the Board was. She stated the Board Members may not always agree, scientists may not always agree, but ultimately the Board is held accountable to the residents and the voters. She added as far as education, there is value to education; while she does not agree it should be squandered by any means; but there is value to understanding the audience and people that need the education, because there may be pockets of neighborhoods that may not understand what fertilizer ordinances are in place; and there may be some people whose minds will never be changed. She noted the Board needs to be careful in how much is being spent.

The Board executed negotiated Contracts with Marketing Talent Network, Inc. (MTN) and the Marine Resources Council of East Florida, Inc. (MRC) with their partners Applied Technology, Inc. and Upercase, Inc., limiting current task orders under these contracts to \$20,000 for grass-clippings only.

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

ITEM I.2., BREVARD CULTURAL ALLIANCE, RE: FY 19 BREVARD COUNTY COMMUNITY CULTURAL GRANTS

Jim Liesenfelt, Assistant County Manager, stated this is the Item the Board tabled at its last meeting to bring back; it is the same Agenda Item as it had before with information of how the funds are received and distributed over the last five years.

Martha Pessaro stated she represents the Native Heritage Gathering, Inc., which has been a member of the Brevard Cultural Alliance for the better part of two decades; they are here today to address the funding through the Brevard Cultural Grants, and the support the County can provide for this much needed festival; they call it a festival but it is more of an outreach program that celebrates Native American Heritage Month each and every year; and they are coming into their 11th year, and they do not want it to be the 11th hour for funding. She went on to say there is a situation at the State level they are seeing; budgets are being cut and grant funding is disappearing at an alarming rate; and they do not want to see that at the local level. She added they do this festival under the guidance of Brevard County Cultural Grants and annually to provide a free festival for all of the residents to learn about Native Americans during Native American Heritage Month; they get a proclamation from the White House each and every year; and that directs them to celebrate, educate, and participate in Native American culture and education. She pointed out this is the one place in the entire central regional of Florida that they can do this, where it is still alive and functioning; their goal is to provide this as a family-friendly, free of admission event to celebrate that heritage each and every year; in working with Brevard Cultural Alliance they have been put through strident accounting and a strident panel review of each and every application; that has not always been easy; they have seen in the older days they had a pow wow at Melbourne; they changed that into the native rhythms festival; and at the pow wow rate they were going for BCA grants that were possibly competing amongst all of the arts and organizations at a level that was vastly funded way above where they are now. She pointed out it has been around \$100,000 for a long time; it has been separating the money among many valuable organizations; they are just one of them; and when they come down to it at their annual budgeting allowance, they are giving about \$7,500 they are asking for, but they are competing and get about \$1,000 which goes a long way. She asked the Board to consider taking good care of them.

Marilyn Grigsby stated on behalf of the Space Coast Art Festival Board of Directors she would like to express their concern in the proposed cut and the funding of the art and culture in Brevard County; their organization is made up entirely of volunteers; they benefit from the Board funding of the Brevard Cultural Arts Program; and should the Board decide not to fund the program, it will definitely affect their ability to present their 55th Space Coast Fine Arts Festival and Student Art Show this year. She went on to say to produce a recognized fine arts show is an ongoing year-round effort with associated costs and dedication; with donated dollars source diminished, fund raising becomes a monumental task; when she arrived in Brevard County in 1963, there were very few cultural events taking place; if a person wanted to attend a live concert or show or to spend the afternoon at an art museum, he or she would have to travel out of county, most likely to Orlando; and in the years since, with the hard work of volunteers and paid alike, and in cooperation and support of previous Brevard County Commissioners, they now have a viable arts and culture program in Brevard County. She noted the loss of funding

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for cultural opportunities and programs will, she believes, reduce the vibrancy and quality of life for all citizens; in order to continue to build the tax base of Brevard County, the County must continue to attract key businesses, corporations, visitors, and retirees to the County; if the County has no cultural opportunities to offer, businesses and residents will seek other areas where these opportunities exist and the tax base will diminish; and cultural funding is an investment in the future of Brevard County.

Tara Engel stated she wants to echo what Ms. Grigsby said and the previous speaker; it is very important that they get this kind of cultural support; she is with the American Police Hall of Fame; and they do a lot that is not simply just cultural but is educational as well. She pointed out she knows a lot of the other organizations that are being funded by the BCA; and there is so much they do in the County to support the residents, the community, to encourage tourism, and to give a certain quality of life she thinks is essential for this area. She stated the amount of money is not insignificant, it is certainly insignificant when compared to what is given back to the community. She urged the Board to consider supporting this at the full amount, and supporting the BCA in everything they do in order to give this area an extra special quality of life and to support the tourism that pays a lot of taxes and covers a lot of the expenses in this County.

Commissioner Lober stated this Item was visited at the last meeting and is coming back yet again; overall he is going to try to keep this brief because he knows there are folks waiting on some other Items, probably one or two Items he would imagine; his goal with respect to this is to wean the arts off of the County funds and wean it on to TDC funds to whatever degree is possible; he would like to see the arts weaned off of the General funds as much as possible, because that money is absolutely critical for the County to pay for police, things like infrastructure, where the Board has the freedom to spend it where needed; and that being said, he thinks the TDC is the appropriate venue if an organization has a perceived shortfall or they need to obtain more than the County Commission is willing to give them, that is a potential course of recourse. He went on by saying essentially what he would suggest is if the organizations are not getting as much as they would like to from the Board, to go to TDC, because he knows at least one member on the TDC that would be very willing to hear that request; he is happy to make the motion on TDC if someone wants to approach and help him with respect to drafting that to ensure it is in fact what he or she is looking for; a good middle ground as opposed to just butchering folks altogether who were basically put through a process of applying for grants with the understanding that the money would be available on the other side, he does not think it is fair to pull the rug out from under them after the fact; but he does understand there are some valid concerns that were raised. He noted looking at this in terms of the actual Agenda Item, what is being requested is \$100,000 from TDC funds, great, God bless, and then \$30,000 from separate County funds; what he is going to propose and make a motion to do is to allocate the \$100,000 that is requested from TDC, and then to allocate \$25,000 instead of \$30,000 from the County funds, having in mind that they are certainly encouraged to go to TDC to seek that difference now or at any point in the future; next year his intention is probably to move to drop that by another \$5,000 at the County level so they have time to adjust and see what sort of response he or she gets from TDC; but at this point he would move to approve \$125,000 with \$100,000 from source listed, namely TDC, from their cultural marketing program fund, and then an additional \$25,000 now from the County Commission from the Community Cultural Grants funds.

Commissioner Smith stated Commissioner Lober outlined that very well; he does not want to cut the fund off from the Cultural Alliance, he does not want to cut these people's programs off on these either, so if the Board is going to do some cuts, he would suggest they be done next year; he does not know that they would suffer that much overall if the Board just cut back \$5,000 as Commissioner Lober suggested; and if that is the way he wants to go, he would not oppose that. He went on to say he agrees cultural funding is an investment in Brevard County's future; he knows an awful lot of people who come here; he goes to plays, that is his cultural thing; but

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there are other people who like going to the symphony and other things; he knows a broad cross section of the County does like the cultural aspect; and he does know also that people the Board wants to come here and that it desperately needs here to do the jobs the new businesses are bringing in, they are big into culture. He pointed out the TDC would be a great place from them to get funding; he does not want to cut the funds for the Police Hall of Fame; it does a wonderful job of indicating to the public and bestowing upon the police force a lot of good, positive vibes and information; and they honor the folks who keep the citizens safe.

Commissioner Pritchett stated he likes Commissioner Lober's idea, but she would like a little bit of a change if he would be willing to do it; she thinks the TDC is probably a good place for this also; she asked if the Board left it alone this year, and over the next three years to wean it by \$10,000, so it has a three-year plan of moving it off of the General Fund; she does love these types of programs also; and this way it will not affect any of the funding. She went on by saying she thinks they are important for job retention and being able to promote getting people into the area, because the County is trying to get more workforce here; and it also promotes revenue. She stated it is good for the economy, and therefore, she thinks it is a good tourist development tax item; people are ready for this; and that would be what she would like to see happen if it were possible.

Commissioner Lober advised he is happy to do that; the only caveat he would say he would want to make it definite this evening so that this is not something that is fluid and comes back next year, so he is trying to find out the best way to word the motion; but he is not opposed to granting \$130,000 this year.

Chair Isnardi stated a separate motion could be made to kick it to the TDC to see if they would be willing to pick it up; and if he wants to approve this Item, that way they would know it is the Board's intention to shift it to the TDC.

Commissioner Lober stated he does, but his concern is he does not want to put this out so there is some uncertainty in terms of whether what is being discussed is actually going to be accomplished as far as dropping it by \$10,000 a year.

Commissioner Smith stated the Board can do that, it did it four years ago with regard to the Community Based Organizations (CBO).

Chair Isnardi stated she agrees; she thinks one thing is she loves the Police Hall of Fame but they also work with the Brevard Achievement Center, which she thinks is just fantastic; when people think of the BCA, he or she thinks it is just a bunch of art work, because that is all that they see; but they are so far reaching; and they do so much that if the Board can do very little to help stretch it out to so many different organizations, she is a huge fan. She went on to say she spoke with Neil Levine on this about the initiative of moving those funds to the TDC, and she thinks that is definitely the most appropriate as opposed to the General Fund. She noted she likes the fact it is moving to that and getting it out of the budget.

The Board approved attached recommendations from Brevard County Community Grant Review Panel to award 30 nonprofit Culture Organizations or Cultural programs within the County; authorized staff to cut funding by \$10,000 each year for three years to relieve the General Fund; and after three years, the Tourism Development Council to fully fund the Community Cultural Grants.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Bryan Lober, Vice Chair Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Bryan Lober, Curt Smith, Kristine Isnardi
NAYS:	John Tobia

ITEM I.3., RESOLUTION, RE: AMENDING MEMBERSHIP CRITERIA FOR THE SELECTION AND MANAGEMENT COMMITTEE FOR THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM

Jim Liesenfelt, Assistant County Manager, stated this is another Item that the Board tabled from the last meeting; the resolution does three things, it waives the updated procedures of the Land Acquisition Manual as defined in Page 8; it amends the education degree from Master's Degree to a four-year post-secondary academic degree to be on the Selection and Management Committee; and then the motion would allow those members who are not re-appointed to serve until someone has been newly appointed or the member themselves have been re-appointed.

Commissioner Lober pointed out before the Board gets going on this, there was some ambiguity, at least that he picked up on, in terms of what specific requirements the Board was looking for as far as a post-academic degree; but basically the jest that he had perceived when he put this back to work on when it last came up was folks had a four-year degree in mind, so the Board is basically backing it off from a more advanced degree to a four-year, post-secondary, basically a Bachelor's of Science or equivalent degree; and he knows there was some question that folks had, and he believes one or two individuals reached out to his office with respect to what specifically the revised requirements were proposed to be, so essentially it is a BS or an equivalent degree. He stated it is not a tremendous mark of change, it is a change, but it is not as such a severe or extreme change as some folks were concerned about.

Vince Lamb stated he wants to provide a little background on the Selection and Management Committee; the Environmentally Endangered Lands (EEL) Program today has acquired 27,000 acres of conservation lands and operates three environmental education centers; in 2018 these centers drew more than 75,000 visitors, a mixture of residents and tourists; last Saturday the Pioneer Day at Sam's House drew 1,000 people on a rainy day; and one-third of the field trips associated with the Space Coast Birding and Wildlife Festival took place on EEL Program lands. He went on to say the program was founded in 1991, after a November 1990 referendum that provided the initial funding with a vote of 60 percent; what few people remember is that the EEL Program was on the ballot in 1989 and it failed; the explanation is that it failed because the voters did not trust the Commission to pick good conservation lands; when the EEL Program first failed, someone came up with an idea of using a committee of scientists to spearhead the land selection; when the 1990 election was held, the proposed SMC was already selected; the measure passed, perhaps influenced by the SMC concept and the proposed members; in 2004 another referendum was needed to provide more funds, add conservation lands, manage the purchased lands, and upgrade the education centers; and this passed with close to a 70 percent positive vote. He noted the 2004 referendum will sunset in 2024 leaving the EEL Program without funding; another referendum is needed to provide ongoing funding, perhaps as early as 2020; the SMC can play an important role to gain voter support during this referendum; and informed voters would like to see citizen involvement in programs like this. He advised he has no strong feelings about the education requirement for the SMC, however, he is concerned about the anticipated term limits that could remove people who have volunteered to serve on this board for more than 10 years, two from the very beginning; two of these are PhD scientists who serve at KSC Ecological Program staff; one is a scrub jay biologist and the other one is a

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native plant expert; their unique skills are truly irreplaceable; and the other three who were not appointed in January bring valuable skills and a knowledge and history of land management. He went on to say he supports the concept of adding new people with fresh ideas to the SMC assuming they are scientists with conservation land experience; he is comfortable with letting the Board work out the specifics; but he wants the Board to have a little insight under the history and importance of doing this right; he encourages the Board to visit the EEL conservation land or education center that are in each of the Board Members Districts; and he hopes this information is helpful to it.

Mary Sphar stated she is sure the Board realizes the excellent work of the EEL Selection and Management Committee; the highly talented members of this committee who have served the SMC on their own time have created an exceptional and wonderful network of EEL sanctuaries that protect the endangered lands and also provide opportunities for public recreation; she expressed her appreciation to the Board for allowing the members whose terms that were not renewed to reapply for service on the SMC; and she sincerely hopes that all of them will reapply joining other talented applicants. She went on by saying the Board can then choose who will serve on that board; instead of passing the resolution at the moment, she urges the Board to refer the proposed change in the educational criteria to the EEL Procedure Committee for comment; right now the Board does not even know if the Procedures Committee would be amenable to such a change; and referring the matter to the Procedure Committee for comment would be similar to the strategy the Board uses for the Lagoon educational contract. She added asking an appropriate committee for comment shows the Board cares about their opinions, and that it wants to receive as much input as possible before making a change to the Land Acquisition Manual.

Kim Zarillo stated she is concerned about the Items on the Agenda to waive the update procedures of the land as defined; the Procedures Committee was established as a check and balance to make recommendations and changes to the Land Acquisition Manual, to the program criteria for SMC Members, and it is very important the Board maintains the protocol as is in place; and she is concerned it is not clearly stated if this is to waive all procedures on that page or only for this particular change. She went on to say she thinks the citizens may need some clarification on that; the existing criteria does not keep anyone from having a bachelor's degree from serving on the Committee; and it allows with a substitute of experience to serve on the Committee. She pointed out what they really want are the best people qualified to do the work for the citizens and the communities of this County to maintain the mission that was put in place for the program, which is biological diversity and management. She stated if the standards are lowered, there is absolutely no need to make this change unless the Board just wants to change words around; but she thinks it is concerning the Board feels a need to lower the change; she asked if the Board wants to get the most qualified, most experienced, and most knowledgeable people who know how to manage these lands; and she has served on this Committee for a long time with the discussion the Board is having about term limits, about buying any more lands, and so on. She stated at the Board meeting when this was discussed it caused concern for those who the referendum said nothing about changing buying land or not buying land, because the Board decided not to; the referendum is in place to purchase land as recommended; and the Board can turn down the recommendation, that is its prerogative. She stated it is concerning and there is no need to change the education qualifications because it is already in place the Board can substitute experience for a degree; there were two NASA scientists that were not re-appointed; and she is more concerned about people like that who have on the ground experience and a long history of educational products, papers, and so forth they have produced. She asked the Board to reconsider.

Commissioner Lober asked the County Attorney to briefly address Ms. Zarillo's concern to the extent the Board would be waiving the Land Acquisition Manual's requirements.

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Eden Bentley, County Attorney, replied Section 1 of the Resolution says the waiver is limited to the purposes of this Resolution only; it is not a blanket waiver.

Commissioner Lober inquired if there is an ambiguity in her mind.

Attorney Bentley replied no.

Commissioner Lober stated he appreciates the comments and he understands where they are coming from, but in his mind when he looks at something like this, he has a questions as to whether or not the County is getting diminishing returns when it ramps up the requirements that are put in place for folks who serve; and he thinks with a committee like this it is important that the Board does not have anyone stagnate when there are other individuals who are interested in doing the work and are qualified to do the work but are precluded on doing the work based upon some unnecessarily onerous requirements. He went on by saying Mr. Lamb came up a little bit ago and he mentioned something about trusting folks to pick good conservation lands; he agrees, when looking back at what the original actions were that were involved with this group, there was a lot to do with selection of the lands as opposed to maintaining it; but at this point it does not seem to him that there is a terribly great interest at the Board level to acquire additional EELs lands. He added a person can agree or disagree with it and think it is great or terrible, but the purpose that may have been in place back then does not reflect the reality of the situation in place now; and he is concerned that if a person has a Toyota Corolla, it would be great and there is nothing wrong with having the individual who designed the airbags from Taketa to come out and replace the Taketa airbag, but it is totally unnecessary. He stated there can be someone who is trained who does not have a lot of experience in swapping out the air bag that it is not going to kill a person when he or she drives away, and in substance they will have no benefit from having that additional amount of experience; it would be such a marginal benefit that by excluding folks who otherwise would be able to get involved, it is really disenfranchising that group from being able to have as much of an input as might otherwise be appropriate; and he is going to move to approve this and adopt this as listed at this point.

The Board adopted Resolution No. 19-019, amending the Environmentally Endangered Land (EEL) Land Acquisition Manual criteria for membership on the Selection and Management Committee.

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

*The Board recessed at 6:30 p.m. and reconvened at 6:45 p.m.

ITEM J.8., BOARD DISCUSSION: CONSTITUENT COMMENTARY REGARDING INDIAN RIVER LAGOON CLEAN-UP OPTIONS

Chair Isnardi stated the Board moved a couple of things on the Agenda; she does not have a bunch of speaker cards for these other Items; Commissioner Lober asked to hear Item J.8., Board Discussion - Constituent Commentary Regarding Indian River Lagoon Clean-Up Options, since there is only one speaker; and she is going to move this a head because there are approximately 15 cards for the next Item.

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Commissioner Lober stated essentially as he spoke about earlier he thinks it is important to get a broad and diverse group of opinions with respect to the issues regarding the Lagoon, and quite frankly, all of the other issues that are controversial at this level; he has had many people volunteer at his office giving up their own free time to help him get a better grasp in terms of what different options are available to the Board; John Weiler who the Board heard from before who is sitting in the second from the front row over here is a retired nuclear engineer; and he has a different basis of giving him advice as compared to some of the other folks. He went on to say he has another individual, Frank Dolen who has been a fluid dynamics engineer at NASA who has been quite essential in terms of giving him background on water chemistry and nutrient monitoring systems. He pointed out John, Frank, some of his staff, and he have begun touring some of the wastewater treatment plants; they have been looking at whether adding tertiary treatments to make them AWT compliant is a good, bad, or a questionable use of the funds that are available; it is something he anticipates will come up as a recurring theme until the Board eventually does have a vote, which is obviously going to depend on the motion that is made based on those visits and based on the research that is being done; they have also invited folks who have come out to the office to educate them on this, some of whom are published on the topic and some of whom have not published on the topic; Dr. Peter Burrill who he believes as he recalls from another Commission meeting has spoken with Commissioner Tobia and maybe Chair Isnardi, he has come out on multiple occasions; he has spoken to him and he has a different take; everyone has something of a unique position when it comes to the Lagoon, it is rare to have a large group of individuals agree to an absolute certainty as to each and every aspect of how they are going to address the Lagoon successfully; he thinks it is kind of like when dealing with an elected official where if a person gives that individual long enough, he or she will never agree with any elected official 100 percent of the time; and if a person agrees with an elected official 70 or 80 percent of the time, that is probably pretty good. He went on by saying he thinks it is important for the Board to basically expose itself to these different points of views, which he or she is free to agree with, disagree with to adopt in whole or in part when it ends up proposals and motions that are made; but he has asked to have some individuals come out and address the Board so that as opposed to the Board having any chance of violating Sunshine by him sending them outside the context of the meeting, it can all be done on the record where there is no question as to the legality of it. He stated he is surprised to only have one person who wants to speak on this with everyone waiting here to move on with the meeting, he is not going to take up any more time at this stage; and he asked if the Board would take the public comment on this Item.

John Weiler stated he lives on the Banana River, he has lived on the Banana River for many years, so the Lagoon is very important to him and his neighbors; he spent many hours in the last six months, and he says six months, because he started really going into the details of this during the campaign for the District elections; reviewing the IRL Cleanup Plan, and he tried to form an educated evaluation where they are spending the allocated funds and whether they appear to have some short term, long term, or no impact on the Indian River Lagoon cleanup; and this means removing the biggest contributors to nutrient loading, that is obviously what is causing the algae blooms and so forth after talking to many of the biologically oriented scientists. He noted he has concluded many items currently underway are short-sighted, fit the category of feel good, and or just efforts to spend the money because they have the money, which is not a good way of doing it; among these are the PR marketing plan, which he spoke to earlier today, excessive and expensive muck removal in areas of the Lagoon which are not significantly contributing to algae blooms, spending over 50 percent of the funds for muck removal to him is a misuse of the funds after looking at all the things that are in there; the focus should be on expenditures to get the most bang for the buck sooner than later; in that regard his recommendation after looking at all of the data that was available to him in the Plan is the Board should focus on the major wastewater sewage treatment plants and equally important their connecting wastewater networks of sewer transport pipelines; upgrade and increase the handling capacity to wastewater system at these treatment plants; to move forward on the

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capital improvement plans, do not wait two, three, or five years out to complete these efforts; repair and upgrade existing main sewer lines that are leaking and require replacements; install additional new sewer lines to allow homes with septic systems near the Lagoon connect to central sewer processing; and promote removing the berm for the SR 528 and SR 520 across the Banana River and replace that with elevated roadways which will allow about a 10 percent increase in flow in the Banana River according to the Corp of Engineers and their study. He went on to say to limit removal of muck with the exceptions of entrances to streams emptying into the Lagoon and certain areas of these streams; implement a system of continuous monitoring which will serve as an indicator where the problem areas are and show progress when projects are implemented, which is lacking right now.

Commissioner Lober stated he wants to share with folks here something that he has already shared with Mr. Weiler outside the context of this meeting; at the IRLNEP, he has been to every IRLNEP meeting since he was put on the IRLNEP, and at the immediate past meeting they had, which was roughly a week or so ago, up in New Smyrna Beach, an item was proposed by Duane DeFreese for vote; basically it was a resolution that, in a nut shell, was encouraging Florida Department of Transportation (FDOT) to consider some modeling that was done by FIT, at least in part, with respect to the SR 528 causeway over the Lagoon; he can tell the Board there was some push back, unexpected in his mind push back, as to whether or not that should be voted on at that time; Dr. DeFreese pointed out essentially, and again he is paraphrasing here, that if the Board waits too long to address that concern FDOT may arrive at a stage where it is prohibitively difficult to go and back track to make that recommendation to FDOT; and from what he understood based on the commentary at the IRLNEP was that FDOT was less than receptive when the County approached them at the Brevard County level as individuals here or scientists here. He noted the hope was by passing that through the IRLNEP that the County would essentially put FDEP to apply pressure to FDOT so they would consider those suggestions a little bit more seriously at the State level as opposed to the Board pushing it at the County level; he did get some push back with respect to having that item addressed; he expressed to the folks on the IRLNEP that it is absolutely mission critical to Brevard County that, that be considered, and that FDOT give that as much consideration as possible; he mentioned not from just a County standpoint but from a District 2 standpoint, he looks at the SR 528 causeway; and from his house he looks at the SR 520 causeway if he steps out on his dock. He stated it is certainly in his District as well; the problem is in terms of increasing flow, and he does not think there has been any second opinion with this, he thinks that everyone he has spoken with in the scientific community without exception as an agreement that how they plan that SR 528 expansion is potentially going to lock the County into a certain situation with respect to flow, not necessarily for one or two years to come, but for decades to come because when that is put in place it will not get torn out any time in the near future; and in order to improve the situation with respect to flow, anything that the Board does to a degree with respect to the SR 520 causeway is going to be rendered largely moot if SR 528 is not addressed as well. He pointed out in order to improve the flow, and some numbers were floated around, he thinks the number with the most consensus was 10 percent, by roughly 10 percent in that stretch of the Lagoon, which is potentially the District 2 stretch, SR 528 and SR 520 would have to be addressed in a way that factored in flow when the construction recommendations and eventually when the contracts are put out to bid, so it is something he is certainly happy to continue fighting at the IRLNEP level for; but he thinks it is important to have sort of a unified front in Brevard; and eventually that did pass unanimously, including by the individual that was most concerned with putting that particular item off. He went on by saying he thinks there needs to be a unified front in Brevard County in at least so far as the non-controversial items go, because he thinks everyone can agree that flow is important, whether or not that is the top priority, the second priority, the fifth priority, he thinks that certainly is debatable; whether de-mucking is the top priority or the fifth priority, he thinks is debatable; where fertilizer education is put it is something he does not think anyone would think is a bad thing, but where it goes in the priority list he thinks is debatable; he whole purpose not to be repetitious is to expose folks to all of the

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information that he possibly can that is relevant to the issue so that when it is put out for a vote, when an item relating to the Lagoon comes up, it is not that the Board is shooting from the hip and doing things based on, well, gee, there is one scientist that showed up here that has a doctorate that has been involved with it historically and he or she may have told the Board 'x', he thinks it is important the Board does its own work, not to the exclusion of those beliefs and those statements made by scientists banned by experts, but factoring in multiple scientists and experts opinions; and that is essentially what he is up to today. He noted he thought Jim Glass was going to speak to this as well.

Jim Glass stated he wants to talk, but he can talk later.

Mr. Weiler stated regarding the flow study, it is important to know the Corp of Engineers study was an extensive study and it was done by the Vicksburg Modeling Lab, which is considered to be the premier modeling lab for waterways in the world, so with that study coming out of the Corp of Engineers Vicksburg Modeling Lab, it has a lot of credibility with him as an engineer; and that is a pretty good study compared to some of the other ones. He pointed out he has a lot of trust in the report.

Commissioner Lober advised this is just a discussion Item, there is no motion he is putting before the Board at this point in time, but he appreciates Mr. Glass, if he has not had a chance to submit a comment card, if he would do so, he thinks, at least based on their prior conversation, he has some input he would like to hear again. He stated if Mr. Glass wants to talk on the other Item he is not going to dictate how he does it. He stated that is all he has on this Item.

The Board discussed Constituent Commentary regarding Indian River Lagoon Cleanup Options, but took no formal action.

ITEM F.1., TIME EXTENSIONS FOR THREE CITY OF MELBOURNE SAVE OUR INDIAN RIVER LAGOON COST-SHARE AGREEMENTS

Virginia Barker, Natural Resources Management Director, stated this Item is a request for time extensions on three Contracts with the City of Melbourne for projects that were adopted as part of the previous Save Our Indian River Lagoon Plan Update; one of the projects is a septic to sewer project, two are stormwater projects; each of the three has suffered delays for different reasons; and the City has requested no cost time extensions to those contracts.

Commissioner Lober expressed his appreciation to Ms. Barker and her Department for the work done on this; he stated generally he would not have any consternation moving to approve and voting to approve something like this; his concern is what he has noticed, and he does not know how many times it takes to make a trend, is that the Board has had multiple extension requests, and they have disproportionately been, at least on the time he has been on the Commission, from the City of Melbourne; he appreciates Ms. Barker copying him on the email she had sent out to the City of Melbourne prior to this meeting when they had a briefing; and unfortunately, just logistically the briefings are held oftentimes in close proximity time wise to the actual Commission meetings, so in all fairness to the City, he does not know if their request was necessarily the most timely, but he did ask the Natural Resources Department to request that Mayor Meehan come to the meeting to address this, or in the alternative she send one of the City Council Members to address this. He added he does not want to put City of Melbourne staff in a rough spot; he thinks it is important for the Board to get a grasp on exactly why the Board is seeing the recurring extension requests from the City of Melbourne; if there are extenuating circumstances he can understand that and it is fine, he is not looking to penalize anyone; but to the point where it is starting to stand out to him as a pattern, and again, he is not trying to put anyone in a tough spot because it is not the representatives doing by any means,

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but it is causing him concern. He went on by saying he would like to make sure the City understands that if it has the ability to keep these things moving on a timely fashion that it would do everything reasonable to accomplish that, because for this to come up as a repeated item again and again, he thinks it is unnecessary when the other cities are certainly able to by and large resolve the SOIRL funded issues in a timely fashion not requiring the Board to give them extension after extension.

Dani Straub, City of Melbourne Engineering Department, stated the three projects they have asked for extensions for were first-year projects; the City of Melbourne probably bit off a little more than it can chew the first year; they went from having two to three major construction projects based out of their stormwater utility fund project to six to eight using the SOIRL funds; and they are having a little bit of management problems, and they are looking at hiring additional staff. She went on to say that is coming out of their general fund budget and their stormwater utility budget, because they do not use SOIRL dollars for funding of staff. She pointed out the three projects listed, the Hoag Septic to Sewer Project, they had a homeowner they thought they could tie into; they started the permitting process with FDEP; and Ms. Barker and the City staff headed off to FDEP land in Orlando to determine how to get the project permitted because they were having issues at the same time as they were. She noted they have come to a conclusion on a way to get these projects permitted, and they should actually have construction started within the next 30 days on this project; between when they asked for the extension and what has happened in the past week or two, they have moved the project along; and it is just one of those things that happens, but they move forward. She stated their extension was actually to help bring in more property owners so they can spend more dollars to help them offset their costs for the septic; the Cliff Creek Project, they encountered a piece of property the City thought they owned, but they did not; and they are working on acquiring an easement for that one. She added with the Thrush Drive Project the basins are extremely large they are looking at for baffle box projects, they are looking at 400 to 600 acre basins; they cannot send a survey crew to survey those, they are two-year processes; they are monitoring those pipes to have rainfall data collected so they will know they can size those basins appropriately on those baffle boxes so they do not cause flooding upstream; and that is the last thing they want to do. She stated they are in their six month collection of data, and their consultant is asking for another month so he can hopefully get another rainfall data; but she cannot pick how big the box is until she knows how much rainfall it has to treat. She pointed out unfortunately it is nature of multiple projects moving on and how they are trying to make them more effective for the communities.

Commissioner Lober stated he is not trying to put any fault to her because again a lot of this, if not all of this, is not her doing; obviously, the City is not able to control the weather; he is happy to move to approve this tonight; but he would ask, if she does not mind, but if Ms. Straub can relay back to Mayor Meehan and the City Council that if there are requests of this nature in the near future, or in the next several months for several extensions, he would appreciate it if the Mayor or her designee could come to the meeting, because he does not want to put Ms. Straub in the position she does not need to be in, but it is causing him concern. He went on to say Ms. Straub highlighted some extenuating circumstances; he appreciates she acknowledged the City has a part to play in terms of not having adequate staffing; but this is something that quite frankly if the Board is allocating money for the City, to just spend the money being allocated in a timely fashion so it does not come up again and again; and that is all that he is asking.

Ms. Straub stated they are really trying to, but part of it is just the nature of the number of projects they have on the books; if the Board looks at the next couple of years of projects that they are not going to ask for as many projects as they did the first couple of years because they realized the projects are taking a little longer than anticipated; and she has done a better job because she wrote the applications for the grants to allow for a little longer time period. She

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pointed out it is just a learning curve of making sure to ask for the appropriate time, and try to account for the unusualness they seem to be running across lately.

Commissioner Lober expressed his appreciation to Ms. Straub; and he asked her to convey to the Mayor if it comes up in the future, he will not, in all likelihood support extensions if she or her designee cannot show up at the meeting. He advised he does not want staff thrown under the bus; he hates to put Ms. Straub in a bad spot she did not ask to be put in.

Commissioner Smith stated he respects Commissioner Lober's concern, but he does not share his concern; he understands the Board is in unchartered territory with all this; everyone is trying to do the best they can to get the Indian River Lagoon cleaned up; people can only do what he or she can do; and the City is not costing money, it is costing time. He went on to say they are not talking three or five years' time, they are talking months' time. He advised while he respects Commissioner Lober's concern, he does not agree with it.

The Board of County Commissioners, in regular session on February 12, 2019, authorized the Chair to execute time extensions for three City of Melbourne Amendment No. 1 to Agreements, SOIRL 18-04, SOIRL 18-34, and SOIRL 18-35; authorized the County Manager, or his designee, to execute future amendments with fiscal impact less than \$100,000, subject to the approval of the County Attorney and Risk Management; and approved associated budget change requests.

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

ITEM J.1., ADOPTION OF THE SAVE OUR INDIAN RIVER LAGOON PROJECT PLAN 2019 UPDATE

Virginia Barker, Natural Resources Management Director, stated this is a request to consider adoption of the Save Our Indian River Lagoon Project Plan 2019 Update; Marcy Frick is a water resources engineer with a consulting firm Tetra Tech that worked with staff to prepare this Plan Update that has recommended by the Citizens Oversight Committee (COC).

Marcy Frick stated the changes they made to the plan this year, they did make some major changes; and they have several years of the Plan underway, so they have some completed projects and information associated with those, some studies and surveys that were conducted, public input, and then COC input on how they should shift some funding around to best restore the Lagoon. She went on by saying this is the Table of Contents, it is the same structure the Board has seen in the last few years; they do have a new Chapter 7, so that is where the 2019 Plan Update goes; and then Section 8 is the Summary of the Plan factoring in anything new with the 2019 Plan Update. She stated overall by looking at the document, it will look a little bit different; they have been working on making it American with Disabilities Act (ADA) compliant so that the document can be posted to the Brevard County website; they still have some edits underway; a lot of the changes are kind of behind the scenes, but the Board will see mostly that the tables have been reformatted; and they got rid of a lot of the acronyms to try to help with the reader for ADA compliance. She noted the first few chapters they did not have any changes, there is a lot of the background information, so where the bulk of the changes can be seen start in Section 4 where they describe the projects; Section 4.1.1 is the Public Education Outreach; as it stands today, it is those five different campaigns; they will incorporate changes after the

discussion next month, so the Plan will either be approved as is or pulling out this part of the plan; and they did take some data they received from looking at some new modeling and monitoring of septic systems to update some of the benefits of the Septic Maintenance Program, and they also recommended adding as part of the SOIRL Lateral Campaign septic system maintenance. She added while people are out there looking at the sewer laterals, if there are people on septic systems, it would be a good time to hit both; and they found in some of the surveys that people are not really sure if they are on septic or sewer, so it is a good opportunity to make sure everyone is educated. She pointed out some additional upgrade changes that they made in 4.1.2., Wastewater Treatment Facility Upgrades, they received some new data since the original plan on the nutrient concentrations and reuse flows from these facilities, so those tables were updated, and they also recommended an additional facility, the Cape Canaveral Air Force Station facility, to be added; and they placed that out a few years to give the County time to work with the Air Force Station on the logistics of that. She went on to say they have a new project option for spray field and rapid infiltration upgrades; these are discharge methods for some of the facilities; and they found that maybe upgrading the facility to AWT may not be the most cost effective, but there are options to add some media under the drain fields or the ribs to help take up some nutrients as they are sprayed, so those options were looked at. She stated they recommended some pilot projects to test that technology. She stated they also have a new option added for Package Plant Removal and Upgrades, these are some of the smaller wastewater facilities; a lot were removed, but there are a few left in the County; a lot of these do not have the best treatment; and they are looking to try to connect those to the sewer system where possible. She noted they did need some more data on a lot of the facilities, so there are none of these recommended in this plan, but it was added as an option so that is there for the future. She explained for the sewer laterals rehabilitation, that was added in last year's update, but they added some details from the first pilot study was conducted in the City of Satellite Beach on some lessons learned there, so as they move forward with other projects, they have that information; one of the big changes was in the septic system removal upgrades; they had a lot of new data, there was a big modeling effort that was conducted, and some groundwater monitoring that was conducted; and they reused that data to refine how they were ranking with the septic systems and the neighborhoods for connections, so based on a lot of feedback they had that this was an important source, they went ahead and reevaluated and rearranged some of the priorities for neighborhoods and also where it was not feasible to connect the neighborhood to the sewer system on where there were individual waste septic systems that were having a big impact to the Lagoon based on proximity to a water body or soil and recommended those for upgrades so they would have nutrient removal technology. She went on to add another big update was in the stormwater treatment; they updated the basins that were recommended for treatments, they used some new information there to add quite a bit more basins to that list. She stated all of those they consider the reduced projects, so they are trying to reduce what is coming into the Lagoon; the next part of the Plan is remove, so they are trying to remove what has already made it into the Lagoon; this is where they have the first section for muck removal; this was another big change, they had a lot more data; Florida Institute of Technology (FIT) had done some studies, the muck finders had done some studies, and staff did some field studies; and based on that data, they got some new information where the muck was located, the extent of it, and how much nutrients were fluxing, so that also helped them rearrange and re-prioritize the areas. She noted Section 4.2.2., Surface Water Remediation, the County received some information on another technology that could be used for treatment; there are two project opportunities in there but none are recommended for treatment yet, they are not quite as cost effective as some of the options, but they may want to seek grants to test some of these to see if those technologies can be used; as they discussed earlier, they had a section on enhanced circulation, that was purely inlets; but the study that occurred this last year with the National Estuary Program (NEP), Canaveral Port Authority, and FIT to look at the causeways and those benefits, so those details were added. She pointed out since that is being done through the NEP and some other sources, it was not recommended as part of this plan, but they wanted to acknowledge that there are other efforts happening. She

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advised they added a new section in respond, so this is where they are trying to monitor and gather information about the projects so they can keep adaptive managing. She went on by saying they added a new section about what they have implemented to date and what they have learned from implementing those projects, and maps here show from north to south what has been completed in the first couple of years of the plan; the new section that was added for the 2019 Plan Update, these had the updated project cost shares that they give; each year they look at the average cost per pound of nitrogen removed by project type; and they had some new data as projects were getting completed of what that is actually costing, so they were able to update that cost share per pound of nitrogen, and that went out for their partners to put substitute projects in this year. She stated as Ms. Barker mentioned earlier, they added a new section on unfunded projects, so as the Board goes through the plan, each section has a list of all the projects they looked at; they tried to pick the ones that were most cost effective to address each source type; but they do have a list of other ones that were evaluated and were not recommended for funding, so as they move forward, there are opportunities for additional funding or some projects fall off the table and they have this list to go back to. She noted they actually added a more detailed section on how the contingency funds can be used to help expedite or modify any of the approved projects. She added this table is important for a couple of reasons; on the left is the original plan and what it cost; and to the right is the 2019 Plan Update. She pointed out one, is they did hear this year that human sewage projects were a priority; the original plan had about \$73 million for those, the current plan has \$114 million, so they put about one and one-half times more funding towards those projects; the other thing she wants to point out is the experts they consulted when they developed the plan as well as updated the plan, made it very clear that there is not one silver bullet, or one project they can do to implement that will solve this problem; they did try to distribute the funds and really focus on where it would be most cost effective with each project type; and from the original plan to today they have identified other types of projects as well, so they have tried to make sure they are funding what will help restore the Lagoon as quickly as possible. She stated Section 8 is the summary of the plan; they added a graphic of their plan output, so these are going to be the different project types, and based on implementing those the outcomes they would like to see in the Lagoon in different time periods; they updated all the summary tables of what these projects will get the County in terms of reductions, the costs, and how they are going to be phased out over time; and they also have a series of appendices with some supporting information for the plan.

Commissioner Lober advised Ms. Frick did a heck of a job of getting that summarized, and he is happy it was on her and not him; and he expressed his appreciation to Ms. Frick.

Dr. John Windsor stated there was a comment earlier about which scientists carry the most weight; he has been on a diet for about a year now; but he still thinks he outweighs most of the scientists in the Lagoon. He stated they have heard the recommendations from the Board and the public, and money needs to be shifted to deal with human sewage; the plan update before the Board shifts a consideration financial resources towards dealing with sewage; and he asked the Board to support the recommendation of the Save Our Indian River Lagoon Citizen Oversight Committee and approve the Save Our Indian River Lagoon Project Plan Update.

Todd Scaldo stated he was reading into the record a letter that Mark Ryan, City of Indian Harbour Beach, wrote, as follows: "You and the entire membership of Brevard County of the County Commissioners will consider adoption of the 2019 Save Our Indian River Lagoon Project SOIRL Plan Update as presented by the SOIRL COC. As you know, in 2016, in advance of the November General Election was the Save Our Indian River Lagoon half-cent sales tax was overwhelmingly approved by the voters. Brevard County adopted and presented the voters the need to fund strategies to clean up and restore the Lagoon as outlined within the SOIRL Project Plan. The SOIRL Project Plan and its annual updates provide a multi-faceted approach to cleaning and restoring the Lagoon. These strategies include the following:

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Projects to reduce pollutants would be fertilizer management, public outreach, education, wastewater treatment facilities upgrade for reclaimed water, septic system removal and upgrade, stormwater treatment, surface water remediation system, and then we have projects to remove pollutants that would be the muck removal, artificial flushing, and then they have the projects to restore the Lagoon, which would be like the Oyster Restoration Living Shorelines. Brevard County and your partners including municipalities are working hard to develop the projects to meet the project plan and its expectations of the voters. Indian Harbour Beach has submitted projects including expanding the use of stormwater, at least in part installing a second generation baffle box to treat more than 63 acres of the community and muck removal to remove more than 188,000 cubic yards of muck in canals including the Grand Canal, is a major waterway service for all of southern County. As you know, Brevard County was the recipient of significant legislative appropriation for muck removal here in Brevard County. The City of Indian Harbour Beach and City of Satellite Beach have submitted a similar local funding request for muck removal and we will utilize the SOIRL half-cent sales tax as a local match that we believe will be looked favorable upon by the legislature for having skin in the game. This project will also remove solids that settle to the bottom of the canal in our City as a result of the discharge of the diluted sewage following Hurricane Matthew, and we were ground zero for a lot of that dumping in a lot of canals in our City, and that is something we are really concerned about."

Lew Kontrik asked the Board to support the 2019 revisions; he stated he has attended almost all of the COC meetings, and they are amazing; the staff, the COC representatives, and the citizens all bring their information; and there is a very active, analytical, very cross-examination oriented process that goes on. He went on to say he particularly encouraged Commissioner Lober in his bringing the scientists, encouraged them to come to the COC meetings, to come himself, he will like it; and he likes data, he likes information. He stated that is why he supports it aside from the process, which he totally endorses, the Plan; it is because they have made great changes and great additions; there is a new section about spray fields and rapid infiltration of basin upgrades where they are taking proven technology, but recommending applying that in sites that have not been done before, which is using material that will take up a lot of the nutrients so it does not run off either in the surface or ground water; the projections in the Plan call for spending \$3.5 million; and the new technology, or new approach, is projected to remove 48,000 pounds of nitrogen a year. He pointed out there was also a discussion about septic systems and the analysis that they have done, the modeling and then the application to a model, to simplify and make more effective the removal there with the septic systems; stormwater projects, again increasing the Plan calls for increasing from \$13 million to \$40 million; and to increase the removal of total nitrogen from 142,000 pounds per year to 315,000 pounds per year. He noted the Board is seeing this very dynamic process with an excellent staff, the COC, and the citizens input really shaping a plan being responsive to new information, new analysis, and new data; and he reiterated he endorses the Plan and urges the Board to approve it.

Dani Straub stated she is present to answer any question if the Board has any on the City of Melbourne's projects specifically; they have requested funding for next year for new projects, including upgrades at their wastewater treatment plant that they are excited to start the process on those in the very near future; and those projects are under design now, along with the other projects they have listed in this year's project.

Gail Meredith stated she hopes the Board considers approving the updates to the Plan; she thinks they are very good and the process has been good; there has been a lot of concerns about the current leadership of the Board, however; the Lagoon community in general is fearful; and a lot of things have been said that trivializes citizen involvement and have been damaging to the community. She added a lot of second guessing of the careful decisions that have been made, whimsically often, has been disconcerting; she has gone to every COC meeting except for two; and she thinks that in the long life of environmental education, it is one the finest things

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she has ever seen, she thinks it is world class what has been done here. She pointed out the saddest thing is the Brevard County leaders do not want to participate much; some of the Board Members have not even been to a COC meeting; she has seen Commissioner Smith and Barfield; but she has not seen the rest of the Board Members there; and she thinks he or she would understand a lot of the energy, care, and concern, data and research that has gone in. She explained if someone goes into Commissioner Lober's office, he or she has more credibility than those who have worked thousands of hours on this project; it is sad to see it falling apart this way; and there are even rumors of law suits that are concerned that the general agreement is being violated, which is the foundation of everything. She encouraged the Board to pass the Lagoon Update and to participate more enthusiastically in the future, because it is like the Board Members have an adversarial relationship with this project that they have worked so hard and long on. She stated some of the Board Members have just landed from another planet, and are suddenly looking at these things; and some of the people Commissioner Lober is referring to have come to the COC meetings and have been hears, but that is not the right thing to do, the right thing is to line up at Commissioner Lober's office, he or she will get more attention that way. She encouraged the Board to look at the treasures the County has and to listen to people who are involved rather than just coming up with new things and disregarding the work that has been done. She asked the Board to consider working for the update.

Chair Isnardi stated typically if a Commissioner, and she has not been selected to be on that board, if a Commissioner is an active member on that board, another Commissioner should not be in attendance; and secondly, her staff goes to that meeting. She pointed out some of what Ms. Meredith said was cryptic, very accusatory, and she is not going to go back and forth to try to defend it, but she is telling her that is why she personally does not attend those meetings; when Commissioner Smith was on the Board, now Commissioner Lober is a member of the board; but she reiterated her staff was at the last meeting.

Commissioner Lober stated first, he thinks it is rather presumptuous to say that any one individual, he would never presume to say he speaks for the Lagoon community, any one that says that, he thinks is rather telling to what their level of confidence is in being able to speak for absolutely everyone; he thinks all, those of them who have done research that basically delved into this issue, members of the Lagoon community, and he does not know that any one particular individual is qualified to make a statement on behalf of everyone; in terms of, and he will use Ms. Meredith's terminology, damaging to the community, she expressed some sentiment that there has been some damage done to the community; coming up here instead of any hope of fostering intelligent debate, coming up here and demeaning folks on the Commission will not in any way advance her cause; he can tell people, if he or she has not watched him on this Commission, anyone who has tried to bully their way into swinging his vote has not been happy with the outcome in terms of the way that he votes; and first and foremost, and he will dovetail off of that, as to threats to litigation from municipalities, he is not aware of any. He asked the County Attorney if she has heard of any law suits.

Eden Bentley, County Attorney, replied she has not received any notices.

Commissioner Lober noted perhaps Ms. Meredith speaks to the legal community as well since she knows more than the County Attorney, and he believes all of the folks who are setting up here. He stated specificity is something that often times is lacking when there is an individual that has no valid, intelligent arguments to make; and when a person listens to someone who does not have specifics, uses innuendo, and casts dispersions, that what he calls into question that individuals actual motivations and whether or not they are looking to bring intelligent debate or alternatively just to be disruptive and pestilent.

Commissioner Pritchett stated every time the Board has these Lagoon meetings they get very, very emotional; the last meeting when the Board left, someone just wrote her up on Facebook;

she gets it; she knows the Commissioners need to have thick skin up here; but there has to be places he or she can agree upon so they can move forward. She advised each Commissioner has the same goal on this; it needs to be operated on a level of adult maturity; a person will catch a lot more flies with honey than to get accusatory; and nothing directed a Ms. Meredith. She stated these meetings are televised and she watches them at home; it is not like she or the other Commissioners are not paying attention, because he or she has to be educated on these things or people will call him or her to task at these meetings; and no one is against the Lagoon or is mad at the Lagoon board, there are just a lot of different ideas as it is a big topic.

Julie Finch, representing City Manager Courtney Barker and the City of Satellite Beach, stated they are requesting the Board approve the Save Our Indian River Lagoon Plan as recommended by the COC; a lot of planning and preparation work goes into these projects with the expectation that appropriate projects are funded in the Plan; for example, their City has embarked in a partnership with Indian Harbour Beach and Brevard County to clean up muck in their canals; they began looking at their canals approximately three years ago when the County decided to dredge the Grand Canal near Pineda Causeway, and the adjacent finger canals in the unincorporated area; and they thought it would be great to continue the project and complete the canals in Indian Harbour Beach and Satellite Beach. She pointed out they have completed the muck survey which shows a range of muck depths from one to five feet; their cities have partnered now in submitting for a legislative appropriation in the amount of \$7.3 million; it is critical that they are able to use the Save Our Indian River Lagoon Plan funds as the local match; also City Manager Barker, a COC member, wanted to thank the Board for all of its support for the Lagoon, and for its work in assisting them in the recent decisions such as the marketing item; and she believes that when they are able to make recommendations that help the Board address concerns in the community that they all get better projects in the end. She expressed her appreciation to the Board for all it does in the community, and they look forward to another great year.

James Glass stated he is sorry for the mix-up with Commissioner Lober when they were supposed to speak, but he will take care of that right now. He went on to say the proposed plan that has \$225 million in muck removal and \$114 million on sewage infrastructure projects, it has unfunded projects of \$430 of muck removal and \$314 million on sewage infrastructure, and the total funded and unfunded projects is about \$1.2 billion of which 57 percent is going to be spent on muck; he takes issue with spending so much money in removing muck before eliminating sewage entering the Lagoon from sewage plant discharges, heavy rainfall events, breaks and failures in sewage collection systems, the sewage from 41,000 septic tanks within 200 yards of the Lagoon waters, and from sewage plants that need extra capacity and need to be upgraded to their standards; and he knows of no other Florida estuary where they made removing muck the number one priority, and he has experience in several. He pointed out Governor DeSantis and the Florida Legislature have gone on record the need to fix Florida's infrastructure; Dade County is undertaking a \$3 billion program to convert 60,000 septic tanks to a sewer system; Sarasota County committed to a plan in the 1990s to upgrade treatment plants to advanced wastewater standards and connect 13,000 septic tanks to a sewer system; and Monroe County in 2010 completed a \$1 billion program to connect 23,000 septic tanks and 100 package plants to a sewage system. He asked the Board to defer approval of this plan until it can be looked at in more detail about the opportunities to make some changes in the plan; some of the changes he might see may not be exactly what need to be done; but he asked instead of spending \$225 million funded money on the plan for removal of muck, why not put half of the money towards unfunded capital improvement plans for the County Utilities Department; and instead of spending \$10 million on oyster bars, to put the funds towards the construction of holding tanks and basins to hold the excess flow of untreated sewage plants during heavy rain events rather than dumping sewage into the Lagoon. He noted the basic change is to make sewage infrastructure projects to do them earlier in the plan, and then do the muck removal, build the

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oyster bars, and plant the mangroves. He advised he has experience in causeways if Commissioner Lober wants him to share that with him sometime.

Commissioner Lober expressed his appreciation to Mr. Glass for spending quite a few hours with him. He stated he wants to address one of the comments made about who comes through his door or who does not come through his door; he asked if anyone has asked to meet with him and been refused in this room; and he stated just because Mr. Glass and some other folks have been good enough to come in on their own time to speak with him and share their engineering experience and expertise, it does not prevent anyone else from coming in. He went on by saying if someone wants to meet with him, he does not know that they have ever refused to set a meeting for anyone for any purpose in his office, so whoever wants to come, it is not a locked door, he is there, he is happy to meet with he or she now or in the future, so please take the invitation. He pointed out he is happy to sit down with people, but he cannot promise he will always agree with he or she, but he promises he will listen to them.

Ronald Reed stated he objects strongly to spending 53 percent of the sales tax money on muck removal that is \$225 million that is not dealing with a root cause; nobody around here has talked about a root cause; his undergraduate training was in physics; they understand things like that; and apparently it is news. He added scientific research has indicated that toxic algae blooms are caused primarily by sewage; the plan states without removing, ridding the Lagoon of sources that are causing the muck, that they are going to be dredging muck for the rest of their lives, because as they take this muck out, move it up here, there is more muck accumulated here, because the source has not been removed, whatever is causing it; they did not vote their tax money to be used to remove muck in rich people's properties; there is \$43 million in the plan for dredging muck in canal subdivisions; and in Baytree their homeowners association pays for the maintenance of stormwater retention ponds and for maintaining acres of wetlands. He asked should not the same principle apply to canal subdivisions. He explained he grew up in a small town in Western Pennsylvania, Polio was an epidemic, he knows he has two of them; someone on high thought, this was before big data, it was being caused by sewage, they had open sewers; they had septic tanks that were doing all kinds of bad things, so they passed an ordinance that said no more septic tanks, over, and the homeowner pays; the homeowner pays based on how many feet he had based in front of his home; they had four lots, his parents had a lot of sweating to do to do this; and there were all kinds of deals and loans, but the homeowner paid. He pointed out way before nobody put in sewers, just like the developers in Florida did not bother putting them in, they went the cheap way, septic tanks; and now let the homeowner own up.

Rick Worman, owner/operator of Flat Line Guide Service, stated he does not have the education that everyone else does who has talked to the Board, but he does have 200 plus days on the Lagoon; it is his observation that the Lagoon is on life support; and with each and every algae bloom that occurs he and his clients notice the lack of fish that return once the algae bloom clears. He went on to say he does not know the way to spend the money; the algae blooms in North Merritt Island where he fishes all of the time occur in the same spot repeatedly; he is out there all of the time; they come back and they always start in the same places; and they start where stormwater or wastewater runoff accumulates. He noted there is low flow rate and a person sees the changes in the water quality from saltwater to the freshwater that accumulates and that is where the algae blooms start out, they spread down the flats, and to other places; any sort of restoration program at the moment, until people stop the influx of the nutrients going into the Lagoon that is causing the algae blooms is just a waste of their money that the people voted for. He advised he was a huge proponent of the half-cent sales tax; and he asked the Board to take its time, to defer the motion, look at really where the money should go, and what is going to fix the problem with the Lagoon, because if this goes on five more years, there will not be a fishery here. He stated speaking on an economic standpoint, he has been doing this since 2005 full time, this is his job, it is how he supports his

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family; clients who used to come here in 2005, 2006, 2007, and 2008 when the Lagoon was good and had sea grass, they do not come back anymore; the Indian River Lagoon is kind of a joke as a fishery anymore; it used to be a destination fishery, it is not now; people do not travel like they used to; and he does not have new clients anymore. He stated it used to be 30 percent of his clients were new, it is less than five percent now; and all of his clientele is repeat that has been fishing with him for years and they continue to come back due to the relationship they have built and there is a phenomenal juvenile Tarpon fishery and those fish do not care about the algae blooms. He noted he never gets contacted, and he talks to a lot of other guys who get contacted, by anybody who has anything to do with the Lagoon or the COC, and these are the people who are out in the water 200 plus days a year; they have a lot of input; they may not have science input, but they have monitoring input; and he thinks that is what needs to be put in place, the monitoring. He stated to know where the algae blooms start, why they are starting in that position there, and to focus the money being spent in that general area so the algae blooms can be eliminated, because if the brown tide is not eliminated, in five years the fish will not be here. He stated from last week's experience the algae blooms started from south of 528, the fish stayed 200 to 300 yards a head of the algae blooms, and they will not go back that way.

Commissioner Lober inquired for those individuals who have some desire to meet with the Commissioners, would Mr. Worman be willing to meet with the Commissioners one on one.

Mr. Worman advised anytime, anyplace, if there is anything he can do, as this is his life blood.

Commissioner Lober asked in terms of the item Mr. Worman last spoke about, did he say the fish were trying to avoid the algae.

Mr. Worman replied affirmatively; he stated over the past couple of years they have gotten more and more algae blooms, with the lower oxygen content, a person cannot find large populations of fish in the algae anymore; a person cannot even find the turtles and wildlife that was there; they avoid it, they go around it; and after the algae bloom dissipates, it seems to be a four-month span, right behind it about a month later, the Calurpa algae comes in and takes over the bottom, what suffocates the sea grass out, and now the sea grass cannot grow. He stated it seems to be a repetitive cycle and has been going on since 2012, and he thinks the only way to really cure the Lagoon is to start out and stop the algae blooms first and foremost before any restoration project can be done.

Stephen Moon, Esquire, President of Florida Fly Fishing Association, stated Brevard County is world famous for two things, innovation and aerospace technology and the Indian River Lagoon; in 2001 he was in Vermont and he was introduced to fly fishing; when he told the instructor where he was from he spent the rest of the class talking about the Indian River Lagoon and the Mosquito Lagoon; fly fisherman from all over the world knew this as a world class destination; and like Captain Worman told the Board, people would come and spend money in the community to fish here. He went on by saying he has seen the decline; all of the members in the Florida Fly Fishing Association have seen the decline over the years; everyone in this room wants to save the Lagoon, there is no question about that; and the problem they have is allocating more than 50 percent of the funds to muck removal is misplaced, because all they are going to do is to have to remove more muck if the problem is not solved, which are the nutrients and sewage coming into the Lagoon. He stated he does not think the citizens are going to allocate more money in the future to fix this problem if it is not done right the first time; the funds need to be allocated appropriately; they cannot just hit the gas pedal and think that muck removal is going to save everything; it is part of the solution, but it cannot be the entire solution; if the Indian River Lagoon is going to be kept as a world class destination for people who spend a lot of money with a sport that keeps Captains like Rick Worman and his family in a house, in schools, then this problem must be addressed the right way. He stated they do not dispute

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those who are here from the Marine Resource Council; there is a lot of good science behind this; he can tell the Board he has raised tropical fish since he was a child; he has live planted aquariums; and if he has too many nutrients in that aquarium, he will create an algae bloom, will lose fish, and he cannot enjoy the hobby. He pointed out they have the same problem with the Lagoon and it needs to be fixed; he thinks it can be done; and he asked again for the Board to allocate the funds properly.

Commissioner Lober inquired what area of law Mr. Moon practices, because he does not think he and Mr. Moon have ran across one another.

Mr. Moon replied he practices in admiralty and maritime law. He advised vessel owners are not permitted to discharge human waste into any waters; now it is treated; they regulate the cruise industry; and they do not want them to dump sewage into the water, but as citizens he or she is dumping their sewage in the Indian River, and it does not have the flow like it is off shore. He pointed out when they take their sewage off of cruise ships it goes to treatment facilities, and those treatment facilities cannot handle all of it; it needs to be updated; and it goes right back into the Indian River. He noted federal law controls what happens in the waterways; and he does not want the federal government coming to Brevard County telling it what it needs to do when it already knows what needs to be done.

Dr. Leesa Souto, Executive Director of Marine Resources Council, asked the Board to kindly approve the 2019 Save Our Indian River Lagoon Project Plan; she has stated repeatedly that this plan is based in science, that County staff is doing a tremendous job, and the contract with Tetra Tech is doing a tremendous job of gathering the facts and the evidence and running it through the Citizens Oversight Committee (COC) that is a representative of the community in terms of there are education people, people who are interested in economics, and environmental scientists are on that committee; they talk at length about the project ideas and model all of the science; everyone is given an opportunity to speak in front of the COC and express their opinions; and if they are valid, they investigate it forward for discussion. She noted it is a process that everybody should experience. She stated she also talked with Chair Isnardi this week, and she agrees the wastewater infrastructure is certainly a problem in Brevard County, and it is kind of tragic that it is on them to deal with the failure to act of previous Commissions and Councils; but they have this burden to bear. She stated the plan is the Save Our Wastewater Infrastructure Plan; they are trying to save the Lagoon; there are a lot of diverse sources of nitrogen and phosphorous; some of them are coming through the wastewater infrastructure; that is going to cost a fortune, it is going to cost more than is being collected in the Plan; and if they put all of the money into wastewater, it will put a dent in it, and it could take decades to get it done. She asked then what if it does not work; she stated what if they still have stormwater providing nutrients, still have other sources of nutrients coming down tributaries, septic tanks that are still going to be contributing to groundwater, et cetera; it needs to be multiple source controls; and the Board cannot just look at a single solution as there is no silver bullet here. She encouraged the Board to deal with the wastewater infrastructure through a different economic means; she stated to use the wastewater tax and other fees in place to figure out a different method to fund it; to work with the Wastewater Department rather than Natural Resources to come up with a plan to deal with wastewater infrastructure; and perhaps the two departments can come together to prioritize where the wastewater infrastructure is probably the most problematic to the Lagoon. She stated the Board can go back to the public and ask them to increase the fees to address the infrastructure problem. She went on by saying she encourages the Board to go ahead with its infrastructure plan; it is being managed and adapted every year; the way they are moving is what the Board and the public has requested; and she asked the Board to vote affirmatively for the Plan.

Commissioner Lober stated he wants to give the Marine Resources Council a good plug; he went to the Ted Morehouse Lagoon House to the event they had maybe a week or two ago; he

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thought it was good; it was not as Lagoon specific as he had hoped; but it was still informative. He went on to say he was hoping to chime in a little bit, but he saw one of his colleagues on the Board and he thought unfortunately Sunshine sort of tied his hands; the Marine Resources Council did a good job in terms of attracting a much bigger crowd than he would have anticipated; and he expressed his congratulations to Ms. Souto.

Commissioner Smith stated Ms. Souto has indicated she is in favor of the current plan; and he asked what her thoughts are when she hears folks coming up here and saying that taking muck out of the Lagoon is not the way to go.

Ms. Souto responded staff at Natural Resources Management is doing a lot of research with FIT professors to better understand where muck is more of a problem; she has been involved in the FIT Indian River Lagoon Research Institute, in hearing the results of that research, and what they are seeing is where the muck is there is no life; there are no sea grasses, sea grasses are not coming back; the bottom dwelling organisms do not exist, so the food chain is broken down; Dr. John Trefry and his team have demonstrated the muck is just off gassing or fluxing; and contaminants back up into the water column at concentrations that were not expected. She advised they know muck is a continued source just in its legacy loads; bad decisions made in the past have resulted in this pollution that they are dealing with today; the muck needs to come out, there is no doubt about it; and the way it is going forward is they are being strategic in figuring out where it is most problematic, how to be as innovative as possible, and Brevard County is the center of innovation. She stated they can use the great ideas to come up with the better tools and get it done better; the County is stepping up and maybe being the leaders of the world, definitely the State, in a community taking charge of its estuary; everyone has their eyes on the County; and she really feels like this plan, the Board's COC, are commendable in the hard work they are doing on their free time, volunteering hours and hours every month, and doing a tremendous job of sifting through all of the information to proceed in the best way possible.

Commissioner Smith asked if it would be correct to assume, someone earlier indicated surveys have indicated there are one to five, even seven feet deep of muck, if that just happened over night; and if the County can theoretically get it out of there overnight, have they not made a big step forward in improving the Lagoon; and if the Board all of a sudden overnight said it was not spending any more money on muck dredging, all of the funds would be diverted to sewer infrastructure, how many years it would take for the County to get to the point where the sewer problem is fixed.

Ms. Souto replied it could take a long time; adding some additional storage or putting in additional plants is going to take maybe five or 10 years to just get the permitting done; all of these things have different time frames; the Board does not just want to do the long-term stuff, it wants to do some things that take less time; muck is one of those long-term projects, so it should keep planning towards that until information tells it otherwise; and a lot of things take a long time and a lot of pieces have to be put into play to get them accomplished. She noted they are working on the short-term stuff, doing multiple projects with multiple time frames addressing different source contributions all at the same time; the County does not want to put all of its eggs in one basket, because what happens if it is wrong; and she asked what happens if the Board puts all of the money in one thing and 20 years from now the source has not been addressed.

Commissioner Smith stated he is not a scientist; and he asked if he would be correct in saying that if the County has a multi-faceted attack on fixing the Lagoon that would make more sense than doing all muck removal or doing all sewers.

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Ms. Souto advised she thinks it needs to take a multi-faceted attack; she is a stormwater person; they know more pollution is entering the water bodies through stormwater than through any other source, so that cannot be ignored, the over land flow cannot be ignored; the County has a serious wastewater infrastructure problem because of decades of lack of response; it is kind of like a person cannot see it so it is not a problem; but that does not mean stormwater, muck, and public education should not be addressed. She pointed out society needs to be changed so that they live on the land and it is not polluting the water; there are so many things and attacks to try to make that happen; the County is in a position to do it; and she would say the world is watching Brevard County. She reiterated the Board definitely needs to take a multi-faceted approach to ensure that something is going to work, to show valuable results, reductions, and show that things are improving as soon as it can; it does not want to find out 20 years from now the infrastructure plan is finally in place ready to go and nothing has been done yet; and to look at different angles with different time lines, and proceeding with the best science it has. She stated the County has a good plan in place, a good team in place, a great COC, the Board is terrific leaders, and to just get this done.

Chair Isnardi stated she has known Ms. Souto many years, and that is why when she has a Lagoon or environmental question she asks her because she trusts her. She stated she does not believe anyone on the Board, she knows that is the fear and she keeps hearing the sky is falling because the Board is going to use all of the money for infrastructure, and she has not heard a single Commissioner say that; she does not know how to continue on with a multi-faceted plan without addressing that, because as the guy who has been fly fishing, and anybody else who has come up here scientist or not, until it is addressed why the muck started to begin with, then they would be just pulling out muck to have it build up in another 20 or 30 years if it was all gotten out; and the stormwater, the septic, INI on old pipes, increase capacity at the County sewage plants need to be done. She went on by saying that is probably what the whole Board thinks is a good idea; where there is some debate, is should the utility burden the entire cost when there is 10,000 gallons of raw sewage being dumped into the Lagoon; it makes a person's head want to come off when he or she hears that; and she asked how does she sell to the public that a person cares about the Lagoon and is working for this great plan and doing great stuff and then dumps raw sewage into the Lagoon. She pointed out she knows the alternative is to back it up into people's homes, but she knows the capacity should be increased; where a person may have disagreement with some of the Board Members is should the County be using at least a small portion of those monies so it is not putting the entire burden on utility customers, because there have been failed priorities of different Commissioners in the past where maybe it should have been addressing this before; she is sure he or she did not anticipate the growth; and regardless the County will need those higher capacity plants because the growth is not going to stop. She asked when the County starts dredging up all of this muck, what is happening to this muck when it is being stirred up; she stated it can be measured or tested; but she inquired what the long term affects are doing such an excessive amount of muck dredging.

Ms. Barker replied the permits require the County to monitor close to the dredge and outside it would have to put up turbidity curtains around where the dredge is working, and to monitor outside of the curtain as well and compare the turbidity inside the curtain to outside of the curtain; work has to be stopped if a certain threshold is exceeded that varies depending on where work is being done in the Lagoon and how sensitive different parts of the Lagoon are to changes in turbidity; the outflow is also monitored from the dredge material management areas to monitor how many nutrients and how much turbidity is being returned that way as well; one of the things that is in this plan update is funding to further scrub nutrients out of that return water for every single dredge project to scrub as much nutrients as possible out of that return water; and it is not something that any agency, any other estuary, or anybody else has done, but the technology is there, and if it can be implemented in the projects then the Lagoon can be cleaned up faster.

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Ms. Souto explained the need for more capacity was talked about; from what she understands, if a new wastewater facility is built for storage, it can still be filled up; and there is no requirement that there is a percentage of volume saved for overflow situations.

Chair Isnardi advised that is a policy change the Board can change.

Ms. Souto asked the Board to remember that when it is time to do that, that it needs to save some volume for some of those overflow situations until those lines can be replaced.

Chair Isnardi stated she thinks the misconception has been made whether it is by people either on the COC or the public that there are Commissioners who just want to sweep the IRL funds and just do only infrastructure, and that is not true.

Ms. Souto pointed out she has not heard that.

Chair Isnardi stated she knows it has been said, and she just wanted to say \$4 million is collected a month, and some of that should be put towards infrastructure; and that is just somewhere where the Board Members may not agree.

Commissioner Smith asked if Ms. Souto said this year the County was putting xyz, how much amount more is the Board doing this year for this proposal.

Chair Isnardi stated she thinks Commissioner Pritchett has questions for Ms. Souto is Commissioner Smith does not mind.

Commissioner Pritchett stated the Board is going to have to put Ms. Souto on staff before the night is over. She asked if the muck itself releases nutrients.

Ms. Souto responded affirmatively.

Commissioner Pritchett stated she thinks that has to be part of the equation; she agrees the County has to quit putting bad stuff in and it has to get the bad stuff out; she agrees with Chair Isnardi that the Board has to fix the wastewater situation; and she thinks it is going to have to own up and have to get the rates consistent with fixing these problems. She stated her struggle with using the Lagoon funds is it is a Countywide tax, the Board told everyone it was going to do this, and she had everyone in her District saying do not let the funds be used for faulty infrastructure and derail some of that General Fund tax on this; if the Board gets to where it hopes to get to with these funds, she wants to get rid of the tax and increase the user fees people are paying for their own waste; everyone should have to pay for his or her waste; and this is something that needs to be looked at and done. She explained just say the City of Palm Bay just raised a lot of their rates and get responsible with their sewer, she does not think it is fair to make them have to pay this tax and have to increase their individual taxes to have to do this; she does not know how to do this; maybe the cities need to talk with the County making sure they are responsible for their rates; but the pipes need to be lined, the new facilities need to be built, and the County needs to get the State of Florida with it. She asked the State Representatives asking them to please do something to let the County mandate septic tank inspections; the rates need to be raised on the user fees, they are Enterprise Funds, they need to pay for stuff that need to be built; there should be nothing leaking into the system; and she asked to do a workshop regarding the vulnerable areas of the County, as the Board needs to address them with funding now and get a head of it. She pointed out the County has \$17 million it started working on doing some of these projects, but she does not feel like she has enough confidence of what is going on in the south County as far as these problems, and the Board needs to get aggressive with addressing it. She stated she is fine with that if the Board wants to

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do that; she is probably going to be in favor of this plan tonight; and she expressed her appreciation to Ms. Souto, and advised that she appreciates her.

Commissioner Lober stated he wants to clarify some things, and to bear with him if it sounds similar to what Ms. Souto has heard before; first, he wants to jump on what Madam Chair said as far as her statement that she does not believe anyone up here is included to totally stop de-mucking, it is absolutely correct as far as he can tell; it is great to make a boogie man argument, and he is not saying she has done that at all, he does not believe she has; but he thinks there are some folks who unfortunately mischaracterized, whether intentionally or inadvertently, what the position of some of the individuals sitting up here might be. He went on by saying he thinks there is a balance that needs to be struck, and he is not hearing anything incompatible from her or anyone who has come up this evening between de-mucking and also addressing the root cause that is introducing the nutrients in the first place; he will say, and he will give Ms. Souto the opportunity to comment if she would like, that he does have some concerns over the release of potentially toxic substances, heavy metals in the de-mucking process; he does not think that in and of itself necessarily rises to the level that the County does not de-muck anymore, it does not rise to that level; but it is something the Board should be cognizant of in determining where it de-mucks, how much is de-mucked, and how many resources to put toward it. He asked Ms. Souto to bear with him if this sounds a little elementary, but sometimes the simplest explanation or the simplest example is oftentimes the best, or at least in his mind this works; for the bulk of his life he has had at least a saltwater fish tank; he started when he was a little kid, he had just fish, and now he has all sorts of critters, some of which may outlive everyone sitting in the room because he has anemones that live 80 plus years, and all sorts of fun critters; and the problem is he has too much new life, not enough. He stated one of the things he figured out over a period of 25 years of having fish tanks, maybe even more, is it can be dealt with on the front end or the back end; and what he means by that is, and John Weiler's seen the aquarium that he has, he has not seen all the filtration he has, he has new toys over there. He noted what he has learned essentially, and he analogized the tank to the Lagoon, and people may say that is stupid, it is only 150 gallons and he is talking about something that is exponentially larger, but what he means by that is they are dealing with a body of water that is largely stagnant and it has very limited flow outside of that closed system; and they are also dealing with a body of water that has a continual introduction of nutrients, which end up breaking down to ammonia, and he will not go through the science one by one unless she wants to. He continued by saying the point is it is being introduced, and in his case by the introduction of sea food, fish food, and shrimp, and that ends up breaking down and it has to get taken out by the system; in his case what he does is he has a protein skimmer that would be astronomically expensive to implement on an industrial scale that would be needed for the Lagoon; he just added an algae scrubber that is good for probably for a hundred something gallons, larger of a tank than what he has; and what he has figured out with that, and he does not claim to be able to translate that perfectly to the Lagoon because he does not think it is possible, but it is rare that he has to do a water change. He noted he checked, his salinity is perfect, he never has any measureable ammonia, nitrate, phosphates, nothing; it is pristine because he has invested so much on the front end in keeping the nutrients out or instantaneously removing such that it does not require him to go in there and syphon using gravity to remove algae that grows or anything that falls to the ground which ends up getting snatched up anyway by crabs and urchins. He stated he takes what he has learned with that and generally the micro-science of rather than leaving all of that out on the front end, which he could easily do and still maintain similar water quality; the difference would be he would have to deal with moving that constantly, he will eventually have to do it at some point, but whether it is four months the last time he did it or otherwise, it depends on what the nutrient loads are; and he will take a look and he will not change water unnecessarily. He noted he looks at it and he wonders if with the Lagoon with de-mucking if the Board is really foregoing opportunities on the front end that would enable it to de-muck less; he stated not to say that the County does not de-muck at all, he thinks it will have to eventually de-muck even if the river is essentially perfect; but it will have to happen at pin point location

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whether it be creeks that tend to get flow issues or that nutrient loading issues the Board cannot perfectly address, but he thinks it is important the Board at least tries to understand whether it is on the same page with respect to it being a balance that needs to be struck. He pointed out even if the Board cannot agree 100 percent on where to draw that line and where that balance falls between de-mucking and addressing the nutrient loading on the front end. He stated he thinks that is the sense he is getting from Ms. Souto and from everyone out there and everyone up here; and he inquired if that is a fair statement, he does not want to put words in her mouth.

Ms. Souto advised there are a lot of fair statements in there; she like his analogy about the aquarium, she has one too, to sometimes suck the muck off of the bottom, a person still has to do that part occasionally. She stated she wants to get back to the decision making process, she thinks that is what everyone is struggling with; there is a method; the method the plan uses is nitrogen reduction per pound, they are using the best available information, the science that is available, to calculate what that is, and the best available information on the extent that wastewater is impacting the Lagoon; and also how much the cost of nitrogen per pound of wastewater impact versus the cost of nitrogen per pound for removing muck. She noted it is the logical way; when being in the limelight when everyone is starring at he or she and making sure a person is doing things the logical way, cost benefit analysis is darned logical; that is what she is standing behind is the plan is based on a logical method that is using the best available science, so either the Board changes method, it says it is not going to do it on nitrogen but going to do it bacteria or something else, and then the method can be skewed to address wastewater more if that is what the Board wants, or to just continue to investigate to what extent is wastewater impacting the Lagoon, which is what is being done. She went on to say they are doing a groundwater study, they are improving as they move along, the Board passed the Septic Tank Ordinance based on sound science; it is a thousand points of light; even with wastewater there are so many things like lateral lines, trying to subsidize homeowners who cannot afford to replace their laterals, there are the main lines that some of them need to be replaced and some can be slipped, there are the treatment facilities themselves that need to be upgraded or not, there are the spray fields, there are reclaimed water irrigation spraying 28 liters of nitrogen all over the place, and even in just the wastewater realm there is like one thousand points of light to address. She added she likes the aquarium analogy, it is very similar, that the sources of nitrogen and phosphorus need to be controlled, and also has to remove the accumulation of debris on the bottom that is going to be continuing to give off ammonia and nitrate into the fish tank and into the Lagoon.

Commissioner Lober stated he will just tell Ms. Souto flatly, it confuses him, when he sees proposals, even the advertising of the outreach proposal the Board saw earlier, and some items of looking at cost per pound of nitrogen, assuming the science and the math is good, and for the sake of argument to say it is good, and the numbers are good, soundly based, good estimates, the data is good, it confuses him when he sees numbers that are great, say under \$20 per pound to throw out an arbitrary number, and he sees in the same proposal or a portion of that proposal suggestions to spend over \$100 bucks a pound on nitrogen, so it throws him off because he understands that if there is one marker to be used basically to get as close to an apples to apples comparison as possible, why that mark is being disregarded, even the groups that are largely proponents of using that marker, whether again, using nitrogen or phosphorus, in this case to stick with nitrogen just to make it simple, and he asked how is the plan or at least portions of the plan not focusing exclusively on the cost per pound nitrogen. He stated he is not saying the Board should; but he asked why that is not the exclusive focus.

Ms. Souto responded she cannot answer that.

Ms. Barker advised within each project type staff identified all of the obvious projects and estimated the cost effectiveness of each of those; they went through 100 different potential septic to sewer conversion projects; and each one has its own specific cost and benefits. She

went on to say they prioritized them from most cost effective to least cost effective, and they continued down that list until they got to a breaking point, it was around \$1,000 to \$1,200 per pound of nitrogen removed; they did that for stormwater, wastewater treatment plant upgrades, and all these different types of projects; then what is in the front of the plan has been all of the wastewater projects, or all of the septic to sewer projects that are recommended for funding, to tally all of them up, the \$68 million or whatever, for those and what the nutrient reduction benefit is from that same list of projects and to come up with an average cost per pound; and the table in the front of the plan that talks about the average cost, that is where the Board sees variability, but if it goes down the individual tables for each project type, he or she will see they fund everything until they get to \$1,000 to \$1,200 per pound as the breaking point, so it is even in terms of how it is decided when the funding of septic to sewer is stopped and to start funding more stormwater or vice versa.

Chair Isnardi inquired when talking tens of thousands of pounds, how sure can staff be in its accuracy if project costs are being guesstimated for facility expansion or that sort of thing; and if they are wrong on that number they are wrong on the calculation.

Ms. Barker responded that is definitely true, so part of what Ms. Frick was saying is in this update they gathered information on septic to sewer costs, not just from their projects that are moving forward and the latest estimates from the County's consultants that are designing those projects, but also from recently completed projects in surrounding counties; they are using the best available cost information for what it takes to build these projects; and then with the Septic Ordinance there is a whole new body of science on what the benefits are for those specific areas where they targeted a septic to sewer project. She noted the same is true with all of the other project types, so in muck removal the IRLRI team at Florida Technology visited the 50 largest, worst accumulations of muck in the Lagoon, they collected samples of that muck, and they estimated how much nutrients was being reduced from each of those deposits; when the initial plan was adopted, they had very little of that data, so the plan was based on an average of that flux of nutrients from muck degradation; now they have data for each of those specific deposits; and they use that new data to say this muck right here is releasing 700 pounds of nitrogen per acre, this muck over here is only releasing 37 pounds of nitrogen per acre, so they will not fund this one anymore, they will focus on these that are hundreds of pounds of muck per acre. She pointed out that is why staff was able to in this plan update to achieve just as much load reduction even though less is being spent on muck, and those dollars were reallocated to doing more septic to sewer projects.

Ms. Souto expressed her appreciation to the Board for its leadership and hard questions; and she stated she is available, she sent an email to each Board Member asking for a meeting, to speak with each of them further about the email or anything he or she would like to talk about.

John Weiler stated he is listening to all of the arguments tonight, and some of them are pretty interesting; he has also looked at the data from an engineering and physics standpoint, and he appreciates the gentleman who was a physicist who brought up the root cause item, because many engineers and physicists when trying to solve a problem look at the root cause to come up with the solution, so that is a very important point; he reviewed the updates to the plan, and he believed the revised plan still has too much of the funds dedicated to muck removal; and it is just that simple. He went on by saying spending over 50 percent of the total funds for the plan for muck removal in his opinion is a misuse of funds; the focus should be on expenditures that get the most bang for the buck, sooner than later, and in that regard he recommends the Board focus on the major wastewater treatment plants existing and new, and equally important their connecting wastewater network of sewer transport pipelines; he recommends the Board modify the expenditures to increase wastewater treatment by 20 percent, and reduce muck removal by an equal 20 percent; and muck removal becomes only 30 percent of the overall plan during this plan period. He stated that takes care of an awful lot of muck, 30 percent of the total roughly

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\$500 million; he lives on the Banana River Lagoon; he has a sand bottom, his portion of his back yard, but he cannot see it because of the algae bloom; and he has no muck, so muck removal is not an issue where they are, it is the algae. He asked what is causing algae; what is the root cause; and is it the muck. He advised it has to be the algae itself, it is not the muck; if a person takes a five foot section of muck and disturbs it and stirs it up, there will need to be a lot of nutrients put into the Lagoon while the muck is being sucked out; it will make the problem worse in the short-term, not in the long-term; and he would like to see a short-term, and he is sure the Captain who fishes for a living, would like to see a short-term result; and they need some results to get the blooms cleaned out. He stated if muck is the real problem in the long haul, it is easier to take muck out than to do the other things; do the hard things up front that will give people the big bang for the buck and probably get rid of the algae blooms in the short-term.

Commissioner Lober inquired if in real brief terms he could advise the Board as to the work he has been doing with respect at looking at the location of the septic tanks up and down Merritt Island and the surrounding areas.

Mr. Weiler replied he went through the County's utility plan and looked at all of the existing sewer networks; what he found is there are one or two main lines that if they were installed would contribute significantly to reducing the flow into the Lagoon; portions of about 50 percent of Newfound Harbor already has a sewage system, and extending a main line down there would be good; extending a main line in portions of North Merritt Island would be good; and that would allow these communities that have their own septic today to relatively easily connect to central sewer systems. He pointed out the central sewer system, or waste plant for that portion of the County is on Sykes Creek, it is called the Sykes Creek Plan, right on SR 520, and has the capacity to handle additional sewer flow into it if the main lines were there, so a lot of the problem can be gotten rid of just by that; and this is not as expensive as some other things to bring that main line down.

Commissioner Lober asked on the east side of Merritt Island, hugging the Banana River, he believes slightly north of SR 520, was there a particular area where there is absolutely no septic that would be an easy fix from his estimation.

Mr. Weiler responded affirmatively; he stated it is Milford Point Road; to his knowledge, he has to validate it, all of those homes are on septic; there are only about 50 houses; but it is right on the river, and a canal; and the main line going to the sewage plan passes right by it. He noted why it never got put in who knows; that would be an easy, early priority that would probably contribute a significant decrease in that portion of the Banana River.

Commissioner Lober asked how far those drain fields for the septic system is from the river, 50 feet or 1,000 feet.

Mr. Weiler replied there are about 50 feet from the river, because the properties are small on that road; there are older houses there also; and some of those houses are from the 1960s.

Commissioner Lober inquired if he would anticipate they had advanced denitrification there.

Mr. Weiler replied he would doubt that, he does not know that for a fact, but he would doubt that; but there are other areas similar to that would be relatively easy to put on central sewer and get the septic systems out of there.

Ms. Barker stated she is sorry, she knows this is weird, but Milford Point is one of the high priorities in the Board's plan; it is one of the first five priorities; it is well underway in terms of the design; and it is one of the five projects staff has requested legislative appropriations to proceed with in the coming year. She pointed out it is called 'Sykes M' in the plan.

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Bill Kerr stated he has been a practicing scientist in Brevard County for 30 years; he has his own company; he spent nine years on St. Johns River Water Management Districts Governing Board; he is also on the Management Committee of the Indian River National Estuary Program, now the Indian River Council; and he served in 1990 to start the Indian River Lagoon National Estuary Program, and he still serves on that board. He went on to say he has learned a lot in his time; one of the things he knows is there is no perfect plan, never; people do the best they can and plan the best they can; serving on the St. Johns board he learned to trust his staff; as an individual a person cannot absorb everything that needs to be absorbed, and there is detail that needs to be absorbed to come up with the right plan; he advised the Board to trust its plan; and staff has come up with a way to access it by dollars per nitrogen or phosphorous removal. He added there are parts of the plan that are more well-funded, and parts that are less well funded, it is done on science, the best science they have; if he was going to try to torpedo a plan, he would not go to the COC meeting, he would come here and voice his specific opinion; that would influence the Board, and it has; and he has watched it all night long. He advised the Board to trust the plan, trust the staff; there is enough money to go around; the sewage people, water treatment plants, they have an income source, the citizens pay for it; and as far as he is concerned, let sewage pay for itself, let the plan pay for the improvement of the Lagoon. He noted in 1990 no one was talking about how bad the Lagoon was because it was not that bad; there are people now talking about it; people are enthused about it; and it is wonderful. He stated to keep the debate, but to trust County staff and the plan, because if the Board does not do that, it does not have a plan, and it starts to micro-manage the plan later, it will spend dollars that it should not have because what it is doing has not had the thought process, the public testimony, and hard work of scientists to back it up.

Daniel Willemin stated he has heard a lot of good opinions and input tonight; he does not want to argue for or against removing muck; it has its benefits and concerns as well; he is glad Commissioner Lober brought up the toxic compounds; and that is what he wants to talk about. He noted he has been working very closely with the fight for zero initiative in the area; testing in the river found 50 parts per trillion of Per- and Polyfluoroalkyl Substances (PFAS); and their results were backed up by Ms. Barker's initiative with applied ecology, but also applied ecology in the most recent report he read, they also tested the PFAS levels in the muck. He pointed out those levels are an order of magnitude higher than what is in the water; he would like to know if the County is going to pull this muck out, that it would go where it is safe; he does not want to see it sit on a spoil island and drain all of that into the river or to go out to Sarno Landfill, which he heard is unlined, and trickle down into the ground; and he urged the Board to look into the proper handling of this muck should it decide to dredge it out of the canal.

Dr. Bob Scaringe stated he thinks it is very smart of the Board to look at minimizing the cost to remove things like nitrates; it makes sense to figure out the most economical way and to keep the plan somewhat balanced; and one of the things that worries him is the Board trusts the numbers around here like they are the gospel truth. He asked what is the error band on this data; he stated Table D4 the Board will see they break up the entire continuum of septic tanks into 55 meters, more than 150 feet; 55 meters, 55 to 219 yards, and then 219 yards and beyond; and it will see that when it jumps say from 54 feet to 56 feet, there is a four times reduction in the cost of removing. He added when jumping from 219 yards to 220 yards, the County will get 1,000 times cost; the Board knows that is not real, it is a continuum; the effluent closest to septic closest to the river are the worst, and it is not a step change, any hydrolysis will tell the Board; he has a PhD in fluid mechanics, he can tell it that; and one of the problems with the study is it does not have high enough fidelity. He added this should be either a continuous curve they use, or they should be far more than three bins, this is called the bin analysis, to treat everything as discontinuous bins, but the jump between the bins should not be so high; since the Board is putting so much value in this report, maybe not this report, but maybe for 2020, push it back to the people who are getting paying a lot of money to create this report and say this is not a good report; he has only looked at this one section because he was looking for

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something else and he brought this for ready material; and he asked do they do the same fidelity on all of it, because the Board is relying on these numbers and talking about dollars. He stated they are saying under \$1,000 or under \$200, and this is not right; most houses on the river have a septic tank way closer than 55 meters, probably less than 50 feet, one-third of that, so by looking at the slope of that curve, it will see that number is much steeper, actually closer to the water; it is skewing the Board's result; he would push it back to the people who got paid to do this and say to do a better job. He stated when taking the muck and bringing it up on land, let the muck settle, and the water to go back, a flocculating agent is added to help the silt settle down; and he would like to know that someone has looked at a flocculating agent to make sure it is long-term not having an effect; he has asked the question many times and told it was trademarked; and he would offer his company to do free analysis to tell the County what is in it to ensure there are no toxic substances or something else that might be causing a problem five years down-the-road.

Commissioner Lober stated by reading it, he thinks he got roped in if he can help it. He asked in terms of the flocculating agent, most of the time, and correct him if he believes his understanding wrong, are they not resins that will typically bind with anything that cause turbidity in the water, basically increasing the weight and causing it to drop.

Dr. Scaringe replied not exactly, they are a chemical which causes things to bind, and it could be because it is polar, it could be for a lot of reasons, but that does not mean it would not do the same thing when it goes off back into the river; in other words, the flocculating agent does not completely stay in the pond if that is what Commissioner Lober is asking him.

Commissioner Lober inquired if he would be willing to meet with his office, and if so, what is a good way of getting in touch with him.

Dr. Scaringe asked about what.

Commissioner Lober advised he wants to talk about flocculating agents.

Dr. Scaringe stated if Commissioner Lober wants to talk about flocculating agents, he needs to talk to Dr. Paul Yelvington; Commissioner Lober's office can contact him, and he will give them his telephone number; he is a mechanical engineer, and Dr. Yelvington is far more of an expert in that field, he is a chemical engineer.

Commissioner Lober inquired if he is passing the buck.

Dr. Scaringe stated he wants him to have the right consultant so he can get the right answer; he knows Dr. Yelvington is available; and he would have attended tonight, but he had a Boy Scout meeting.

Ms. Barker stated Dr. Scaringe is absolutely right about the bin analysis; the table he pulled D4, the reason why it is in an appendix now is that was all the information they had in 2016 when they were given a couple of months to develop the original plan; if he goes to Section 4, he will see they have now gone through the entire septic analysis in 10 meter wide bins, 10 meters from the water, 20, 30, 40 all the way to 700 and whatever is the maximum amount.

Dr. Scaringe stated he wishes he would have known and he would have gone home two hours ago.

Ms. Barker stated on the flocculent question, it is a great point, so for the dredging projects, the contractor has to do all their tests in the lab, they have to submit all of those LD50 data tests to

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FDEP before they can get a permit to use any of those flocks; but they would love to take Dr. Scaringe up on his offer for more information on the flocculates.

Dr. Scaringe asked if they saw a difference.

Ms. Barker replied yes, they did, and that is what has allowed them in the 2019 plan to be much more pinpointed in their septic to sewer prioritization and septic upgrades.

Dr. Scaringe stated the way they do it in the scientific world that he is in, and he does not mean to insult anyone, he is just trying to educate; what they normally would do is 55 and then went down to 10 meters, a person would see a significant difference; then to go to five meters, and when there is no difference seen between the two steps a person assumes that is the right number; and he asked if they have gone to 10 have they gone smaller to make sure 10 was adequate.

Ms. Barker responded thinking about the average lot size in Brevard County and where the septic tank is in relation to that lot size, they would not have septic systems increasingly closer to the water, or they are not going to have data from the Department of Health permits on exactly where those tanks are located in the lot, so the data they have available for that analysis is not really any more accurate for them to look at a finer scale.

Dr. Scaringe stated maybe if they go a little higher, like going from ten meters to 12, and if they could see the difference of how it skews the data, it might help the Board, because if they are trying to decide from A and B, when going from 12 it is here, and at 10 it is here, maybe he or she would know it is in the noise; but if both cases always say it is a better idea than this, then it knows.

Sandra Sullivan stated she wants to talk about a couple of concerns she has; unlike other areas of the Indian River Canal they have unique issues in South Patrick Shores; they have recently become aware that their neighborhood sits on top of an old military dump; this contamination according to the EPA Report would have concentrated into the muck, specifically in the last 20 pages of the 1,400 page report; it indicated high risk of DDT and lead in the muck; she has contacted Representative Tad Altman's office and Congressman Bill Posey's office; and Mr. Posey's office has told her they have the funding to test the muck and it is in process. She asked the Board if there is a hold on the muck dredging east of South Patrick Shores until that muck is tested; she advised she is now on the Restoration Advisory Board (RAB) for Patrick Air Force Base; the last meeting February 5, 2019, they discussed the contamination in Survival Canal, they have exactly the same issue, lead and pesticide concentrations; they have controlled use in place, which means for that particular site the muck is not allowed to be disturbed; and she asked the Board for its consideration that this be appropriately looked at. She went on to add Bob Bocock, Erin Brockovich's right hand guy, she messaged him and he said that PFAS that is also in the muck would concentrate on the spoil island; and she spoke with FDEP, and they said they are looking into coming up with some rules for the handling of muck and PFAS. She stated she would like to mention a comment about the population growing, the City of Satellite Beach did a presentation recently, the population has not grown compared to 20 years ago; what changed was the closure of the plant that was supposed to be relocated to the mainland; as the Board knows, they have a plant that is operating at near capacity; and that is what is creating a lot of issue. She advised she would like to propose a short-term solution; there is a pipe that runs past South Patrick Shores to the old base housing that is on Cocoa sewer; her husband is a civil engineer; and it is not a big deal to tie into that and off flow South Patrick Shores onto Cocoa sewer, which has like 67 percent capacity and has access capacity to handle it. She stated a researcher named Dame predicted in 2000 that they would have estuary collapses in 20 years, which is now due to population growth.

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Commissioner Lober asked if she meant to say Cocoa Beach for the treatment plant, because she said Cocoa.

Ms. Sullivan replied affirmatively; and she stated Cocoa Beach has 67 percent capacity, South Beaches is a near capacity at 80 percent or above, which is why when they have issues with their pipes and the water seeping into the pipes whenever there is a rain event, therefore causing discharges. She stated the root cause must be addressed and find interim solutions to stop the sewage dumping, otherwise there will just be more muck that has to be cleaned up.

Commissioner Lober advised that particular wastewater treatment facility does have tursrary treatment, they are up to AWT standards, and in fact he thinks it is one of if not the cleanest outputting facility in the entire County; John Denninghoff, Assistant County Manager, and several of the folks on his staff and volunteers went with him to tour that facility; and it is an impressive facility, so if the Board is looking at adding to an existing facility, he does not have any qualms adding to that particular facility.

Ms. Sullivan stated she was at an Indian River Lagoon meeting and Courtney Barker, City of Satellite Beach City Manager, asked why they were still putting septic systems on Merritt Island; and the comment came back is because that plant is at near capacity.

Commissioner Lober stated he does not think that is accurate in terms of it being at capacity; and he looked at that not too long ago unless something changed.

Commissioner Tobia expressed his appreciation for everyone who has participated in this; the original had \$100 million for mucking; he asked the COC to re-prioritize and spend a little bit more on infrastructure; and this updated plan actually saw a \$27.3 million increase in mucking. He went on to say here is what was not mentioned but is in that 226 page document; FIT is noted in the Tetra Tech study that the estimated acreage of muck has decreased from 15,900 acres to just 6,700 acres; again, the Board is going to be spending 14 percent more on mucking despite the fact that there is 42 percent muck to be taken up; he appreciates the efforts of the COC; and it was probably a failure on the Board's part of not being specific enough. He pointed out he would like to come to some consensus hopefully before sending this back to the COC and give them some sort of number, whether that be a 33 percent reduction from the initial \$198 million of de-mucking; that still would leave a grand total of \$130 million; he is not stuck on that number; but he thinks the County will be in this exact same predicament if it does not provide them with a little bit more numeric direction. He advised he cannot support this plan because there is a tremendous amount of increase in de-mucking and a tremendous amount of decrease in muck.

Commissioner Smith stated he would like to address Ms. Barker on that subject; he asked if she had any comment on muck kind of vanishing from the Indian River Lagoon.

Ms. Barker advised the muck acreage that was in the original 2016 plan was based on data collection under the County's Contract for the Water Management District that was done using acoustical measurement of reflection of signals from the bottom that estimated moisture content in the sediment; when the Florida Tech team went out and visited all of the sites that the St. Johns data indicated could be muck, they found that sometimes it was muck, sometimes it was shell hash; the shell hash is big, course material with lots of water in between the shells, and it sends a similar signal back as muck; and it was through that validation process of Florida Tech scientists going out and probing each of these areas that they were able to document a reduction in the acreage of the Lagoon bottom that is covered in muck.

Commissioner Smith pointed out those numbers were quite stunning; hearing that it makes sense to him that she has a handle on that; from what he has heard tonight, he is very much in

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favor of this plan; he will, in fact, make a motion to approve the plan as it is, because as has already been mentioned there has been an awful lot of science, data, and input from an awful lot of people; and as Bill mentioned, if a person wants to torpedo the plan to just bring up one-half of a dozen people who say it is stupid, and therefore it must be. He went on to say he thinks the plan addresses the fact that the County is increasing demonstrably the amount of money that is being used for sewer improvements and conversations, so he thinks the plan has a good mix; and if the Board wants to change next year's plan, it can do it, but to slow down now would put a real crimp in what the Board is going to accomplish in the next 12 months. He suggested moving forward with the current plan and if the County changes course, to do it for the next plan, to give them absolute numbers as Commissioner Tobia mentioned; and all of these experts who have come up and given the Board their opinions, he would suggest they give their opinions to people who can speak on their level, because he cannot. He noted he is not a scientist, he has to go with County staff; he trusts staff, he trusts the COC, it is full of an awful lot of smart people who have invested an awful lot of time in studies and with tremendous experience in this; and he thinks this will be the way to go.

Motion by Commissioner Smith, seconded by Commissioner Pritchett, to approve the Save Our Indian River Lagoon Project Plan 2019 Update.

Commissioner Lober asked in terms of the shell hash potentially resulting in a false positive for muck, does staff have any idea in terms of the relative amount being talked about in that; and he stated he is trying to gauge how far off those measurements might have been if it is talking about an expedient level or if there is a five percent variance, in which case it may not make a heck of a difference.

Ms. Barker replied in terms of area, it was fairly significant, but what they found at the same time as the muck was covering a smaller area was that as that muck breaks down and is releasing nutrients to the water column above, that flux rate was considerably higher than the previous estimate, so when they took all of the new information into account and calculated a new total estimate for release of nutrients from muck in the Lagoon, it was very comparable to the original estimates.

Chair Isnardi stated it is obvious if anyone has ever watched any Commission meetings, she personally does not ever vote based on the number of people that come in for or opposed to stuff; she has been booed, she has been cursed out, and a person can name it, everything but chairs thrown in this place, and it is probably because they are attached; she has always fought for there to be that balance with infrastructure, because she does not know how she can look a constituent in the eye when he or she says why in the hell is she dumping raw sewage into the Lagoon, why are the pipes not being upgraded; and she believes the Board can do better. She went on to say she does not think the Lagoon funds need to be swept, she does not think that by any means, but she does think the Board can still do better; she thinks capacity needs to be increased, and there has to be a better balance; she does not think the whole burden should be put on the utility and turn on the Board because Commissions of past failed to maintain the system; that is not the current Board's fault, not anyone's fault in this room probably; however, she reiterated there needs to be a balance, because she is not going to be answering the phone, and staff answering the phones in her office, getting yelled at by constituents just because raw sewage is being dumped in the Lagoon. She noted she does not care what kind of scientist is put on there, the impact of that cannot be measured; that is just the discharges she heard about, the ones seen on the news; she will not support this plan, because the Board can do a lot better with infrastructure; and she reiterated there needs to be a balance.

Commissioner Pritchett stated she would like to go ahead and get the Board working very hard on infrastructure; she thinks maybe it can work on a workshop; she was just talking to the

County Manager; she thinks the Board has a Lagoon workshop coming in the next month of two; and she thinks it should move right into that and start working on some funds to fix that situation. She went on by saying if the Board is going to start using this to fix infrastructure, she wants to cut the tax in half on this and quit taking people's money, because the County will be taxing them there too; she cannot do it, in all consciousness she cannot take this and put it on failing infrastructure; it has to be fixed; the people who are using the systems needs to be taxed; and it is a user-based fee, and a person has to pay for his or her own facilities to clean up their mess. She stated she is going to support this right now because this got approved in 2016 for the taxes to start coming in; in 2016 the Board did nothing; 2017 all of the permitting had to be worked through, so it got a little towards the end it got going; in 2018 the County is on a roll; and now it is 2019, it is actually year two, and what she heard when the plan was starting, it was going to take almost five years to start seeing results. She stated she asked staff if this was getting any worse, and Ms. Barker said it was not getting any better or any worse; not getting any worse might be good because the County was headed in the worst direction strongly; the bleed may be stopping some; and the County has to fix this. She stated if the Board loses patience on a plan that people put together to work when it was not supposed to show results until five years; the Board pulls the plug and keeps changing its minds; it is worse than a woman shopping at Marshall's, nothing will get accomplished; in all fairness of that, if it is not getting worse, and removing muck has to be doing something; and the Board has to start stepping up to do something with some sort of fee to start fixing the junk dumping into the river, which is used by the users, and they are just going to have to pay the cost.

Chair Isnardi stated the users have been paying the fee, and half of the system that is failing is on the backs of the County that did not fix the system; whether that is the Commission diverting the Enterprise Funds saying it does not want to fund this, it wants to build this, whether or not enough was not being charged, it does not matter, it is not up to the user to make up that money in her opinion; and she is not suggesting, even for a second, that large amounts of money are swept out of here to address failing infrastructure, maybe there is a balance between the two. She stated the I&I does not just come in on people's properties, but it does overwhelm the system; the more people that move here, the more building they do, because population is expanding.

Commissioner Pritchett stated 57 percent of the Brevard County population is on the County's system, there is 43 percent that are not, so she does not think it is fair having the whole 100 percent to pay for 57 percent of the problem when the other 43 percent are paying heavily into their own municipalities to fix these. She advised the City of Titusville has done a 15 percent pay in fee structure over the last five or six years, and they have another three percent going on for the next six or seven years, so they are aggressively addressing this and charging more fees up there; people pay a lot up there for water and sewer rates; and they are paying for it to line these pipes and to fix their problems. She noted she thinks people just need to start doing this.

Chair Isnardi stated there needs to be a balance; and if the Board had the power to waive a magic wand and make the other municipalities do it, then it would have power over the other counties who does have their own impact over the Lagoon.

Commissioner Smith stated Chair Isnardi would like to see a better balance; he asked what the number would be, because they just increased phenomenally the amount of money, \$114 million, with this plan than was originally planned for sewer upgrades.

Chair Isnardi pointed out it is not just sewer upgrades, it is not an accurate number.

Ms. Frick noted the \$114 million is for all sewage, which is wastewater treatment facility upgrades to remove additional nutrients, connecting septic to sewer, upgrading septic systems

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where connection to sewer is not feasible, it is addressing the sewer laterals, helping with the spray fields, so anything related to wastewater.

Chair Isnardi stated it is a lot more than just sewer expansion.

Commissioner Smith asked Chair Isnardi how much she would like to spend on it.

Chair Isnardi replied she does not have a magic number.

Commissioner Smith stated he wants to know the number because the Board needs to give staff direction; the plan needs to be approved or to come up with something pretty quickly because time is being wasted.

Chair Isnardi stated she was okay with the workshop; the County is not spending the money fast enough, and that is probably a whole other discussion up here, because \$4 million is being collected a month and it is not being spent quick enough.

Commissioner Smith noted it takes permitting, time to get the plan going.

Chair Isnardi explained it is not just the expansion of the plant; this is something she has argued a very long time, it is okay if she and Commissioner Smith disagrees on this, he and she will just have to disagree on it; it is obviously a discussion that would include the Utilities Department and not just a discussion for her to pull out of thin air a magic number that will satisfy her in some sort of way.

Commissioner Lober stated in addressing Commissioner Pritchett and her concerns regarding the folks who are on the municipal systems, he does not know that anyone has expressed, he certainly does not have anything against or any dissatisfaction with the municipal systems or the municipalities that run those systems coming in and seeking to get SOIRL grants or SOIRL funds; he does not think anything prohibits that, that he is aware of; he thinks it is something that is done and probably will continue to be done; and he does know when he was touring the Cocoa Beach plant a couple or three weeks ago, they have indicated they are looking to get grants that are originating at the County level. He went on to say quite frankly, he does not have a problem because it is all the same issue, whether it is coming out of Cocoa Beach, Titusville, or out of a Brevard County plant, it is still going into the same body of water, so for the Board to play this sort of, he does not want to call it a game, but to be closed minded to the extent that it says it is only going to focus on Brevard County infrastructure when everyone is being taxed in the area over it, he agrees it is not fair; he is amenable to have some of that money, a reasonable percentage of that money, go to the municipalities to work on their infrastructure as well; he does not think it is an all or nothing where it is all of the municipalities, all of the County, or none, he thinks the Board can have kind of a mix of that; and where the balance falls, he cannot tell the Board at this point, but he is not opposed to spending more money, whether it be in Titusville, Cocoa Beach, or any other municipality that operates their own infrastructure of that sort.

Commissioner Pritchett pointed out she understands that, but here is her quandary with that is that it passed, it was for new projects; if it would have been on the ballot saying the Board was going to put the tax on to fix all of the failing infrastructure, she does not know she would have voted for it; maybe if the Board does that and puts something else on the ballot with different language to fix maybe other types of failing infrastructure; but that is kind of not what was presented to the voters when it went through; and the Board is going to have to work through that, because in her heart right now it just does not feel like it is the same thing, so she would have to really spend some time thinking about that to make sure she could get her head wrapped around it, because right now it is just not there.

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Commissioner Lober advised he understands where Commissioner Pritchett is coming from, and he respects that, but he will tell the Board he is the newest one up here by a good measure, when he talks with folks over the process of campaigning, when he talked about the Lagoon he constantly focused on infrastructure, almost as a hand-in-hand thing, because in his mind if a person is resolving two items, or killing two birds with one stone, he would rather go about whatever is most efficacious in terms of addressing the underlying problem, whether it is technically classified as infrastructure, de-mucking, or whatever the options may be; and he agrees, if the Board were looking at infrastructure that did not have a benefit to the Lagoon or a profound benefits to the Lagoon, he would not spend a penny of this on that even though the Board is lawfully entitled to do that. He noted that would be totally disingenuous, and he thinks the voters would rightfully be infuriated by that, he would be very upset by that; but if the Board is looking to spend the money in a way that benefits the Lagoon, it should not be shot down just because it also benefits infrastructure; he respects where Commissioner Pritchett is coming from; and if she had interactions with her constituents and they voiced to her to her satisfaction that is a concern to them, then by all means he understands where she is coming from, but in his experience having spoken with folks, overwhelmingly he has been getting the opposite feeling from them on that.

Chair Isnardi mentioned if this was on the ballot and she asked a resident if he or she would support this but she was going to continue to dump crap into the Lagoon, she guarantees everyone it would probably not pass.

Commissioner Smith stated Chair Isnardi is talking about dumping crap in the Lagoon, to his recollection he had a 22 million gallon failure.

Chair Isnardi stated that was just the one time.

Commissioner Smith asked what other ones is being talked about.

Chair Isnardi asked Ms. Barker how many there were, like 67 discharges of differing amounts.

Ms. Barker responded there were overflows seven out of the last 13 years, concurrent with storm events; she does not know how many specific discharges there were during them.

Chair Isnardi stated she believes when she spoke with Dr. Souto there were 67.

Commissioner Smith stated he is not saying it improved the condition of the Lagoon and he is not saying it is not disgusting people that live along the Lagoon where those failures occurred what was happening in the water behind them, but there were no fish kills; the Board is not talking about something that in and of itself is so plentiful that it is actually causing fish kills; and from his perspective the County is spending on this plan as being looked at tonight, it is tackling an awful lot of what Chair Isnardi is concerned about, so he does not know how much more she wants and how soon the Board can get there, but he does know the Board needs to pass one of these things soon.

Commissioner Lober advised in terms of the line of reasoning with respect to fish kills, he understands that is a concern, but the problem is he thinks the Board needs to focus, as has been done by in large even with respect to this plan, on some apples to apples or as close as the Board can get to an apples to apples indicator or variable it can look at; if everyone is saying it is pounds of nitrogen, he would rather stick with pounds of nitrogen; he is not saying that fish kills do not matter; he is not saying if there is or is not a correlation with increased nitrogen loading in the Lagoon; but he does not think that anyone would question that the ammonia has been ramping up, and by extension everything that breaks down when there are those release events; he can tell the Board he is on the list, and he does not know if he signed up or if

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someone signed him up at some point, to get the FDEP alerts every time there is some accidental or inadvertent release; and he gets them all of the time. He went on to say some of them are little; he thinks he received one that was maybe 100 or 200 gallons, in relative comparison it was nothing compared to millions upon millions of gallons; but he has seen by the FDEP alerts, to get alert after alert; and he is not as concerned about 100 or 200 gallons going into the Lagoon, but the frequency the County has the small problems causes him to be concerned that there is some underlying issue with respect to the whole system that is leading to these things that may at some point end up being manifest by some symptom of millions of gallons coming out as the Board has seen on at least one occasion. He reiterated he respects what is being said, but he has a hard time jumping from pounds of nitrogen to fish kills.

Commissioner Smith advised he is with Commissioner Lober 100 percent, but again he inquired how much money does the County need to make Commissioner Lober happy to vote for this plan.

Chair Isnardi replied she does not think that anyone has that number.

Commissioner Smith asked where this is going.

Chair Isnardi stated so because the Board Members cannot come up with an exact number, he or she just does not support it.

Commissioner Smith stated the Board should just fail it that is what Chair Isnardi is saying.

Chair Isnardi advised she thinks it needs reworking if he is asking her.

Commissioner Smith inquired to what point; that goes back to Commissioner Tobia; he said the Board needs to give specific numbers; and the Board cannot just keep dancing around this issue.

Chair Isnardi pointed out she is really glad Commissioner Smith is demanding those specific numbers, but without talking to the Utilities Department, she does not have those specific numbers unless Commissioner Smith has them in his pocket; without the Utilities Director sitting here going over the needs of the stuff where the County does have capacity issues, discharges, she does not have those magic numbers.

Commissioner Smith explained he is trying to fix the river, and he agrees, so how does the Board get there; he is just hearing Chair Isnardi say no because it is not spending enough; and he further asked how much is enough. He noted Chair Isnardi is just going to fail it because she does not know.

Chair Isnardi noted Commissioner Smith just wants her to pass it because he does not want any modifications to the plan.

Commissioner Smith advised that is not it at all; Chair Isnardi is not giving him any modifications.

Chair Isnardi stated she has not ever had a Commission up here willing to modify the plan before now; she does not talk to these guys; if this Board decides to move in a different direction, if it wants to contribute \$20 million more to infrastructure, then that is where it is headed; but without talking to Utilities, she did not know if these guys would even consider a modification to the plan.

Commissioner Lober asked the Chair to call the question.

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Chair Isnardi called for a vote on the Motion. Motion fails; Commissioners Lober, Tobia, and Isnardi voted nay.

RESULT:	DEFEATED [2 TO 3]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Rita Pritchett, Commissioner District 1
AYES:	Rita Pritchett, Curt Smith
NAYS:	Bryan Lober, John Tobia, Kristine Isnardi

Commissioner Pritchett asked if this does not move anywhere tonight, does it put a halt on all of the projects moving forward for the Lagoon right now.

Ms. Barker replied they have an adopted budget for projects that were approved in the 2018 Plan; she asked if staff continues with what is in the 2018 Plan until an update is adopted.

Eden Bentley, County Attorney, replied she believes so because the plan has not been amended.

Commissioner Pritchett stated okay, the County will be working off of last year's numbers. She advised she needs a legal opinion from the County Attorney of what these monies can go to as far as what the Board can make changes with, what would be legal for as far as voter intent.

Chair Isnardi noted she believes this discussion was already had, she does not know if it was former County Attorney Knox, or Attorney Bentley, but there was a discussion if they could be used towards infrastructure improvements.

Attorney Bentley stated there was a discussion about a year ago on that; yes, infrastructure can be a valid expenditure; and she thinks the process is the thing that is giving the Board more difficulty at this time.

Commissioner Tobia stated he would like to make a motion to send the Plan back to the COC; he thinks there is clear direction by the Board that overwhelmingly it believes that too much money was spent on the priority of de-mucking; and absent of any specific numbers, to request they redirect that money more to infrastructure and less towards muck removal as they move forward with this Plan.

Commissioner Lober stated he respects where Commissioner Tobia is coming from, that is the reason he voted along the same lines as he, but he does not think that is fair to those folks either; he thinks the Board needs to get its ducks in a row in terms of giving them very specific direction as to an actual number; he is happy to talk with the different department heads to find out what an appropriate number would be; he is happy to fast track that as well; and he hates to say to work on it, but the Board is not giving the COC a goal as to work toward. He stated he does not know at this point that it is anything other than premature. He asked Commissioner Tobia to make that motion at a subsequent Commission meeting at which point he would be happy to support him if a particular number can be plugged in and direction can be given to them.

Commissioner Tobia advised he would like to give the COC a little more leeway instead of saying there is \$130 million to spend and \$87 to spend on this; he thinks the COC when the Board made the request for the education funding to be decreased, they made a good faith effort to bring the Board back some options; and he actually does have faith the COC probably

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heard loud and clear what was said up here. He pointed out the goals are the same, and he reiterated he would like to give them a little more leeway and see what they come back with.

Commissioner Lober inquired if there is actually a motion needed; he does not know that there is anything that precludes the COC from doing that on their own volition anyway, rather than the Board sort of mandating or forcing their hand to go ahead and do that; he feels bad for them, because they are not going to know whether five percent is appropriate as far as the Board is concerned to go toward de-mucking, or 40 percent is appropriate; and he thinks without some direction it is kind of an unfair task to set them to. He stated he understands where Commissioner Tobia is coming from and he respects him, but he does not know that he is able to support that tonight; but if the COC wants to do their own volition toward that, God bless them, but he does not want to give them a task without enough direction such as the Board may get something down-the-road for them where they did make a good faith effort, but it is still not sufficient.

Commissioner Smith stated he wants to second Commissioner Tobia's motion; he thinks everyone up here has the notion the COC wants them to give the Board some different numbers; and unless someone can come up with a specific number that makes sense to them, he thinks that should be left to their discretion. He cautioned everyone in this room, including the Board, if a specific number is not given to the COC, is it just doing something in the wind; he trusts staff, he is not saying the rest of the Board does not, but if they make a good faith effort, he will support that; the other Commissioners have an idea that he or she wants money spent on sewer conversion or whatever he or she wants, he has the faith the COC will do that; and if the Board wants to come up with some kind of a number, to do it, but otherwise it is extremely important to move forward.

Commissioner Pritchett stated she almost thinks the COC should be expanded and the Commissioners should be sitting on it so these last minutes changes are not done; maybe all five need to participate on this board so it is getting the same ideas; and she thinks the people who have differing opinions should probably start showing up and doing that so this is not being hashed out at a Board meeting. She advised this would have been better served at a very strong workshop; and that should be a going forward recommendation for the Board like Transportation Planning Organization (TPO).

Chair Isnardi stated she does not think the Board can do that based upon the way the board is designed.

Attorney Bentley advised the Indian River Lagoon Oversight Committee is set up by Ordinance, so to put everyone on the board would require an ordinance amendment; and given the number of interlocal agreements the Board has that would have to be amended, it would be a very time consuming and complicated process.

Chair Isnardi noted maybe in the future the Board can do a workshop, or a joint workshop with the COC.

Commissioner Lober stated even if it is imperfect, he is trying to come up with some number to give them as guidance that might be acceptable, but again, he does not know if it will be. He asked if 30 percent would be acceptable.

An audience member asked if it was science-based.

Commissioner Lober responded no, it is not science-based, but he is trying to give them some direction so their time is not wasted. He stated he does not know what they are looking for; he hates to give someone a task and say work to lessen it, but the Board is not going to tell them

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what to lessen it to; the COC may end up spinning their wheels for nothing, to come back here to the same situation again; and he does not think that is fair.

Commissioner Smith asked Commissioner Tobia would consider a five percent increase, and would that work in a broad sense.

Commissioner Tobia pointed out he is more concerned about the decrease in the amount of money that is spent on de-mucking; he is not saying the pie graft was misleading, because he does not think anyone was trying to mislead anyone; but a person had to dig pretty darned deep into that; and he thankfully has a very good staff. He went on by saying the first pie chart was \$302 million, the second was \$421 million, that is the first issue he has; the first one in the original plan cost, it had muck removal combined with the interstitial water treatment, whereas the second one broke those apart; and where it looks like there was less money spent on de-mucking, the reality was there was actually a huge increase, so again, he does not think anyone was being misleading, but it was. He noted he would like to see a hard number on a decrease of the mucking amount from the original plan cost of \$302.9 million that initially stood at \$198,100. He stated if the Board saw a decrease in the de-mucking considering the amount of 42 percent drop, whether it was measured one way or another, he is just reading what the scientists brought back to the Board, he would like to see more leeway given to the COC by saying to spend less on de-mucking and more on other things; he does not want to be specific and say which specific programs that may better be used on, he would like to see science dictate that stuff.

Commissioner Smith stated if the muck removal is decreased by 10 percent that would give them direction to come up with a specific number for other things the money could be spent on.

Commissioner Tobia clarified by saying if there was a decrease, that decrease needs to come from the original plan costs, it is very important. He stated he had down 30 percent, he would be comfortable with that; but again, that is at the discretion of the Board; and he would rather leave that to the COC.

Commissioner Smith stated his concern is Commissioner Tobia is thinking 30 percent and he is thinking 10, if the COC comes up with 15 percent, and there could be three more Board Members that say something else.

Ms. Barker reminded the Board that part of the change in those pie charts, why the original pie chart is \$302 million and the 2019 proposal is \$421 million is because in the 2017 update, they included an inflationary factor, the CPI, on the 10 years of project costs, so the \$302 million is all in 2016 dollars, whereas the 2019 has inflation in there; and if the Board looks at the brown wedge in those pie charts, the original plan put about two-thirds of the money towards muck dredging, and the 2019 update for the combination of muck and interstitial water is just over 50 percent.

Commissioner Tobia stated that is a very good point; and he asked where that is delineated on the pie chart. He asked one says \$302, that is 2016 dollars, and the other one is \$421 and that is 2028 dollars.

Ms. Barker advised in each year an inflation factor is compounded as would normally be done with inflation.

Commissioner Tobia asked where that is started that one is inflationary dollars and one is stagnant dollars, and does it say that anywhere on this chart. He pointed out this chart is extremely misleading.

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Ms. Barker stated she apologizes it is not stated in the figure caption, it is explained in the text, in the document where this figure occurs; but when they pulled this figure out for the Agenda Packet, that text did not go with it.

Commissioner Lober inquired in terms of the 30 percent, is that a 30 percent reduction from where it originally was in the original plan or is he talking about making it such that 30 percent of the money that is proposed to be spent goes towards de-mucking, because he is confused at this point.

Commissioner Tobia responded he is sorry, he was looking for a 30 percent reduction from the original allocation; but again, that was only because someone was holding his feet to the fire again; and he would much rather give the COC, he thinks the direction is clear from at least three Members up here, and maybe more, that too much emphasis is on de-mucking, far too much emphasis is on de-mucking. He stated he does not want to dictate; he would not go through this for five percent; he thinks the COC understands the Board is looking for a substantial decrease.

Commissioner Lober noted he will support it without a number provided that the Board makes it clear that if they have some ambiguity that they are welcome to come back to the Board for additional guidance; and he asked if that was fair.

Commissioner Tobia advised the Board Members are all welcome to participate; he asked if Sunshine would preclude the Board Members from contacting the COC and giving his or her suggestions.

Attorney Bentley replied it can be advertised and the Board Members can attend, and can send comments.

Commissioner Tobia stated he will not be doing that because he respects and wants to stay out of that; the Board is seeing it at this point, this is it, aside from Commissioner Lober being a member of that, but he is more than welcome to participate if that is the route that he or his office decides to take.

Chair Isnardi stated maybe some of the discussion could be to talk to Utilities as well to find out where the greatest need is; it would ultimately be voted on by the Board; but a suggestion would be to work on one item.

Frank Abbate, County Manager, there is a Commissioner on the Indian River Lagoon Council, but there is no Commissioner on the COC.

Attorney Bentley stated she thought the question was can they all attend.

Mr. Abbate stated he thinks some discussion was had on that tonight.

Commissioner Lober advised he is on the IRLNEP.

Chair Isnardi stated what can be done is perhaps Utilities sits in on a meeting, and the Board has that discussion with them to find out where either the system can be improved or fix something that is failing that is ultimately affecting the Lagoon; and maybe there is that 50/50 option, and she thinks there can be a compromise. She stated she has never suggested the money be swept or that the County take a big chunk of the money to upgrade the utility system, which is ridiculous. She stated before more oyster bars are put in, crap needs to be stopped being dumped in the Lagoon.

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Chair Isnardi called for a vote on the motion. The Board directed staff to send the Plan back to the Citizen Oversight Committee (COC) for redirection of funds to infrastructure and less towards muck removal.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Lober, Tobia, Smith, Isnardi

*The meeting recessed at 9:32 p.m. and reconvened at 9:42 p.m.

ITEM J.2., REQUEST FOR PROPOSAL EXTERNAL FINANCIAL AUDITING SERVICES

Leslie Rothering, Interim Central Services Director, stated this Item is requesting permission to advertise a Request for Proposals for External Financial Auditing Services, and to appoint a representative of the Board of County Commissioners as a member of the Audit Selection Committee; and that is in accordance with Florida Statutes and the County Policy. She stated the Audit Selection Committee is comprised of the Sheriff, Property Appraiser, Tax Collector, Supervisor of Elections, and Clerk or their representatives, and then a member of the Board. She stated the current contract ends at the completion of this years financial audit. She advised this Item does come back to the Board and bring back the recommendations of the top three, and at that time the options will be talked about.

The Board authorized issuance of a Request for Proposals (RFP) for External Financial Auditing Services; and appointed Commissioner Pritchett as a member of the Audit Selection Committee.

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

ITEM J.5., RESCINDING APPROVAL FOR USE OF TDC FUNDS ON AQUARIUM

Chair Isnardi asked the Board since both of the Items are Commissioner Tobia's would it have a problem doing Item J.5. before Item J.4.

Commissioner Tobia advised she is the Chair.

Chair Isnardi stated she had several requests by different people who there to speak to move them, and she sort of put a lock down and said she was not moving anyone unless it was directly related; if it is one request it is easily done; if it is two, three, four it is favoritism; and she did not want to get into that.

Commissioner Tobia stated since the Board approved the Aquarium Project in September there have been multiple changes; there is now a new member on the Board, as well as new membership on the Tourist Development Council (TDC); while he does not doubt the Aquarium would make a wonderful attraction, this is a question of priorities; while this is TDC funding, the County does have options; and he asked assuming the collection of more than \$10 million in

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TDC revenue, if the Board were to amend County Ordinance to allocate funding for construction, repair, maintenance or operation of Lagoon infrastructure project designed to prevent catastrophic pollution of the Lagoon and follow the requirements set forth in Florida Statute Chapter 125, Section 104, Section 5(a)6 such as funding 30 percent of the project from sources other than TDC, approving the project by super majority vote, performing an independent professional analysis demonstrating the positive impacts of infrastructure projects on tourist related businesses in the County, and allocating 40 percent of funding to advertising and marketing, where staff analysis would be required, would these funds be able to be used on infrastructure projects related to the Lagoon upon a recommendation from the TDC.

Eden Bentley, County Attorney, replied affirmatively.

Commissioner Tobia stated the effect of this resolution would be that the TDC would be able to take a fresh look at whether this is really the best use of the money to help heal the Lagoon.

Motion by Commissioner Tobia to approve the resolution as proposed.

Motion dies due to lack of a second.

Chair Isnardi pointed out the reason she did not bring it to the public first was in case that were to happen, and since the Board does not discuss how it is going to vote no one knew how it was going to go, and she did not want to waste anyone else's time given that most of the people have been here for a very long time as it is; it does not mean a person cannot speak during public comment; she would be happy to hold his or her card for that time; but since this Item is no longer an Item, unless a Commissioner decides to make a different motion to do something else, this Item is dead.

Commissioner Lober stated in terms of this Item, he wants to let Commissioner Tobia know in all fairness what his concerns were about it; he appreciates in reading the resolution that there is a comment indicated in the recitals, "Whereas, it has been determined by the Brevard County Board of County Commissioners that revenue from the Save Our Lagoon tax should not act to reduce other allocations made to protect the Indian River Lagoon;" he stated he agrees with that 100 percent; but part of the issue he had in terms of being able to support this was that he could not connect that to the dot of actually seeing the improvement in the Lagoon, so part of it is it is skipping a step between what the recital is suggesting and what is being done; and he asked his biggest individual concern, again not inclusive of all his other concerns, is if the Board were to de-allocate this funding, take back the \$10 million, could in theory whether or not this is likely to happen, could in theory this money then be allocated for something like \$10 million worth of AstroTurf.

Attorney Bentley replied there would be a lot of steps in between.

Commissioner Lober asked if that was something that theoretically could happen, or if this resolution were to be approved, assuming the conditions precedent are met, is that not something the Board could eventually arrive at in terms of a use for these funds.

Attorney Bentley responded she thinks it would have to first go through the TDC, a contracting procedure, and a lot of other steps, but possibly.

Commissioner Lober advised that is his concern in terms of his biggest concern; the other concern is he does not believe he has enough information; he certainly has made efforts; he has spoken with Keith Winston who is sitting in the audience; he is sure they will continue to speak in terms of getting the financials; and as someone who has a huge saltwater reef fish tank and as someone who goes to cities sometimes because they have aquariums, as someone

who pays more than he ought to, to dive with Whale Sharks or various other things, he thinks it is a cool idea. He went on to say he loves the fact it would be in District 2; he loves the fact it was near his office if it is something that pans out; but he is not sold yet in the sense that he has not seen enough in the way of financials to justify in him that this is something that is going to operate without the Board having to bail it out down-the-road. He added he is not saying it will not, but he does not like doing things impulsively; in respect to this, he thinks he needs to give the folks who are pushing the aquarium more of a chance, and he has certainly already started down-that-road to make the arguments to him in terms of why it is something that is beneficial from a return on investment standpoint, not from a coolest standpoint or tourist attraction standpoint, he thinks it has both of those most certainly if it is anything like has been spoken about; but he cannot simply shoot this down without at least giving the reasons of why he is not in favor of supporting the resolution at this stage. He stated it is not to say that down-the-road if the aquarium does not make the case or the folks promoting the aquarium does not make the case that his mind is made up to support it irrespective of whatever data is discovered, but he thinks there is still a process of doing due diligence in which he is in the middle of, and he cannot at this juncture just skip a head to the end conclusion.

Chair Isnardi stated her concern with this resolution is because it is not an either/or item; it is not the Board not caring about the Lagoon so it does not want to fund other projects; she thinks it has to be careful; no one wants the Board to sweep the TDC fund just for the Lagoon only because it is collecting \$4 million a month; and the Board cannot even agree on how to spend it. She stated there will actually be money collected for admission that can go towards Lagoon projects; and there is that \$50 million investment, so she highly doubts that investors in such a major project, assuming that they can even get the \$50 million. She stated there are a lot of benchmarks that need to be hit first; she was torn on the issue; but one can argue easily that the County has three parks that have low attendance and if they should be shut down completely and just put that money towards the Lagoon; the Board can say that about a lot of things; the Lagoon is always going to be a priority; and it does not mean that nothing else is important. She noted the Board needs to delineate what TDC is for and what the Lagoon fund is for.

The Board considered rescinding approval for use of Tourist Development Tax funds on Aquarium, but took no formal action.

ITEM J.6., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: ORDINANCE IMPOSING TERM LIMITS UPON PLANNING AND ZONING BOARD, BRYAN A. LOBER

Commissioner Lober stated in short some folks may recall that a constituent of his, Pam LaSalle, that came before the Commission asking that the Board term limit essentially all of the advisory boards; he extended the offer to meet with her and Eden Bentley, County Attorney, who was kind enough to go ahead and meet with them; during that meeting he had some discussions that basically culminated in a list being created of particular advisory committees that they felt, or at least the overall consensus was would not suffer in terms of having vacancies if the Board were to impose term limits on them; and there are some advisory committees that doubtlessly would be hard to fill, he is not looking to term limit those, but the advisory committees that are easy to fill that he has people clawing each other's eyes out to get positions on he thinks it is appropriate to look at instituting term limits. He went on to say there is something more perhaps an art than a science in terms of determining what an appropriate term limit would be; he knows when he moved to do this with respect to the Tourist Development Council (TDC), he based it obviously on the duration of a term of service to TDC; now with respect to Planning and Zoning, their terms of appointments are substantially lower, they are one-year terms of appointments; what he proposed with respect to this Agenda Item is limiting an individual to three-year consecutive terms of service as an active member of P&Z; and essentially what it would allow to have happen would be if someone wants, in theory

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assuming they get the appointment, to serve three years on P&Z and then rotate the fourth year to serve as an alternate they can do that essentially in perpetuity. He pointed out it is something of a softened term limit where really what he is trying to accomplish is to keep in Commissioners minds the idea that it is worth looking to see whether or not the selections are really allowing enough new blood into the actual advisory committee or not; he stated he is not trying to do this to get rid of any particular individual, everyone saw he did the same thing with TDC, he will be doing the same thing with other advisory committees; and he is happy to discuss, with respect to his proposal, that a three consecutive term limit is appropriate. He added he is happy to discuss changing that up or down if someone feels that, that is inappropriate for some reason or another; but he thinks this is something that if the Board were to go ahead and pass this, it would have zero issues by way of having to fill this; if anyone has an issue finding someone, he would be very, very surprised; this is one of those sort of hot button boards that historically he never even heard a rumor of someone having difficulty finding folks willing to serve in this capacity; he knows one of the concerns raised by one of his colleagues, Commissioner Pritchett, with respect to TDC was there was a particular individual that was great on that board; and there are a couple of individuals that are solid on this board as well that he would hate to see go, including at least one in his own District, but he thinks the spirit of imposing term limits is more important than retaining one particular individual as an active member of P&Z when the Board has the option to rotate them as an alternate, they can still provide their input, they simply cannot vote as an alternate.

Ronald Bartcher stated he would request the Board not establish term limits; he believes it is a bad idea for several reasons; first, if there are term limits imposed then the Board would lose the expertise that this board has developed; learning the Planning and Zoning Code takes considerable time; and it is not something a person picks up and walks in and suddenly are an expert on, it takes not just months but years to actually become familiar with. He went on by saying second, if these members are replaced every three years, then County staff is going to have a significant increase in the workload because they will have to re-train all of these constant new members, that is not a good thing to do; third, the board members if they are replaced every three years, the Board would lose the corporate memory that the board has; and that corporate memory is important. He noted that is the reason the County Commissioners are not replaced at the same time; it is needed for a smooth and consistent operation; fourth, he is a president of two different volunteer organizations, he knows that recruiting new, hardworking individuals is difficult; he is surprised to hear the Board is having people clawing in order to get in; and he just cannot believe that, Commissioner Lober must have a special group of people there. He stated talking about vacancies, according to the webpage there are three vacancies in the group. He asked the Board to not put term limits on this group.

Commissioner Lober asked if Mr. Bartcher is familiar with the board, how long has the longest serving individual been on that board.

Mr. Bartcher replied no, but he suspects it is Henry Minneboo, he is the Chairman, has been Chairman as long as he has been attending those meetings.

Commissioner Lober inquired how long that has been.

Mr. Bartcher responded he started in 2006 or there about.

Commissioner Lober advised 13-plus years.

Mr. Bartcher stated he does not know; he has seen other people come and go; but he just thinks Mr. Minneboo is probably it.

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Commissioner Tobia explained he does fully-support term limits, he just had some questions about what was presented here, and because of the Sunshine Law he has to wait for this forum to ask those questions. He inquired what the logic is behind making this board term limit different than what the Board just established with the TDC, that being eight years.

Commissioner Lober replied it is based upon essentially the fact that this is a different type of board, and namely the biggest single item is the term lengths are different; he does not have a problem with being flexible of the term limit whether it is up or down in number; he is aware of at least one individual that has been on that board for 14 terms; unless his information is incorrect, that is concerning even if the individual is skilled, and he does not doubt that the individual is skilled and knows what he is doing; it causes him some consternation in terms of vacancies; and he asked if there is any issue were someone to ask him if he had suggestions for who to fill that board with, is there any Sunshine issue presuming it is not something that comes up before the Board with him giving names of folks who have expressed interest to him for serving in that capacity.

Attorney Bentley advised she thinks he can distribute a list of names who have inquired about the positions in his office, yes.

Commissioner Lober noted he can tell the Board without question, these are not folks being plucked from the bus stops around who may not have expertise or knowledge in this area; most of the folks who have approached him, he does not want to say all of them because he is not certain about that, but most of the folks that have approached him, if not all, either are builders, developers, or have some background with respect to this particular industry; if he were not confident that the Board could easily fill these positions, he would never propose that; this was one of a handful of advisory boards that were selected based upon the thought that they would be easy to fill and the Board would not be left with vacancies as a result of trying to do a good thing; and he reiterated he is flexible regarding the term limit, and if someone has a proposal other than three years, with the off year, permitting someone to remain on as an alternate, he is happy to entertain that. He pointed out this would not kick anyone off P&Z, including the individual who has been on there for 14 consecutive terms, this would simply require the individual rotate to an alternate position; the point is well taken in terms of the Commissioners terms being stacked where there are three and two, but the P&Z as it is composed now, everyone is not flushed out all at the same time, there is a degree of staggering as he has seen in the Board; it is not perfect staggering, but there is some staggering, so he does not think this will be a mass exodus of individuals where the staff is going to have to be re-training folks perpetually ad infinitum.

Commissioner Tobia stated he just asked why three, why not five, why not two, why not eight, it sounds like there was no reason behind three.

Commissioner Lober advised he does not want to say there was no reasoning; again it was based on these being year-long terms.

Chair Isnardi stated maybe that is where the Board needs to look at possibly.

Commissioner Tobia stated the Board tasked the County Manager to give it a rubric for all of the boards out there, how the membership is comprised, whether or not they can be sunset, what are the term limits, and what are the costs; he thinks the County Manager has been working pretty diligently on that; and it is something the Board will probably have back in a month or two. He asked if Commissioner Lober thought it may be a better idea to wait, given that the Board has gone that far to wait that month or two to where the Commissioners can sit down and instead of randomly choosing numbers and have some level of consistency between the boards, because he would have a problem with three years, but the Board has set a precedent

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of eight years, so he would not have a problem with doing that; but he asked again if it would be better to wait until all of the boards are put together and handle them for a level of consistency or is there a necessity of doing it tonight.

Commissioner Lober explained there is no necessity; if Commissioner Tobia wants to punt this and table this a little bit he has no problem with that makes him happier, he is happy to do that; and he reiterated there is no urgency.

Commissioner Tobia advised he is just looking for consistency so that when the Board goes through these boards it looks at what the board is, what the term is, how long do they have; if there was some level of consistency saying eight years for all of them as the Board set the precedent, it would probably be a lot easier to fill these; he thinks the Board would hear a lot less consternation with the turnover because P&Z is very difficult; and again forced into it he will be voting for term limits, but he would rather see consistency.

Commissioner Lober inquired if he could ask the County Manager if he has an opinion one way or the other, because he just does not know if he does.

Frank Abbate, County Manager, replied staff is committed to having the report back to Board Members by the end of March, and staff is diligently working on that; and there is a workshop set already, the Board approved in May, to go over advisory boards and term limits, so that is already set.

Commissioner Lober noted he is happy to handle it any way the Board wants.

Commissioner Tobia stated it is Commissioner Lober's Agenda Item, he was just making a suggestion; if he wants to table it he is more than welcome to; and if he wants to vote now, he is also welcome to make the motion.

Commissioner Lober stated he does not particularly want to table it; if folks are happy with an eight-year term, he would like to get a little guidance from the rest of his colleagues up here if that is something he or she is comfortable with or if this should be tabled, because he is not going to make an issue of getting this done here and now if there is no need; and he has not seen a pressing need to do this instantaneously.

Commissioner Smith stated he is traditionally in favor of term limits, but in this particular board, he does not think it is a good idea; they have in fact three vacancies on this board, so there are not people standing in line waiting to get on the board.

Commissioner Lober inquired what Districts those vacancies are in; he stated he can tell the Board they are not in his District; and he is curious if someone knows they even have the vacancies, because if that is the case and they simply do not know, he does not think that is a problem with term limits, or the absence of term limits, is going to modify.

Commissioner Smith advised further, trying to teach new volunteers about the Comprehensive Plan, the zoning capabilities, the Future Land Use, Conditional Use Permits (CUP), non-performance issues and regulations, Bert Harris Act, legal options, et cetera, is a bit overwhelming for the average person; this is a particular board that requires experience and knowledge; and the institutional knowledge that folks have that are on that board is extremely important. He pointed out it would be extremely difficult to replace someone; he thinks a person has to have a passion for this to be on this board because it is special.

Commissioner Lober explained he agrees with Commissioner Smith 100 percent with what he just said, but he has a problem getting from there to a point that a reasonable term limit on P&Z

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is going to somehow preclude that, because again, the thing he built into this is anyone can essentially be on the P&Z indefinitely if he or she rotates off and serves as an alternate for a period of time, so quite frankly, the Board can just rinse and repeat everyone that is on the advisory board; and the goal is really to get the Commissioners to look at who his or her appointees are, and if he or she is happy with them to just rinse and repeat in that District. He went on to say it is really designed to encourage the Commissioners individually to look and see what the options are; the one thing he would go back to, if he could briefly, if the Board is going to look at continuity and conformity to try to have something other than an arbitrary standard with respect to linking this to TDC, the period of time in which one has to remain off of TDC is longer than a single term limit would be for P&Z, so if the Board is going to match it he would ask it to match it calendar years eight years on and then two years off; and he asked is that correct.

Commissioner Tobia stated the issue is the TDC is controllable by Statute, and that is what this document will tell the Board; this is not controlled by Statute, so the Board needs to compare apples to apples instead of apples to oranges; some of this is in the Board's control, and others are not; and he thinks that is why the Board decided to task the County Manager with getting all of the different variables before it weighed it in and decided which way it was going to go. He added he did not know where the Board was going; the TDC was a little bit unique because of Statute; and this, from his understanding, is not controlled that way. He noted he does not know if the two can be compared in all fairness.

Commissioner Pritchett stated being true to form on this since the Board started this, she does not believe in term limits for volunteer boards, so she reiterated she will be true to form on that going forward; she assigns the appointments, she has complete choice; and if they are not doing a good job, she will just pull them off, let it sit empty, or find someone to put on it. She went on to say as far as this board, she thinks Mr. Minneboo and Mr. Bartcher are her appointments; she has an alternate on there, Mr. Mutter, wonderful guy, she talked him into serving as the alternate, and she cannot get him to show up to a meeting; and it is not a very easy board to fill, and she does not have a lot of people knocking down the door to do it. She stated Mr. Bartcher just kind of does it and she is appreciative of it. She pointed out there is a lot of knowledge in that a person has to get working these; when she was on the City of Titusville City Council it was three years into it before she developed enough confidence and institutional knowledge that she quit driving everybody nuts on the staff; she thinks there is a real advantage having people know their jobs and positions; she will probably never support it with this because she has the ability to term them right out just by replacing them the next year; and she thinks somehow the Board Members may be even kind of getting into each other's stuff with his or her own appointments by saying a Commissioner cannot appoint who he or she thinks is appropriate to the Board.

Commissioner Lober stated his recollection, and he will ask the County Attorney or County Manager to help him out here because it has gotten a little bit late, with respect to TDC, if he recalls correctly and to help him out, it was eight years on; and he asked if it was two or four off.

Frank Abbate, County Manager, advised he thinks it was four.

Commissioner Lober stated he would be happy to mirror that, but if the Board would rather have six years on and two years off, or if there is a number that strikes a Commissioner's fancy, really if the spirit of what he is trying to accomplish is more important to him than the particular number of years or terms; and he asked if the Board would be amenable to six years on and two years off.

Commissioner Tobia replied if Commissioner Lober wants a vote today, he would be willing to do an eight-year term limit, he thinks that is what voters provided the Board Members with, and

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that is the same that should be provided to the individuals who volunteer their time; and he would be comfortable to vote eight years today, and anything else he would rather wait to make a determination.

Commissioner Lober asked in terms of time off, what is Commissioner Tobia envisioning them having remain off for that same period of time, for four years, as would apply to the Board Members and as it applies to TDC. He stated his thought is it does not seem regardless what the Board receives from Mr. Abbate, it is going to change anyone's option as to whether or not he or she will support this, so for that reason he probably will make the motion tonight; if someone would rather the Board wait, he is happy to wait; but if it is just delaying the inevitable he will not wait.

Chair Isnardi stated she personally would like something just built in where Commissioner Pritchett's concerns could be addressed, because if she has nobody that is interested, if there is any latitude for the Board to waive policy or a rule in place. She noted the reason she asked is because it took her a bit to find someone for her second P&Z position, the other guy has been on there a while; she knows when she reads a P&Z agenda, she appreciates their input and she learns a little bit, but it is ultimately her decision anyway.

Attorney Bentley advised a waiver can be written in.

Chair Isnardi stated that way the Board does not have to risk a vacancy; and it would address Commissioner Pritchett's concern.

Commissioner Lober asked how she would propose to say that, because he is flexible with it.

Chair Isnardi advised she thinks as long as she includes it in there.

Commissioner Lober stated but in terms of the specific way of wording; he just wants to know what it will accomplish and whether the Board will have to bring it back for a vote to get it waived, or how it will be addressed; he asked if the Board passes it the way it is being proposed, what would happen if the Chair cannot find a second member for some reason.

Attorney Bentley explained this is legislative intent, so staff can look at it and bring it back to the Board with options, because the waiver provisions may be something that can be advertised generally and broadly, and to come back with specifics, or the Board can give staff explicit direction if it wants to be able to bring it to the Board and ask for a waiver, it would be very simple to insert.

Chair Isnardi stated that would probably increase transparency.

Commissioner Lober stated maybe the Board can just say by majority vote of the Board it can be waived; he asked if that is okay; and stated he does not want to make it onerous to make it a super majority or something crazy like that. He went on by saying obviously in terms of the duration, he mentioned at the beginning he is flexible and happy to change three to eight; in terms of the number of years a person has to remain off, the Board is extending it to eight years, he does not think one year is reasonable; he is not saying it needs to be four; but it seems an awfully short period of time to have them off; and he asked the Board if it would contemplate eight and four, or eight and two.

Commissioner Tobia stated his goal with this was to have some level of consistency; he does not know if the Board puts a waiver in there that it has really hit the spirit of term limits; and he does not think that is a term limit in all honesty.

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Chair Isnardi stated if the Board is forcing them in the Sunshine to put that out there in the public, and if Commissioner Lober says he has four people that are interested in the advisory board, then it is accountable. She reiterated she had a hard time finding someone to fill her second slot on P&Z. She noted she wants someone who actually has a background; and she is trying to compromise as it is something the Board does not often do up here.

Commissioner Tobia advised this is just permission to advertise, so the Board is not putting anything in stone; he thinks term limits can be advertised on P&Z with a potential waiver, and then the Board could discuss that in the future; and it does not obligate the Board to do anything other than advertise and bring it up. He went on to say even though that courtesy has not always been extended to him, he will certainly extend that courtesy and vote in favor of, should a motion arise very similar to that.

Commissioner Lober inquired if that is sufficient specificity for purposes of advertising.

Attorney Bentley replied probably; she stated it would be helpful to have some concept of how long the Board wants them off the board in between.

Commissioner Lober advised eight years on and three years off, and that is less time than TDC.

Chair Isnardi pointed out TDC has four-year terms, and she does not know how to compare the two.

Commissioner Lober stated he does not know it is necessarily the best comparison either, but it was the one that was brought up earlier; if there is some desire to have uniformity and consistency, he is happy to flex in that direction as well, so if the Board wants two years off that is fine.

Chair Isnardi advised that is reasonable, and if the Board needs to modify it at a meeting, it can.

Commissioner Lober stated he will still keep the language with respect with them being able to serve as alternates during that time; he is not trying to basically push someone off the board all together or preclude them from having input; he thinks that is important; and they still will have the ability to chime in at the meetings.

The Board approved legislative intent and granted permission to advertise for an ordinance imposing term limits upon the Planning and Zoning board members of eight years on and two years off; and included a waiver provision that if a Commissioner cannot find a person to fill a position on the Planning and Zoning board that he or she can bring the issue to the Board of County Commissioners, and if a majority approves, the eight-year term limit can be waived.

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

ITEM J.10., STAFF DIRECTION, RE: CONCESSIONAIRE'S REQUESTS TO ALLOW SALE OF BEER/WINE AT SPESSARD HOLLAND NORTH BEACH PARK AND HOWARD E. FUTCH PARK

Jim Liesenfelt, Assistant County Manager, stated these are a couple of vendors from the beach parks that came to the Board last meeting to ask for permission for beer and wine sales; the Board asked them to come back at the next meeting; the Board has an Agenda Report, staff report, and the two vendors, concessioners, are here.

Commissioner Lober stated with respect to this Item, he just wants to put out there again, he is trying to defer it to the individual Commissioners for the items pertaining solely to his or her Districts; unless something extenuating comes up, it will be deferred to District 3 and District 5 Commissioners as to what he or she wants to do with this.

Commissioner Tobia stated District 3 Commissioners policy is more beer and wine is a positive, so he will be strongly in favor of this; he is just wondering why there is no alcohol as well.

Chair Isnardi stated beer and wine is alcohol last she checked.

Commissioner Tobia advised liquor.

Anthony Sargenti stated their problem is the last couple of years are on the decline, his is 30 percent off; he turned in numbers for 36 months; and he thinks staff has some sort of chart so the Board can see it. He went on by saying he has a payroll, a couple of guys who work for him, and they have families; out of 12 months in a year, there are actually six good months for them; and the other six months are hit and miss. He added the weather plays a lot as they are at the beach; if it is 90 degrees they will have a bad day because it is too hot; if it is below 70, they will have a bad day because it is too cold; and if it is windy or rainy, it is hit and miss. He stated it is harder for him to pay his rent and his payroll; over the last three months he does not think he took money home, that he can actually say he made a profit, maybe four or five times; and the hardest thing is to come home and say to his wife there is no allowance this week. He stated he has been there almost six years; in the beginning it was good, he was not having a problem; he started with a bank of his own money; he had \$50,000 where in January he would walk into the office and pay for a whole year in advance; but as things got tougher, he is paying month to month, and he is using a lot of his own money. He stated he knows where there are a lot of customers who want their sandwich because it is the best steak sandwich in the County, they want to have a cold beer with it, and he cannot give it to him; he tries to sell them soda or water, and they walk away; sometimes it is three couples; they walk across the street, and he loses the business; and they need help.

Derek Thomson stated he is in the same situation as Mr. Sargenti; he, his wife, and his son work together; he has had the business for 15 months; from November to this year, his takings have gone down drastically. He went on to say he has people every day ask for beer or wine, and they just want to sit on the bench and have a beer and enjoy their sandwich.

Chair Isnardi asked how long the lease is.

Mr. Sargenti replied three years.

Chair Isnardi advised she would be in support of something like this, but in order to be fair after like a year the Board would just about have to go out to competitively bid again, that would be the fair option.

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Frank Abbate, County Manager, stated these leases when they were initially let out, they did not include beer and wine, because the County does not have that as a policy to have that in the concession stands currently outside of the one restaurant in the two golf courses when it had them; one would think that if it would be operating like a business and the County did the RFP, it would either be in or out and that has not been as a term; it would be the Board's discretion if it wants to do that; and that is one option it may take.

Chair Isnardi stated unless the County has an issue of how it can make this work, does staff see there being big liabilities or anything like that with this item.

Mr. Abbate advised liability was not one of the comments that were put in the staff report, no.

Commissioner Pritchett stated she thinks a year to re-negotiate would be fair too, so other bids can be taken, because this is changing the contract. She asked if it would open the Board up to having this same type of thing at ball games and children's sports; and she asked if something could be written. She inquired if this can be done stand alone.

Mr. Abbate responded staff checked as to what other jurisdictions were doing, and to the best of his knowledge none of the surrounding jurisdictions in counties or cities are doing that; quite honestly, if the Board made this motion to do it for just these two, they are not in a position to know whether or not any other concessions would make similar inquiries or not.

Commissioner Pritchett noted it can be done on a case-by-case approval.

Mary Ellen Donner, Parks and Recreation Director, stated there is one jurisdiction that does allow for sale of beer and wine, and that is the City of Titusville at their Marina, as well as to asset Pier 220.

Commissioner Pritchett advised that is an adult hang out, but the Board can make sure it is not done at children's sports events.

Ms. Donner stated it can be done on a case-by-case basis.

Commissioner Smith stated they bid on this, they have been doing it for he does not know how many years, and he just bid on it again a year ago.

Mr. Sargenti replied he bid on it maybe three times already.

Ms. Donner noted Mr. Sargenti's contract is on a month-to-month, and there is a one-year renewal that is available; and with Billy's he has the possibility of a 36-month renewal in April of this year.

Commissioner Smith stated when a person bids on something he or she knows what they are bidding on, and after it has been bid on they come back with something to make it better; that is like putting the cart before the horse. He asked how many vendors the County has on the beaches now.

Ms. Donner replied currently there are these two gentlemen, and staff just went out and was ready to award a third at the Kenova Dog Park; and at one point there was a concession at Lori Wilson Park, but Parks and Recreation is no longer running that concession.

Commissioner Smith stated his concern there was if there were five or six of these out there, and then the Board gave these guys beer and wine, then people would be coming to the Board asking for the same.

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Commissioner Tobia stated unfortunately he thinks the precedent was set; the Board had a gentleman come up here and want a rent relief because he was not making enough money at the courthouse, and that one passed by a vote of 4:1; the precedent was set for these gentleman up here that contracts do not mean much with the County; and if it was provided to the gentleman not having to pay his rent, these gentleman's request is a lot less actually than what has already been provided the individual at the courthouse. He pointed out he does not think it is a good job to sell alcohol at the courthouse.

Commissioner Lober stated he understands Commissioner Tobia's position; and he inquired as far as Madam Chair, where she stands with this, as he thinks if she is in favor of this, the Board can just call the question.

Chair Isnardi stated she is in support of this; she just wanted to see if the gentlemen would be agreeable to like a year-long lease to see if this works; and then after that year, the Board can decide if the rent needs to be adjusted.

Mr. Sargenti advised he does not understand that; when he first bid on this at the park there was only a slab there; and there was no business, no building, or nothing.

Chair Isnardi stated but now he will be bidding on somewhere that is allowed to sell alcohol, so that changes the game a little bit; the Board is already granting him a little bit of favor by allowing them to just do it now without asking him for an adjustment in his rent; and if it is busy there, he will make money.

Mr. Sargenti stated if at the end of a year he is making money selling beer and wine, he has no problem with the County raising the rent.

Ms. Donner stated staff will have to modify both agreements for beer and wine, insurances, and so forth; and any of this would be contingent upon them getting permission from the State to serve beer and wine at these locations. She went on to say there is zoning and a lot of things that will go into that.

Commissioner Lober stated maybe the Board can move to approve it conditioned upon there not being the option exercised for the year-long lease, so that the Board does not approve it and then it is tied in for a period of time, say six months from now if there is a concern that he is going to say now he is going to exercise the option, and at that time the Board is not able at that point to re-evaluate rent; maybe the smart thing would be to approve it conditioned upon his not exercising the option that he has to renew until the Board is at a juncture to re-evaluate what an appropriate rent is. He stated if in the future someone comes in who is not as honest as these gentlemen are who might come and say thank you, then they turn around and instead of clearly going with what the intention is by allowing the County to re-evaluate the rent at the end of the year, to instead say thank you for doing this, he or she will make use of the option made available to them prior to the end of that year, and then locking in for whatever period of time that option allows for at that potentially lower rent rate.

Ms. Donner advised there are terms and contract terms that would need to be updated because Mr. Thomson's contract was an assignment, so it is an older contract that does not have for example, E-Verify in it, and some of the other clauses the County has adopted.

The Board approved beer/wine sales conditioned upon the vendor not exercising one-year renewal; authorized Parks and Recreation Director to go out for a Request for Proposals (RFP) for the new contract; and authorized the County Manager to execute contracts upon County Attorney and Risk Management approval.

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

ITEM J.4., REQUESTING THE ATTORNEY GENERAL'S OFFICE TO ISSUE OPINION, RE: CRA EXPENDITURES

Commissioner Tobia stated this asks the Florida Attorney General's Office to issue an opinion on a simple question, that reads, "Is it lawful for Community Redevelopment Agencies (CRAs) to expend funds from its Redevelopment Trust Fund on promotion events such as street festivals, whether directly or through a grant by a third-party, before completion of infrastructure projects included in its Redevelopment Plan; as Commissioner Pritchett indicated at the last meeting, it does not hurt to have an outside opinion; if the Board were to receive such opinion this would allow the County and its municipal partners to have more information to objectively evaluate expenditures.

Motion by Commissioner Tobia, seconded by Commissioner Pritchett, to authorize the County Attorney's Office to request an opinion from the Florida Attorney General's Office, on behalf of the Board, asking if it is lawful for Community Redevelopment Agencies to expend funds from its redevelopment trust fund on promotional events such as street festivals, whether directly or through a grant by a third-party, before completion of infrastructure projects included in its Redevelopment Plan.

Commissioner Lober stated this is a great idea; he knows there have been some municipalities, unfortunately, one of the larger municipalities in Brevard County that recently was rather reticent, and that is putting it very diplomatically and kindly; at the prospect of getting an AGO, he does not have a problem with doing that; he absolutely trusts the County Attorney; Brevard has the best County Attorney certainly at least in this County, if not in a wider expanse than that; but that said, it never hurts to have an AGO. He pointed out his wife who works for Scott Ellis' Staff Counsel has been on board with getting AGOs over her own opinions of whether they are appropriate or not; it is not a slight to the County Attorney; as an attorney, he would not take it as a slight if someone wanted to do that to get confirmation of what he has said to have a better basis to argue it if there is some issue that comes up in the future; and it gives the Board more ammunition, because he does anticipate is what it is going to get back in all likelihood is going to be consistent with what has been heard at the County level already. He reiterated he is totally in favor of it.

Commissioner Pritchett stated she is glad the Board is doing this; she called Senator Tom Wright and State Representative Rene Plasencia and she thinks what the Board also needs to do, she asked them if they would start working on something they can do up there so they can make this more clear; she does not like them spending money on this; but the problem is, there are so many different opinions, so it will stay so ambiguous.

Commissioner Tobia asked Commissioner Pritchett to hold that thought until his next Agenda Item.

Commissioner Pritchett advised she is on a roll.

Commissioner Tobia stated okay, but she is going to repeat that.

Commissioner Pritchett stated no, she is only going to say it one time, and he will know she said it next time, too; but she thinks that is where the breakdown is because there are so many different opinions, they are all lawyers, and lawyers do not agree with each other; she thinks there is so much gray area there that it is just confusing; and it is not fair to the individual. She reiterated the Board needs to get the State level to do something so it can get it clear with the communities.

Chair Isnardi called for a vote on the motion. The Board authorized the County Attorney's Office to request an opinion from the Florida Attorney General's Office, on behalf of the Board, asking if it is lawful for Community Redevelopment Agencies to expend funds from its Redevelopment Trust Fund on promotional events such as street festivals, whether directly or through a grant by a third-party, before completion of infrastructure projects included in its Redevelopment Plan.

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

ITEM J.7., BOARD CONSIDERATION: LETTER SEEKING GUIDANCE FROM BREVARD DELEGATION

Commissioner Tobia stated he thinks Commissioner Pritchett had the opening he wants for this one; this is something the Board can do in the interim when it comes to the Brevard County Delegation; the Board brought something up asking for some sort of clarification in the form of a proposed bill that the Brevard Delegation, a majority of them were not in favor of; and when consulting with the Chairman, Randy Fine, he suggested the Board probably send a letter and just to be clear before he reads this, this is a very cordial, unsarcastic letter that comes out of his office, because he would like as many signatures as possible. He read the letter as follows: "Thank you for your service to the State, and for the opportunity you provided to discuss a local bill regarding Community Redevelopment Agencies during the Delegation Meeting on January 15, 2019. We fully respect your decision on this bill, and the home-rule based rationale behind it. Currently there are three pre-charter CRAs to which the County contributes approximately \$1.2 million of annual revenue. Unfortunately, two of these CRAs have acted unlawfully, according to the Brevard County Attorney's Office. The County has done its part in attempting to rectify this situation and protect its home-rule authority over these funds. First, in August of 2017, we sought out information on how these CRAs are spending County tax dollars. Upon receiving this information, we attempted to enter into negotiations with these CRAs and their governing authorities to find common-ground. This effort has failed; indeed, at least one of these CRAs has taken action directly contrary to our Board's reasonable requests, with no consultation whatsoever. Second, a majority of the members of the Board then supported the local bill, which would have been a small step in the County recovering some of its home-rule authority. You determined that this bill was not in the best interest of the State. Since the Delegation has made clear its support for home-rule, we would appreciate your guidance. What course of action do you recommend the County take in order to exercise its most basic home-rule authority in having some measure of oversight over its own revenue, particularly when it has been spent in a manner which may be unlawful? Again, thank you for serving the people of Brevard County. We have the upmost respect for the work that you do, and would value your

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input on this important matter." He stated the State may have something the County has not thought of.

Commissioner Pritchett stated she thinks parts of this letter are really good and parts of this letter probably could use a little love; she understands where the Board is trying to get and she is onboard with him; there are two attorneys that say it is lawful, two attorneys that say it is not lawful, and two Attorney Generals that says it is not lawful; but to throw out there now the Board just assumes they have done something unlawful is kind of hard on the local municipalities. She went on to say she understands the goal he is trying to get to; the letter could be fixed a little bit so it is not so mean; and maybe it can be done in such a way to get the point across, get their attention, and address this issue, because it needs to. She pointed out there is a better way without putting those two little sentences in there.

Commissioner Tobia stated he was biting his tongue every second he was writing; he asked Commissioner Pritchett to tell him the sentences to get rid of, and he is ready to strike them right now.

Commissioner Pritchett advised "Unfortunately, two of these CRAs have acted unlawfully, according to the Brevard County Attorney's Office."

Commissioner Tobia stated it is gone.

Chair Isnardi stated if Commissioner Tobia wants to leave that in there, maybe the compromise is "according to the County Attorney's Office, these monies may have been spent unlawfully".

Commissioner Tobia advised it is gone; and he asked if there is anything else.

Commissioner Lober stated he respects the diplomacy Commissioner Pritchett is trying to show with respect to this; he does want to call attention, and he did not bring it up before because it was not relevant and he did not think it was going to be productive, that he was asked to attend a prior Melbourne City Council meeting over the CRA issue and over its consideration by the Delegation by one of the City Council people; and to put it kindly and diplomatically, he was treated pretty reprehensibly there to the extent that one of the City Councilmen actually on the record during the meeting apologized to him for the treatment that he received by one or more of his colleagues; he gets the impression there are certain individuals that are less than appreciative of the relationship they have with the Board; he is not looking at escalating anything unnecessarily; but he does want to call out to his colleagues that not everyone is looking at having a productive, good relationship; and he appreciates Commissioner Tobia struck it. He reiterated he wants to throw out there occasionally there may be call for some stronger language than what would ordinarily be the case; he does not want to get into it unless someone else wants to delve into it; but he did have a lot of concerns based on that interaction.

Commissioner Pritchett stated there is one more, and she asked Commissioner Tobia to strike "be unlawful" from the next to the last paragraph. She noted on every governing board there is always one good jerk; but she advised not on this Board. She stated that would still get the same purpose across but it will get better attention to this than just insinuating people are acting unlawfully right now because that is still to be determined.

Commissioner Pritchett stated how about "in a manner which may be questionable".

Chair Isnardi stated or "may have been improper".

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Commissioner Pritchett stated in all fairness the Board has had so many entities that have promoted this as being fair, and it has confused a lot of the cities; and in all fairness she is not sure they have tried to do something that is even contrary, she just thinks it is so unclear.

Commissioner Tobia stated he would change the letter to get rid of, "Unfortunately, two of these CRAs have acted unlawfully, according to the Brevard County Attorney's Office;" as well as to change "be unlawful" to "have been questionable."

Chair Isnardi asked that if this is passed unanimously, she would like to add the Board voted during the meeting, she trusts his wording will not be much more than that, but that the Board voted to send this letter so they understand it is not just coming from her office. She advised he can start out the letter saying during this date and time; if she received this letter, she would assume it was from the Chairman, and she would not know if it even went before their board; and she thinks it sends a bigger message when all five Commissioners are saying he or she have concerns over this.

EXTENTION OF THE BOARD MEETING BY 20 MINUTES

Motion by Commissioner Lober to extend the meeting an additional 20 minutes since it is approaching 11:00 p.m., provided that staff not be mandated to stay here if he or she does not wish to be here.

*Chair Isnardi passed the gavel to Vice Chair Lober.

The Board approved extending the meeting for an additional 20 minutes.

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

ITEM J.7. BOARD CONSIDERATION: LETTER SEEKING GUIDANCE FROM BREVARD DELEGATION (CONTINUED)

The Board authorized the Chair to execute and send a Letter to the members of the Brevard Delegation regarding Community Redevelopment Agencies that were created before the Brevard County Charter was enacted.

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

*Vice Chair Lober passed the gavel back to Chair Isnardi.

ITEM J.9., BOARD DISCUSSION: CONSIDERATION AND SOLICITATION OF IDEAS FOR NEW COUNTY LOGO

Commissioner Tobia stated it has come to his attention that the Brevard County logo is obsolete for reasons the Board is all aware of; just as it has had to update its website and television broadcast, it is in the Board's best interest to take a proactive stance in modifying something as visible as its logo; thankfully this change does not have to cost nearly as much as other technology adaption might; rather than seeking a firm as the City of Palm Bay did a few years ago, he thinks the County has more creativity between staffs to make an attractive and distinctive logo; and he has included some suggestions in this Agenda Packet, but he is not asking the Board to make a selection. He went on to say it is his hope to solicit input from all of the staff and anyone else who may be interested to submit their suggestions; if the Board is amenable, he would ask Don Walker, SCGTV Director, to get the word out as it may need as much input as possible; note the submissions must be ADA compliant, and versatile enough to be used in a variety of ways whether it be letterhead, websites, or on the side of the utility trucks; just as it was done the last time the logo was changed, it would not throw out everything with the current logo and order new equipment; and instead it can update the purchases during normal product cycles throughout attrition.

Commissioner Tobia provided a PowerPoint presentation showing different logo suggestions.

He stated there are some issues with the old logo historically the Board will be talking about at a different point; there are some logos that are ADA compliant and are more attractive than what the County currently has; and his suggestions that bear no resemblance to the greatest football team ever on the grid iron. He stated he would like to open this up to provide a little more accessibility to the citizens as well as brighten up the utility trucks; and he would like for this to be in people's minds so the Board can take some sort of action in the near future.

Commissioner Pritchett asked if there is something wrong with the County logo as far as legally.

Commissioner Tobia advised he is not an attorney so he cannot answer that question; but the logo should be ADA compliant.

Commissioner Pritchett asked Commissioner Tobia to help her with that, she does not understand this.

Commissioner Tobia reiterated the County logo should be ADA compliant.

Commissioner Lober pointed out he thinks Commissioner Tobia means by contrast, higher contrast.

Commissioner Pritchett stated she loves the County logo; it is so beautiful.

Commissioner Smith asked what makes it not ADA compliant.

Commissioner Tobia responded the contrast between the colors.

Chair Isnardi noted the colors could be changed and it would be ADA compliant.

Commissioner Tobia advised that can be one suggestion.

Commissioner Lober asked to pull up the old Brevard County logo, as he has a question in relation to that; his understanding, and he could have been operating under the wrong impression this whole time, he did not believe listed as the old logo was the old logo, he thought

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that was the County seal, and separate and apart from that what is listed as new logo is simply the logo; he knows Jeff McKnight, IT Director, and he worked on obtaining some high resolution or vector graphics; and he knows some of them, at least in the file names, indicated the item labeled old logo was in fact the seal, it is still the current seal, and the logo is simply the logo. He added he knows at least with the business cards for him and his staff, they opted to use the seal instead of the new logo because they did not like the new logo.

Commissioner Tobia advised his understanding is they were one and the same at one time, at which time they branched off, so that is when they became separate; the wrong date is on the logo; and the seal has the incorrect date. He went on by saying the Brevard Historical Commission may be one of the commissions the Board should get rid of; the County did not become a County until 1855; and 1854 is incorrect, which is kind of embarrassing. He pointed out nonetheless it should be taken care of sometime in the near future. He informed the Board he needs no motion, he just wants the logo to come into ADA compliance and to solicit any sort of suggestions; he has thrown some out there; if it is simple as changing the colors, then it would certainly be worthy of discussion as long as the Board is in ADA compliance; and that would be a good thing.

The Board considered and discussed ideas for a new logo for Brevard County, but took no formal action.

ITEM K. PUBLIC COMMENTS

Charles Tovey stated burning desire, \$40 million; he asked if there is a toilet invented that would neutralize everything; and he stated the way it is now, they are almost that way, so the money is being geared to something that may be obsolete in the future. He stated all of the monies invested at this time and all of the people waiting to speak, and the whole thing changes. He inquired what the biggest, positive change that could change the Lagoon; he stated clean water, spring clean water; tomorrow he talks to one of the Brevard County employees who are going to help him find a map so he can write down his information and disclose it before the Board makes any major decisions; he has some help for the Lagoon, which is not cost involving; and the other thing was he will buy the muck and turn it into money. He pointed out all this money is being spent to remove it; and he asked the Board if maybe it had tried to solicit someone to buy it. He stated there is \$4 million, five Districts, \$4 million per District, and that is a lot of money for each zone; and the County is spending all of this money to remedy situations. He stated he wants to make sure he has the information turned into the Board and that it does not make any hasty decisions on the long-term of things when it might be changed considerably; the way technology is not, he does not think all of that money should be put into something that could be changing radically; and if anybody had some kind of monetary, he or she would find a way. He stated he does have a help for the algae blooms, all of those things, and it could be turned into money instead of spending money and save people a lot.

Robert Burns stated he was coming to speak on the Aquarium issue, but the only reason he is speaking now is about the logo; if the Board is going to open that up for possible redesign, he would encourage it, and if is concerned about cost of the process, to open it up to the schools; there are a lot of talent in the schools to allow some of those people in those art programs an opportunity to contribute to that; and to put out the guidelines to make sure they would be ADA compliant.

Chair Isnardi asked what his thoughts were on the Aquarium just out of curiosity.

Mr. Burns replied almost verbatim what Chair Isnardi stated.

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Chair Isnardi pointed out she did not know that; and she knows who he is but she does not really know him.

Mr. Burns stated the only other point he would have made is when the County passes something it is the County giving its word to the people; if that is being rescinded, it is going back on the County's word.

ITEM L.5., BOARD REPORTS, RE: JOHN TOBIA, COMMISSIONER DISTRICT 3

Commissioner Tobia advised he did a couple of shadowing's; Doug Divers, Natural Resources Management Department, was out checking gas tanks; it is amazing the care County staff has, not only for the business owners, but for the environment as well; it is a thin line to walk; and Mr. Divers did a very good job. He went on to say he went to the South Central Wastewater Treatment Plant; there he met with Edward Fontanin, Utility Services Director, and Phil Bassett, who are very skilled, kind, and in the very few places that were a little pungent, scooped them through in a very expeditious fashion; the County has great workers on the ground; and the County is fortunate to have those folks working hard for the people of Brevard County.

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

The Board authorized Commissioner Smith to travel to Washington, D.C., in March 2019 with the Economic Development Commission of Florida's Space Coast.

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

Upon consensus of the Board, the meeting adjourned at 11:14 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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