

October 22, 2019

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, October 22, 2019

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 A.M.

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

Absent: Commissioner District 5 Kristine Isnardi

B. MOMENT OF SILENCE

Commissioner Lober called for a moment of silence.

C. PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

E.1. Launch the Vote Art Contest

Commissioner Lober read aloud, and the Board adopted Resolution No. 19-199, for Launch the Vote Art Contest.

Lori Scott, Supervisor of Elections, stated she was honored to have the students enter this year; she acknowledged the three judges and advised she does not think she could do the judging because they are so exceptional; and it shows how much their parents have taught them about the importance of voting. She noted what a great job their art teacher has done because every single winner this year was from Pineapple Cove Academy, and that is a tribute to Ms. Geiger; she noted when the judging happens the students names and their schools are not shown, so no one knew when they were selected that it all happened to be the same school; and she thinks they did an exceptional job. She mentioned their artwork will hang in her office for the next year, along with Chik-Fil-A displaying their art work as well; and she thanked the Board for helping to honor the students and they hope to inspire these future voters at a very young age, and the Board's participation certainly helps to do that.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

E.2. Resolution Supporting Legislation to designate road in honor of Trooper Halley Strickland

Commissioner Pritchett read aloud, and the Board adopted Resolution No. 19-200, supporting legislation to designate a portion of U.S.1 in Mims as the Trooper Halley Strickland Memorial Highway.

Result: Adopted

Mover: Rita Pritchett

Second: Curt Smith

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

E.2.B. Resolution Supporting Legislation to designate road in Honor of Trooper Joseph Sawtell, Jr.

Commissioner Lober read aloud, and the Board adopted Resolution No. 19-201, supporting Legislation to designate a portion of Babcock Street, between Malabar Road and Palm Bay Road, as the Trooper Joseph Sawtell, Jr. Memorial Highway.

Captain Carpenter, Florida Highway Patrol, thanked the Board for the Resolution; he noted there are so many other agencies that have also lost officers across the United States; and he mentioned since 1936, they have lost 48 officers in the line of duty.

Result: Adopted

Mover: Rita Pritchett

Seconder: Curt Smith

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

E.5. Resolution recognizing Puerto Rican Heritage Month

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-202, recognizing Puerto Rican Heritage Month.

A member of the community thanked the Board for the Resolution and invited everyone to the festivities.

Result: Adopted

Mover: Curt Smith

Seconder: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

E.6. Resolution recognizing October as Florida Native Plant Month

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-203, recognizing October as Florida Native Plant Month.

A member of the Florida Native Plant Society accepted the Resolution and thanked the Board for the recognition.

Result: Adopted

Mover: Curt Smith

Seconder: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

E.7. Resolution recognizing November as National Native American Heritage Month

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-204, recognizing November as National Native American Heritage Month.

A representative of the Native American community expressed her appreciation for the Resolution and invited everyone to the Native American Festival at Wickham Park.

Result: Adopted

Mover: Curt Smith

Second: John Tobia

Ayes: Lober, Tobia, and Smith

Excused: Pritchett

Absent: Isnardi

E.8. Resolution acknowledging Making Strides Against Breast Cancer Day

Commissioner Smith read aloud, and the Board adopted Resolution No. 19-205, acknowledging October 26, as Making Strides Against Breast Cancer Day.

A representative of the American Cancer Society thanked the Board for the Resolution.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

E.9. Resolution Recognizing Christine Furru Upon Her Retirement

Commissioner Tobia read aloud, and the Board adopted Resolution No. 19-206, recognizing Christine Furru on her retirement.

Christine Furru stated she is going to miss everyone; she will mostly miss Commissioner Tobia for his generosity, kindness, and his sense of humor; and she thanked the Board for the Resolution.

Result: Adopted

Mover: John Tobia

Second: Bryan Lober

Ayes: Pritchett, Lober, Tobia, and Smith

Absent: Isnardi

The Board recessed at 9:40 a.m. and reconvened at 9:51 a.m.

Chair Isnardi arrived at 9:40 a.m.

Chair Isnardi apologized and stated she was backed up in traffic after a car accident on I-95; she commented as frustrating as it is for people who were late to where they were going, where everything in life seems so important, she just prays that everyone was okay because instinctively she just wants to get out of her car and run to help because she saw that it had just happened; and she noted the emergency vehicles were not even there yet.

D. MINUTES FOR APPROVAL

The Board approved the August 20, 2019 Regular Meeting Minutes and the September 12, 2019 First Budget Hearing Minutes.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

E.3. Resolution re: Proclaiming October 2019 as Manufacturing Month

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-207, proclaiming October 2019 as Manufacturing Month.

A representative thanked the Board for the Resolution and provided a short video.

Result: Adopted

Mover: Rita Pritchett

Second: Bryan Lober

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

E.4. Resolution recognizing October as Domestic Violence Awareness Month

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-208, recognizing October as Domestic Violence Awareness Month.

A representative for Brevard County's Domestic Violence stated during the month of October the Brevard County Domestic Awareness Task Force joins communities across the nation to recognize the seriousness of domestic violence and to honor those who have been affected by violence; the mission of the Brevard County Domestic Violence Task Force is to address issues related to domestic violence in this County by raising awareness while preserving the rights of the victims; and she appreciates the support of the Board for those affected by domestic violence and the agencies that assist families and individuals. She urged everyone to speak out against domestic violence, support survivor's efforts to live free from abuse, and to hold those who abuse accountable.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

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

J.2. Discussion Re: Sea Ray Drive Bridge over Sykes Creek

The Board tabled discussion regarding alternatives (repair or replacement) pertaining to the Sea Ray Drive Bridge over Sykes Creek, to a future Board meeting.

Result: Tabled

Mover: Bryan Lober

Second: Rita Pritchett

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

Commissioner Pritchett pulled Item F.11. to authorize the Chair to execute an Agreement with Indian River Kontrol Society (IRKS) for a Temporary Fly-in Area (TFIA) at the Central Disposal Facility and related resolution from Consent Items.

Commissioner Tobia pulled Item F.5. for consideration of proposed legislation to create the Deering Park Stewardship District by Special Act requested by Glenn Storch on behalf of Miami Corporation and its affiliates from the Consent Items.

F.1. Wetlands Mitigation for the Pines Industrial Stormwater Project

The Board adopted Resolution No. 19-209, affirming the recording of a conservation easement; approved and authorized the Chair to execute Conservation Easement with St. Johns River Water Management District associated with the Pines Industrial Stormwater Project after review and approval by Risk Management and the County Attorney's Office; and approved the bid, awarded, and authorize the Chair or County Manager to sign contracts for the mitigation work to be performed in association with the Pines Industrial Stormwater Project after review and approval by Risk Management and the County Attorney's Office.

Result: Adopted

Mover: Bryan Lober

Secunder: Rita Pritchett

F.2. Community Groundwater Monitoring and Performance Measurements for the Save Our Indian River Lagoon Project Plan (SOIRL)

The Board approved and authorized the Chair to execute Task Order 19-001-003 SOIRL to measure the performance of projects funded by Save Our Indian River Lagoon Project Plan; and authorized the County Manager to execute amendments, if needed, subject to the approval of the County Attorney's Office and Risk Management.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

**F.3. Final Plat Approval, Re: Beach Club at Aquarina (14SDM-00183) (District 3)
Developer: Kahama VII, LLC and Aquarina Community Services Association, Inc.**

The Board granted final plat approval for Beach Club at Aquarina (14SDM-00183), subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits; and authorized the Chair to sign the final plat.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.4. Acceptance, Re: Binding Development Plan - Blue Star Shoreview, LLC (19PZ00060)

The Board executed Binding Development Plan with Blue Star Shoreview, LLC.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.6. Approval Re: Sidewalk Easement from U-Haul Co. of Florida (Merritt Island) as required by Site Plan Number 18SP00041

The Board approved and accepted the Sidewalk Easement from U-Haul Co. of Florida for property located on the corner of Sykes Creek Parkway and Fortenberry Road, Merritt Island, in Section 36, Township 26 South, Range 36 East.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.7. Approval Re: Amendment 1 to Contract for Sale and Purchase for the Nandivada parcel for the Dredge Spoil Management and Stormwater Retention Pond Project

The Board approved and authorized the Chair to execute Amendment 1 to Contract for Sale and Purchase with Anupama Nandivada for property located off North Banana River Drive, Merritt Island, in Section 24, Township 37, Range 31.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.8. Approval Re: Cost Sharing Agreement Between the St. Johns River Water Management District and Brevard County for Controlling Abandoned Artesian Wells

The Board approved and authorized the Chair to execute Cost Sharing Agreement with St. Johns River Water Management District for controlling abandoned artesian wells; and approved any necessary Budget Change Requests associated with this action.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.9. Approval Re: Change Order No. 4A for the Pineda Causeway Grade Separation Overpass

The Board approved and authorized the Chair to execute Change Order No. 4A in the amount of \$542,216.32, for the Pineda Causeway Grade Separation Overpass; and approved any necessary Budget Change Requests associated with this action.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

F.10. Approval Re: State-Funded Grant Supplemental Agreement No. 1 and Resolution to the Florida Department of Transportation (F.D.O.T.) State-Funded Grant Agreement Contract No. G1C57 for the Design of Hollywood Boulevard Widening from U.S. 192 to Palm Bay Road

The Board adopted Resolution No. 19-210; and approved and authorized the Chair to execute

State-Funded Grant Supplemental Agreement No. 1 with FDOT for the design of Hollywood Boulevard widening from U.S. 192 to Palm Bay Road.

Result: Adopted

Mover: Bryan Lober

Second: Rita Pritchett

F.12. Approval of Task Order No. E1C Riverside Drive Force Main - Construction Services, Task Order No. 6C Lift Station B-19 & B-20 Surge Tanks - Construction Services, and Task Order No. E1A Riverside Drive Force Main - State Revolving Fund Administration

The Board approved and authorized the Chair to execute Task Order No. E1C Riverside Drive Force Main – Construction Services, Task Order No. 6C Lift Station B-19 and B-20 Surge Tanks – Construction Services, and Task Order No. E1A Riverside Drive Force Main – State Revolving Fund Administration; authorized the Chair to execute any future amendments, task orders, or contracts within the scope of the approved project; and authorized any associated budget changes.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.13. Permission to add RedZone Robotics as a cooperative contract to the Vendor of Record List for Sewer Line & Manhole Assessments

The Board approved the use of a cooperative contract for RedZone Robotics as a vendor of record, piggybacking the City of Palm Bay Contract for Fiscal Year 2020; approved the issuance of a blanket Purchase Order; and authorized the Chair to execute the resulting contract which exceeds \$100,000.00, subject to review and prior approval from the County Manager's Office, County Attorney's Office, and Risk Management.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.14. Permission to execute a license agreement for an approximately 100 x 350 ft.2 parking area for special events and staff parking on Valkaria Airport property (non-operational)

The Board granted permission and authorized the Chair to execute a License Agreement with Up the Creek Farms, LLC, for the purpose of an outside, open overflow parking area, in accordance with F.S. 125.35(1)(a), which expressly authorizes the Board of County Commissioners to sell and convey any real or personal property and to lease real property belonging to the County, whenever the Board determines that it is in the best interest of the County to do so.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

F.15. Approval, Re: License Agreement for access across Environmentally Endangered Lands (EEL) Program managed lands at Grant Flatwoods Sanctuary

The Board approved and authorized the Chair to execute a License Agreement that allows Jessie Briel to access his property through the EEL Program managed Grant Flatwoods Sanctuary.

Result: Approved
Mover: Bryan Lober
Seconder: Rita Pritchett

F.16. Approval, Re: Construction Manager Contract with W&J Construction Corporation for Shoreline Restoration at Long Point Park

The Board approved and authorized the Chair to execute Construction Manager Contract with W & J Construction Corporation; authorized the Chair to execute all related contracts; and authorized the County Manager to execute necessary Budget Change Requests related to the Shoreline Restoration Project at Long Point Park.

Result: Approved
Mover: Bryan Lober
Seconder: Rita Pritchett

F.17. A Resolution of the Board of County Commissioners of Brevard County, Florida Adopting the Interlocal Agreement Between the County and the Town of Malabar Providing for E911 Dispatching Services.

The Board approved an Interlocal Agreement with the Town of Malabar to provide E911 Dispatching Services.

Result: Approved
Mover: Bryan Lober
Seconder: Rita Pritchett

F.18 A Resolution of the Board of County Commissioners of Brevard County, Florida Adopting the Interlocal Agreement Between the County and the City of Rockledge for E-911 Dispatch Services, Automatic Aid, and Facility Use for a BCFR Ambulance.

The Board approved an Interlocal Agreement with the the City of Rockledge for E-911 Dispatch Services, Automatic Aid, and Facility Use for a BCFR Ambulance.

Result: Approved
Mover: Bryan Lober
Seconder: Rita Pritchett

F.19 A Resolution of the Board of County Commissioners of Brevard County, Florida Adopting the Agreement Between the County and Federal Government/Patrick Air Force Base (PAFB) for EMS Transport Services for PAFB.

The Board executed Agreement with Federal Government/Patrick Air Force Base (PAFB) for EMS Transport Services for PAFB.

Result: Approved
Mover: Bryan Lober
Secunder: Rita Pritchett

F.20. Approval of Budget Change Requests

The Board approved the Budget Change Request.

Result: Approved
Mover: Bryan Lober
Secunder: Rita Pritchett

F.21. Acknowledge receipt of the FY 2019-2020 Parrish Medical Center Revenue and Expense Budget and Millage Resolution

The Board acknowledged receipt of the FY 2019-2020 Revenue and Expense Budget and Millage Resolution for Parrish Medical Center.

Result: Approved
Mover: Bryan Lober
Secunder: Rita Pritchett

F.22. Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) approval for Capital Trust Agency Senior Living Revenue Bonds (Alura Senior Living Project), Series 2019 (the "Bonds").

The Board accepted the Report of Hearing Officer (Exhibit A to the Resolution) with respect to a public hearing held by Capital Trust Agency on behalf of the Board; and adopted Resolution No. 19-211, approving the Bonds for TEFRA purposes and the ability of the Capital Trust Agency to issue the Bonds in a principal amount not exceeding \$35,000,000 and to loan the proceeds thereof to Premium Edge, LLC, a Florida limited liability company (the "Borrower"), to finance the acquisition, construction, development, furnishing, installation, and equipping of a senior living and memory care facility herein described.

Result: Adopted
Mover: Bryan Lober
Secunder: Rita Pritchett

F.23. Resolution Approving the Issuance by Brevard County Housing Finance Authority of Multi-Family Housing Revenue Bonds (Southlake Towers Project)

The Board adopted Resolution No. 19-212, allowing the Authority to apply for an allocation with the Florida Division of Bond Finance and to allow the issuance by the Authority of multi-family housing revenue bonds to finance the acquisition, rehabilitation, equipping, and development of the Southlake Towers (the "Project").

Result: Adopted
Mover: Bryan Lober
Secunder: Rita Pritchett

F.24. Resolution Approving the Issuance by Brevard County Housing Finance Authority of Single Family Mortgage Revenue Bonds or in the Alternative, the Issuance of Mortgage Credit Certificates or in the Alternative, the Issuance of Multifamily Revenue Bonds

The Board adopted Resolution No. 19-213, to allow the Authority to apply for an allocation with the Florida Division of Bond Finance and to allow for the future issuance by the Authority of Single Family Mortgage Revenue Bonds or in the alternative, issuance of Mortgage Credit Certificates, or in the alternative, the issuance of Multifamily Revenue Bonds during 2020 through 2022.

Result: Adopted

Mover: Bryan Lober

Seconded: Rita Pritchett

F.25. Permission to Advertise Public Hearing to consider application for the 2019 Edward Byrne Memorial Justice Assistance.

The Board granted permission to advertise a Public Hearing to consider the 2019 Edward Byrne Memorial Justice Assistance Grant Application.

Result: Approved

Mover: Bryan Lober

Seconded: Rita Pritchett

F.5. Request from Glenn D. Storch, Esquire, on behalf of Miami Corporation and its affiliates, for consideration of proposed legislation to create the Deering Park Stewardship District by Special Act.

Commissioner Tobia stated he was going over the Agenda, he was a stewardship, and he had no idea what a stewardship District was but when he hears the word district he automatically associates it with the word tax, and it so happens that he was correct on this one; this is a request for the County to send a letter to the State stating that the Board has no problem creating a new layer of government with the power to tax County residents and businesses, issue bonds, collect special assessments, and a whole host of other powers; if people think taxpayers are confused now with their taxing districts, special districts, assessments, and user fees wait until they see it, an entire district spanning 63,000 acres across two counties and municipalities raising their taxes and showing up on their tax bill; if the State wants to override the Board's wishes and create new taxes and future unfunded mandates in the maintenance costs on Brevard County, Volusia County, and Edgewater, that is their choice; and he mentioned when he asked people for their vote, he said that he would not be expanding government, but this is exactly what this does. He went on to state he thinks it is a horrible idea, it is the kind of hidden tax that he detests greatly; and he will have a motion after discussion to reject and ratify the no objection letter.

Glen Storch stated he represents Miami Corporation and they have owned this property since 1926; thanks to Brevard County and Volusia County, this property was not divided up into thousands of ranchettes that would have no economic value; as a result they have two priorities, one is environmental preservation which they have done with 45,000 acres of land, and economic development and that is what they are doing with this right now; and as people can see they have already started doing that. He noted they have already invested millions of dollars in extending the roads at Deering Parkway into this area to allow for economic development; they have done the same thing in Edgewater extending Indian River Boulevard

into this area to allow for economic development; a stewardship is an assessment on people's own property, and that is what they are asking for; they are basically asking to assess their own self for whatever infrastructure is necessary for this; he mentioned it gives up absolutely no control whatsoever to the city and the counties; and Edgewater has already approved it. He continued by saying it is the legislature who does this, not the Board; the Board approved a Community Development District (CDD) for this area which is why they were able to do the road extension in the first place; a CDD is in essence, the same as a stewardship, it is an assessment district that assesses themselves which is what they have done; and by doing that it creates no tax burden whatsoever on the citizens of Brevard County. He explained the concept is for no tax burden on the citizens of Brevard County, only an assessment on his client's own property and it allows them to plan for the entire area, the roads, and utilities as part of this; every major master development in the State has done a stewardship or a CDD; Viera is based on a stewardship or a CDD; it cannot be done without it; he advised the Board to look at the tax monies it is now receiving from Viera as a result of their ability to plan and economically develop that area; and he noted that is what his clients are asking for. He advised he has worked closely with staff; they have made it clear that there is absolutely no impact to the citizens of Brevard County; there will be no requirement for any maintenance if he understands that correctly; and he reiterated they are just doing this to assess themselves and to allow themselves to economically develop this area, which they have already started developing. He pointed out that they have already placed approximately 7,000 acres of Brevard County in conservation; and part of what this will do, is allow them to also preserve that.

Jonathan Johnson stated he has one additional point to follow up on Mr. Storch's comments; he noted this is really about less government and that is what they are trying to do here; the alternative, if looking at the villages and the number of successful real estate projects on a large scale, is the use of local CDDs phased in over time; Viera, Lakewood Ranch, and the West Villages are very successful projects and have utilized the stewardship mechanism to have one district; this would include one elected board, one place for the County to engage, one place for the environmental agencies to engage, which is one unit of government over the 63,000 acres as opposed to a staging of multiple CDDs which at 1,000 acres a pop, ends up with a lot of people who have their hands in the management and stewardship of this community; and for all of those reasons he is asking for the Board's support.

Commissioner Pritchett advised she is in support of this; before Viera was created this was all empty land and people moved in already knowing that this assessment was already on it to make it a spectacular and beautiful place; she gets frustrated people all the time saying the County is spending all the money in Viera; and she pointed out the people living in Viera are spending all the money in Viera. She went on to say, the same with this area, it is not developed yet, but working with Miami Corporation through the years for the water, they have been just wonderful to work with; she thinks this is a quality group of people coming in; there is no development out there; when they fixed up the 5A property out there off of Scottsmoor it was a total mess; and now she has those people at the north end saying what a remarkable job they are starting to develop right there, just north of them, with a whole city atmosphere. She stated her City is very excited about this and it is not costing any money; when people move in they already know the assessments so it is up to them whether they want to live there; however, most people are drawn to these types of areas because of how beautifully maintained the area is and they are not incorporating so it will be a tax base for Brevard County. She went on to say it is going to be a very nice community, they are bringing in industry and housing; she thinks this is a wonderful opportunity for people to live in a place where they would like to live; and she reiterated she is in support of this. She mentioned staff had some things to work through but everyone worked through it and came to a good consensus.

Commissioner Lober stated this is Miami Corporation's land and if they want to do something

with their land that is not going to impact people off of their land then by all means; everything he looks at when it comes to zoning or anything really pertaining to property, he looks to see who owns the land and what the impact is on any adjacent or nearby property owners, and if there is no impact, minuscule impact, or a beneficial impact then he thinks they should do what they want to do with their own property; he respects Commissioner Tobia's opinion but he does not share it; and he would equate this to be equivalent to a COA or an HOA sedative, and if people do not want to pay for it, then he respects that and the people should not buy there.

Commissioner Tobia inquired if he could ask staff a couple questions.

Chair Isnardi responded affirmatively.

Commissioner Tobia asked the County Attorney how long this district would last or if there was an expiration date.

Eden Bentley, County Attorney, responded there is no expiration date, however, it could be terminated, dissolved, or become inactive under its terms of the proposed legislation.

Commissioner Tobia asked if any of those things happen who would be on the hook for the maintenance of the infrastructure, would it be those individuals or since it is County land would it be spread across all taxpayers in Brevard County.

Attorney Bentley stated the proposed legislation is silent, the letter indicates that the applicant and the County have agreed that nothing in the Act requires the County to accept infrastructure so she thinks it would become a question at the time, who would take over.

Commissioner Tobia stated while it may not have any impact on the County, certainly while there may be some successful stewardship districts currently, the Villages was mentioned and they are in some turmoil right now, this is a burden that eventually by staff's opinion, could be very costly for future Commissions; and he advised he will not be supporting this.

Commissioner Lober asked what Mr. Storch's response is in respect to what Commissioner Tobia just stated.

Mr. Storch stated first of all the Villages was just an example of how not to do it with multiple districts; they are trying to create a single district; secondly, it is very important to understand the Board has absolute control and power so when the permitting comes in for the road designs and everything else, the County would create the determination of how those roads are accepted; for instance, each road could have a requirement that if the stewardship builds it, it would have to maintain it; it could also have a requirement that it could be a private road, it could have a requirement if the CDD ceases for some reason, which he does not think it would because it has a funding mechanism, it could have a provision that the POA or HOA could be required to do this; and he noted there are lots of ways to do that and it is done at the time the road is permitted and the design is brought in. He continued right now this is just starting the process for the financial mechanism to allow them to go through this process; there is about 11,000 acres in Brevard, most of the stewardship is in Volusia and Edgewater; and this is important to his client to be able to do this all at the same time.

Motion to deny by Commissioner Tobia fails for lack of a second.

Motion by Commissioner Pritchett to approve and seconded by Commissioner Lober.

Chair Isnardi stated she does not know how many times she has met with Mr. Storch; she

thinks if anything this is a property rights issue; she thinks having a large-scale development and opting to tax themselves does not impact the County; and with that said she will call the question.

The Board approved request from Glenn D. Storch, Esquire, on behalf of Miami Corporation and its affiliates, requesting the Board consider the proposal of legislation to create the Deering Park Stewardship District by Special Act; and authorized the Chair to execute the 'No Objection Letter' to Senator Tom Wright, to allow the Florida Legislature to review and potentially act upon approval of a Stewardship District.

Result: Approved

Mover: Rita Pritchett

Secunder: Bryan Lober

F.11. Authorize the Chair to execute Agreement with Indian River Kontrol Society (IRKS) for a Temporary Fly-In Area (TFIA) at the Central Disposal Facility and related Resolution.

Commissioner Pritchett stated she thinks this is a good Item to approve except they are starting at 7:30 and she would like to move the time to 8:00 just because it is Sunday morning; she has had that request from residents; and she would like to approve this after tweaking the time from 7:30 a.m. to a start time of 8:00 a.m.

The Board adopted Resolution No. 19-214, to lease of County property to a non-profit; and approved and authorized the Chair to execute Agreement with Indian River Kontrol Society for an area at the Central Disposal Facility to be utilized as a Temporary Fly-In Area.

Result: Adopted

Mover: Rita Pritchett

Secunder: Bryan Lober

G. PUBLIC COMMENTS

Peter Carnesale stated he would like everyone to realize he represents himself and nothing more than that, as there seems to be a perception that that was not true; he thanked Commissioner Smith for meeting with IRC Management, which he arranged for; at that meeting he believes they had agreed to do a new traffic study; he has some comments relating to that study that has to do with the right-hand turn lane again with the IRC entrance; and he suggested basically adjusting the timing on the new traffic study from December-January to January-February because of the reduction in traffic due to schools closing, holidays, vacations, and resident's movements which would happen during a holiday period. He continued the other thing is to possibly include another traffic light at the same intersection for different reasons; this one is basically, IRC is on one side and Herons Landing is on the other side and the traffic study would just include the basic patterns but there is a bus stop, the closeness of the sidewalks to IRC seeped into Viera Boulevard, and the golf carts, the bicycles, and the pedestrians are all along there which makes the cars have to stop before they make the turn, and that was not considered within the traffic study that was initially done; there is also pedestrians crossing Viera Boulevard from Herons Landing to get to the bus stop which is on the side of Viera Boulevard and he does not believe that was incorporated into the original plan; and he commented he would hope that would take care of that. He added those are the only changes that he would recommend in terms of that; and he thanked Commissioner Smith again for meeting him and IRC Management.

Bruce Moia stated a couple meetings ago, it was a very contentious meeting, and he let his emotions get the best of him; he is in attendance today to apologize for that; he thanked Commissioner Tobia for bringing it to his attention; he noted he went back and listened to the video and he had said some things he probably should not have said; he hopes he did not offend any of the Board Members; after thinking about it, and losing some sleep over it, he thought he should come during Public Comment and formally apologize to the Board for letting his emotions get the best of him during that meeting and saying some things he should not have said; and he apologized again to the Board.

Commissioner Pritchett stated that was very commendable and she appreciates it so much, however, all was forgiven right after that night, but she appreciates it.

H.1. Public Hearing, Re: Code Revision to Chapter 62, Article VI, Division 1, Providing for Cargo Shipping Containers as Residential Storage Sheds. (Second Reading)

Chair Isnardi called for a public hearing for a Code revision to Chapter 62, Article VI, Division 1, providing for cargo shipping containers as residential storage sheds.

Tad Calkins, Planning and Development Director, stated this Item is a request for the Board to conduct a second public hearing to consider revisions to Chapter 62, Article VI, Division 1, Section 62-1102, Definitions and Rules of Construction regarding cargo shipping containers to be as residential accessory structures and sheds; at the first reading the Board wanted to move forward to allow these containers to be utilized for the storage sheds with the same requirement of the existing shed locations, permit requirements, and provisions of no stacking; and in the ordinance being presented today, it contains those provisions.

There being no comments or objections, the Board conducted the second public hearing and adopted Ordinance No. 19-21, amending Chapter 62, Land Development Regulations", Code of Ordinances of Brevard County, Florida; amending Article VI, Zoning Regulations, Division 1, specifically amending Section 62-1102, Definitions and Rules of Construction, Code of Ordinances of Brevard County, Florida for additional provisions for residential accessory buildings; providing for cargo shipping containers for use as residential storage buildings; providing for conflicting provisions; providing for severability; providing for area encompassed; providing an effective date; and providing for inclusion in the Code or Ordinances of Brevard County, Florida.

Result: Adopted

Mover: Rita Pritchett

Seconder: Curt Smith

Ayes: Pritchett, Tobia, Smith, and Isnardi

Nay: Lober

H.2. JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) request a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6. (19PZ00062)

Chair Isnardi called for a public hearing on a request by JSFS Land Trust, Jacob and Faye Shapiro, Trustees, for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6.

Tad Calkins, Planning and Development Director, stated Items H.2 and H.3 are related so he will be reading them both into the record so the Board can discuss both Items at once; Item H.2

is a request from JSFS Land Trust and Jacob and Faye Shapiro, Trustees, for a Small Scale Comprehensive Plan Amendment changing the Future Land Use designation from Res 4 to Res 6; Item H.3 is the companion rezoning for that property to change the zoning from Rural Residential Mobile Home to Residential Attached 6 zoning; and he will be happy to answer any questions.

Chair Isnardi announced that because this is a zoning issue the presenter gets 15 minutes.

Commissioner Lober disclosed he has spoken with Ms. Rezanka about this.

Commissioner Pritchett advised she had also spent some time with Ms. Rezanka yesterday and the Board will hear about that conversation in just a few minutes.

Chair Isnardi disclosed she also spoke with Ms. Rezanka by telephone on Saturday.

Commissioner Smith advised he had also spoken with Ms. Rezanka by phone.

Commissioner Tobia advised he spoke with Ms. Rezanka on Saturday as well.

Kim Rezanka thanked the Planning and Zoning staff and the Natural Resources Management Department, John Denninghoff, and the engineering staff as well as the Board for walking through this process, it has been a long discussion over how to make this compatible and how to help the neighbors not feel like they are being fringed upon; she truly appreciates all of them for working with her, her client, and their project engineer; she stated this has been one of the more difficult Binding Development Plans (BDPs) she has ever had to negotiate; however, she understands why because things have happened in the past and the Board does not want to make the same mistake twice. She continued by saying at the October 3, County Commission hearing she had a long presentation and she does not want to go through that again, just a few concepts that she did talk about; she had explained the townhomes and why they needed the Zoning and the Land Use change; she had explained the difficulty with this infill project because over six acres of the less than 10 acres are wetlands; she had asked for the Residential 6 for flexibility but the developer has agreed to limit it to five units to the acre, so it is more between Res 4 and Res 6; she requested the RA-2-6 single family attached, not multi-family, so these buildings can be built around the wetlands to get any useful lands that are on development; and she explained this is consistent with Future Land Use Element dealing with multiple housing traces which is necessary with all the growth going up in north County. She went on to say currently it is for one manufactured mobile home per acre with the wetlands, maybe they could get three, there is not good access, there is not a drainage problem so she knows economic feasibility is not something the Board should consider, but this infill project will not be developed unless there is density and flexibility in the development because it simply does not work with the current zoning, otherwise, it would be developed by now; she noted that is the only undeveloped parcel in the area except when traveling further west of I-95 and over; this is a unique property, it is undevelopable without a zoning change and it will provide the housing choices; and she stated they all discussed and heard from three residents what their concerns were. She mentioned traffic has been a concern but the developer has agreed to improve Ranch Road to the entrance of their project; that is being lined up with Faulk Avenue because that is good engineering principles and she believes the County's Traffic Department would say that; there had been some concept about moving it further to the east, while that would make some sense from the cost perspective because of the wetlands and the drainage issues, moving that road which would be higher than the rest of property is going to be difficult; it also really does need to line up with Faulk Avenue in case there is something that blocks Ranch Road at some point, so there is a secondary access; and that was something the project engineer had told her yesterday, and she had forgotten about it. She stated drainage is a

concern, this is a site plan issue under section 62-3202, and they have to maintain all the water on site and they cannot negatively impact historical drainage patterns; the developer understands that, the project engineer understands that, and that will be done at site plan; the final issue is the buffering, the view from the neighbors who are concerned about their privacy from the second floor townhomes looking into windows on adjacent properties; and she noted she said it at the meeting, but putting it in the BDP, the revised version, it will be two stories with parking, so there may be parking under a portion of the bottom floor but there will not be three stories. She continued on by saying the Board allowed her to table this to work on the BDP language and they have tried to do that; staff has worked with her repeatedly as they are now on draft number four which was just presented to the Board; she noted she could not provide a landscape plan as seen in other projects because they do not have a topographical; this is a contract purchaser, the topographical survey and engineering costs are going to be pretty high on this project as well as the tree survey; however, they do have an environmental engineer going out there, he has walked part of the property, they know there are hardwoods, Pines, they just do not know what is there exactly, but those trees have been there for a long time and they may provide some buffering already, they just do not know yet. She went on to say at the meeting on October 3 there was a lack of clarity on her part as to what buffers would be required; the Subdivision Code requires the 15-foot subdivision buffer in its natural state; that 15-foot natural buffer has to be there; they are also agreeing to a secondary buffer in the BDP of opacity and that is the language that was requested, they can change it, define it, or whatever the Board is more comfortable with, but opacity to her means people cannot see through it; she commented on the internet there was something about a piece of black paper being opaque, so if it is like a piece of black paper and people cannot see through it, that is what her client intends to provide; and there is an opaque buffer from the second floor windows so they cannot see into pools or neighboring houses. She noted she had talked with staff after the October 3 meeting, they were diligent about it, as she was trying to get some details of the types of bushes and to try to do a landscape plan, they just could not do it; they talked with staff and did a revised BDP; on October 11 they submitted it to staff based upon an email she had received from staff, so that language with the two years was based upon the email she received from staff; they have now taken that out of the BDP and agreed to opacity at the time of occupancy of the townhomes; at the time when people are moving in to those town homes they are not going to be able to see into the neighbors yards; and she advised there was a memo provided to the Board either Thursday or Friday, she received it late on Friday, and she has tried to address those in the revised document. She noted she understands there is still some concerns, but as the BDP is not being approved by the Board right now, that is something it will approve at a later meeting, so if the intent is there, or the Board has things to add that her client can agree to, she still thinks they can all get through this and approve it today without a tabling; her client is not in attendance due to a medical condition but he hopes to close by the end of the month; he extended it out after the last meeting; he was intending to close right after this meeting; and she also mentioned the zoning is not complete until the BDP is approved, so there is still another opportunity for the Board to come through here. She added they have the new BDP as many of the staff comments made sense; there was some confusion as to what she had been saying in the placement of language; that can be moved around but she thinks the intent was there, that everything staff wanted and in comments that she heard from the Board of what should be in the BDP; looking at the BDP, it is the fourth draft, she has provided them to the residents who are in attendance; paragraph four on page two, this was the language requested to be put back in there regarding having received the Certificate of Completion prior to the issuance; staff and engineering Public Works asked that her client take out the notwithstanding, the bold language is what staff asked to be placed in the BDP; the project engineer asked that she put the italicized language in there, so the proposed Ranch Road improvements shall be a 22-foot flushed shoulder to runway 1, she added with minimum improvements to the existing staff open soil conveyance system to the extent necessary for stormwater conveyance; and she does not know if that is acceptable to

staff or not, the project engineer thought it should be but she does not know. She stated number five, that first sentence is the language from October 3; the next language, the concept plan does not vest or obligate the developer or owner to the improvements therein of the concept plan that was requested in the staff memo; she put it in that paragraph because that is the only place the concept plan is mentioned and that is why she thought it was appropriate, it can be moved if necessary; paragraph six and seven are completely new and that is to deal with the opacity from the line of sight of the second-floor windows; and they do not know if there are going to be 15, 16, or 17, but there will only be two floors, so they have agreed to line of sight from those windows into the neighbor's property. She stated they cannot get a temporary or permanent Certificate of Occupancy (CO) until that is done; that will be an inspection item whenever they come through for COs; she advised they do not know where these buildings are going to be, but wherever they are they will be doing a landscape buffer so they cannot see through it; they have to have the natural perimeter buffer and the second opacity buffer; there seemed to be some confusion about the landscape buffer must be placed in the 15-foot subdivision buffer, and she explained that just means they can add trees to the natural buffer to make it more opaque at that area, and if they cannot do it there they will do it some place else; a landscape plan will be submitted through site planning so this will all be reviewed with staff and they will say yay or nay; they have already made recommendation on trees with the bamboo and some other foliage; and number seven says the landscape buffer shall be installed before Certificate of Completion, which means before the site work is done which gives it more time to grow. She added it has to be at opacity before CO for owners to be in there. She mentioned either a maintenance bond or performance bond, according to staff there is no language about a performance bond in the Ordinances but they can still be required by the Board; a maintenance bond would make more sense and she can work that out with the Board or it can specify now, but that is so those trees will stay for opacity; the rest of the BDP is the same; she has provided to the Board three pages of the Space Coast Credit Union BDP which she had discussed with the Board, it was passed in 2005; and she provided the paragraph that is of relevance and has caused concern, it does not say opaque or opacity, it says screening and she believes that was part of the problem. She continued by saying looking at page two of paragraph two about the BDP from 2005, the only thing it says is where it is supposed to be from north to south, but it does not say how deep it is, that was all done at the landscape plan stage; it only has one line that reads, "The buffer shall be solid and shall screen;" what she has provided to the Board is much more detailed; she also provided the Board with a map with red circles that shows the people who have come to the Board to discuss their concerns; as the Board can see there is one across the street to the south, and there is one neighbor adjacent; and they have agreed not to develop next to her at all, that is the landscape area that will stay in its natural state. She advised she has another document for the Board but she does not want to go through all that, but she will during the rebuttal period if she has to; the document has information regarding how far the buffers are that already exist from the property line and the adjacent home owners, they are 31 feet to 44 feet; there is already a large back yard buffer from all of these residences that may be impacted; and she asked the Board to approve this with the BDP to come back for final approval.

Commissioner Smith stated the developer might consider those second floor windows and make the windows opaque that would solve the problem with the buffer and be a whole lot cheaper.

Ms. Rezanka commented she suggested the LED screens with the Palm Trees blowing but they did not like that idea; he may decide not to place windows that face that way; and they will make it so the top floors cannot see into the neighbors or they will not be able to get a CO.

Tom Wells stated he has been a long time resident of Brevard County and Cypress Woods, which is the subdivision that abuts this property; his objection to this request is the RA-2-6

zoning; when that zoning was created, they never envisioned the approach that is being used here; for example, if he had 100 acres zoned RA-2-6 and 90 of the acres was wetlands, then he would be able to use 10 acres and put in the number of units that could be used for 100 acres; and that is a ridiculous approach but he maintains that is the approach being used here. He added he does not think the creation of RA-2-6 was not envisioning this. He went on to say, he thinks RA-2-4 zoning would be more appropriate for the limited amount of usable property; when this zoning was envisioned those people did not someone could put in so many units, but outside the immediate units no one else has access to any of that property, but that is what is happening here; in fact that is compounded because they are also asking to use the wetlands; and the proposal that he presented was recommended by two engineers with significant experience and without any proposal from himself, he just presented it to show what they want to do; to minimize the impact to the wetlands they should enter in the far east part of the property; and especially now that they are going to use Ranch Road it would be easy to do that. He reiterated it would minimize the impact to the wetlands as it is more significant if they go through the middle of it because it would create two pieces of wetlands as opposed to one area of wetlands. He continued by saying they are also proposing to use the wetlands for their turnaround emergency vehicle access; again they are using the wetlands, and his over-riding concern on all this is the drainage issue on to Ranch Road, so everything done in the wetlands is going to increase that drainage issue; at the zoning meeting there was motion to change it to RA-2-4; and the neighbors think that would be a more appropriate choice.

Linda Donahoe, President of the Cypress Woods HOA, stated she is not representing the whole HOA because there are 305 homes and she has not talked to everyone; she is providing her opinion, what she has heard, and who she has talked to; she wanted Mr. Wells to tell the Board in advance because she knows he has done a lot of work on this proposal that he just presented and she would say they are behind him with this proposal; as far as the wetlands and the use of the wetlands, the drainage has always been a concern of theirs because there is already an issue with drainage and flooding back there; and she asked the Board to consider that. She went on to say the proposal of the changes the developers made looks really good to her; she like the fact that it is going to be opaque, or if they put the windows in a different area that would be better, or had them so people could not see out of them; her big concern is bamboo and a lot of the residents said they did not want bamboo; when there are 305 people everyone is going to have a different opinion, but she is almost thinking a wall would be better than 20 foot high bamboo as it may be more decent to look at; and like she had said in the past, these are expensive homes and now they have this developer coming in wanting to put a two-story housing complex behind them, at the time they would not have thought that would happen. She stated she thinks maybe the residents are thinking this might deteriorate their homes with these going up right behind them; their development is starting to pick up and their housing is starting to create some interest where they are and they do not want to make it worse with these town homes going up; she knows a lot of the residents in Port St. John are worried about townhomes in the area they have never had before anyway; she can only say she does not think they are totally against the townhomes, some are and some are not; the opaque is a good thing, but they have not specifically said what that is going to be; and Ms. Rezanka's comment on not knowing where the homes will be placed kind of threw her off because she thought the design was already there. She noted she believes the changes that have been made are good; hopefully with the Board's help everyone can make some conclusions so that this all goes through; and hopefully the Board will consider Mr. Wells' idea and look at that.

Sandra Sullivan stated the last time she was in attendance she brought a book about the wetlands and the importance of preserving the wetlands at all costs; there are issues to the Indian River Lagoon (IRL); the County is trying to improve the water quality to bring the Lagoon back; and she thinks one of the most important things to the Lagoon is the wetlands and

preserving them because they provide a huge service to cleaning those waters. She added any time anyone wants to impact the wetlands she thinks it should be a big red flag; she would like to ask all the Commissioners to read that book or look at how important the wetlands are; as was shown at another meeting recently, they are having flooding issues in areas of Merritt Island because development was done and took away the wetlands; not only do the wetlands serve as a function to help clean the waters, but they also serve the function of protecting the lands around them as a flood zone; and she asked the Board to please protect the wetlands at all costs.

Ms. Rezanka asked to see Mr. Wells' plans; she stated she has seen it before; she has shown it to the engineer and that is why the real estate needs to line up with Faulk Avenue for secondary access and emergency things; it is just good engineering and planning; and she noted the site density is common, as the Board knows, it is commonly spread out over the entire site, all density is done that way. She went on to say regarding the wetlands, the project will meet the County Code and that is what they are required to do; it is 1.8 percent except for access, she believes; the wetlands are not fully evaluated but they will meet County Code; and regarding the RRMH-1 zoning that allows a height of 35 feet right now as does all the zoning in Cypress Woods. She continued if the Board would briefly look through the packet she handed out, the first page shows all those that surround the project, who has houses, who has fences, the distance to the pool, and things like that; none of the people who have spoken are directly adjacent or people who are on this list; the next document, on page two there are things she had discussed with Darcy McGee, Natural Resources Management, about the BDP; on pages three, four, and five are the zoning matrix that says if there is Residential 6 then RA-2-6 is compatible; if there is Res 4, then RA-2-4 is compatible; and on page seven is the marker 24, subdivision waiver of the landscape buffer that is coming before the Board, and she is only bringing this to the Board's attention because staff has repeatedly told her that they did all the engineering, and she understands that, but she does not own the property, nor are they as far along, and even if she did, their waiver of their buffer is showing two floors looking down on single family homes at a 40-foot distance; and she stated this is a different project and asked the Board not to compare it. She went on to say they believe they have met their burden with substantial competent evidence of why the existing zoning is no longer reasonable; they have worked diligently to solve it through the BDP with potential to solve the adverse impacts; the issue of privacy encroachment truly is speculative in her opinion because there can be a zoning with 35 feet there, but they also understand the concerns and the developer is willing to fix that with the opacity standard; the developer has also agreed to install the off-site improvements of Ranch Road; LPA and P&Z voted to approve both of these; and she is requesting the Board approve these with the BDP, and with any changes the Board thinks need to be made to the BDP to come back to the Board for final approval. She mentioned they have agreed to allow staff to review the landscape buffer and have it come back to the Board but that did not seem to be prudent, however, they would be willing to do that if the Board wanted to see the landscape plan during site planning review.

Commissioner Pritchett asked Mr. Calkins if he would give some overview; she knows he received this late last night and provided her a little information this morning, but she really has not had time to talk about staff's thoughts on this; and she would like to hear from him right now.

Mr. Calkins advised he received it around 3:00 p.m. yesterday afternoon; staff has been working with Ms. Rezanka diligently through the past week to try to get something to bring to the Board; the memo staff sent out last Friday, October 17, they had gone back and listened to the third meeting, and the Board identified three criteria that they thought should be included in this buffer or what the buffer should be able to accomplish; the first was the neighbors, the existing folks, behind should be seeing a natural complete buffer that completely protects the

neighbors to a height of 35 feet and then the Board went on to say there should be inability to see one project from the other; staff's analysis from a third BDP which is the one he had looked at last week, and now he is looking at the fourth, was based on that; and one of the things he is hearing today is the buffer is going to buffer the second floor window from the adjacent property, but it does not necessarily take into consideration, or at least what staff understood, was going to be the concerns on October 3rd as to there should be an inability to see one project from the other, because to him that would include more than just the window. He added that is what his analysis was based on so he does not know what has been presented today which is the fourth draft and whether it accomplishes that; it probably accomplishes the window or just buffering the window but he does not believe that it gives a complete buffer from one project to the other; and especially with the consideration of opacity, not being able to see. He continued with that being said he thinks what the Board has to decide is whether the BDP mitigates the impact for the zoning; he cannot tell the Board that it does because based on what he understood from October 3rd, unless the Board has a conversation and gives staff a different direction, that is what they understood was a complete buffer from one project to the other, not just second floor windows to the adjacent property; if that mitigates the interdiction of the Res 6 Future Land Use in this area, that is completely Res 4, then that would be something that the Board would consider; furthermore, the comment that Ms. Rezanka made regarding the other project that is somewhere on the Agenda today is similar in some ways but dissimilar in others where that project they have done their site plan so staff does have complete engineering and they can tell exactly what it is going to look like based on the design; here they are still identifying things that the Board has told them they should be concerned about; and if this goes forward he does not know if everything is going to be covered, and he would like to mention that second floor window to the adjacent property, which was something staff did not understand was the intention.

Commissioner Pritchett asked the Chair if she could ask Ms. Donohue to come to the podium for a second so she can ask a question.

Chair Isnardi allowed Ms. Donohue to return to the podium.

Commissioner Pritchett stated she was going to put Ms. Donahoe on the spot and that she would probably have to go back to the homeowners and ask their thoughts on a buffer that completely buffers the projects or just from the second story windows looking in because there are two comments made at the last meeting and one was they did not want people looking in to their pools and their homes; and she would like to know how the homeowners feel about that if she would not mind coming back.

Ms. Donahoe responded she can tell the Board right now, they would prefer to have it separate completely, that would be the preference. She continued what Mr. Calkins is saying is at the third meeting it was talked about; the window thing is something new; and if they have to she would suppose they could agree with that, but it is not the preference.

Commissioner Pritchett asked the County Attorney if the language in this BDP is enforceable for the County if it were found that the Board is comfortable with this.

Eden Bentley, County Attorney, advised she thinks there would be some challenges because it does not say exactly where the buffer will be built, how high it will be, nor does it say exactly how many plants will be planted, therefore, there are some challenges there.

Commissioner Pritchett noted the question would be is there a way to create 49 townhomes on this property; she believes it is possible but the problem she is having is the area is really wet; it is also really wet if it Res 4 too; it is going to be eight pieces of homes on an acreage so they

will still have to do mitigation for the wetlands; this is condensed so that is a plus; the sewer going in is a plus; she still has a little heartburn with the density on Res 6; and she does not know how this really fits but if there is a way to make it all fit, she is just trying so hard to get to a place where she can make this fit. She went on to say the County does need homes; if there are nice townhomes, they are secluded in an area, they are taking care of the traffic problem, but she is still struggling with the zoning and the buffers; she really thinks Ms. Rezanka and her client are trying so that leaves her a little open-ended hope; however, she does not think they are where they need to be as far as some kind of contractual thing to change zoning right now to protect the surrounding neighbors which is a very important aspect for her. She mentioned the neighbors are very important if the Board is going to change zoning and bring some more density in around them; it is not that she does not think this is not a great project, she is just trying to find a way to make this work; she thinks there is a possibility, but she does not believe they are there yet; the tricky part is Ms. Rezanka's client wants to buy the property but he has not bought it yet and he is not going to invest money on the topography yet, and she understands that, she would not do it either; they are actually trying to see if this project will fit, and if the Board is going to do it that route they are going to have to get really comfortable with staff and legal that there is something that will protect what they are trying to create; and she is not sure the County is there yet, she is not there yet but she really wants to be. She explained she is going to throw it there that the Board either deny this or it be tabled again to see if they can get everyone together to get to a place where there is a possibility; she reiterated she believes some things need to be worked out if this is going to be possible because she has to have comfort knowing the density is okay and that is hard to do without the studies, and she understands the reason for not doing them because the ownership has not transferred; and she advised she will be making a motion to table this item.

Mr. Calkins stated the next regular Board meeting is November 12th; November 19th is the Organizational meeting where there usually are no regular items; and then there is December 10th.

Commissioner Pritchett inquired if there is a Zoning meeting in November.

Mr. Calkins responded there is Zoning meeting in November but it is on November 7th and that would compress the time by a couple of days for staff to get this resolved; therefore, he thinks November 12th would be the best date.

Chair Isnardi asked for Ms. Rezanka to come to the podium.

Ms. Rezanka explained she had a completely different understanding of what she was trying to do with this BDP because she listened to the minutes as well and she has spoken to the Commissioner and her understanding was the buffering; it is not 35-feet and it was never going to be 35-feet; she noted she does not know what the Board wants and that is her struggle; she is looking at a BDP that is way more enforceable than Space Coast Credit Union ever was yet that was enforced; she does not know what to do so she needs some direction from the Board; and she does not think it is important to have where it is and the height of it so long as they have agreed to opacity and they have that 15-foot buffer. She reiterated she does not know what the Board wants because she did not hear completely buffering the project especially when there are houses 15 feet from each other in Cypress Woods.

Commissioner Pritchett advised she thinks the problem is the Board does not even know the height of this project, it is not all designed yet; she has an idea but it is just so abstract and to change from an Res 6 zoning, she does not have the comfort for that; and the County Attorney does not have comfort that what is being put together is even enforceable; if the Board does this and it makes the residents all feel good about it then it can come back with something that

cannot be enforced and they are all going to be mad at her; and this is in her District. She continued by saying she knows Ms. Rezanka is trying, but she does this all the time and she should know the Board has not hit a place of legality where the County is getting something the Board can enforce because it does not have an engineering; she understands that and she would not spend the money yet either, but the Board is not there yet to where it can look at this and know if it will or will not work; she is not really sure they will be able to pull off the stormwater; and to change the zoning, because they cannot go back once it is done, she is not comfortable yet with what they have. She added they can try to get something worked out or it can just be denied because she is not comfortable passing it.

Ms. Rezanka reiterated her question is what does the Board want.

Commissioner Pritchett stated she does not know what Ms. Rezanka is building; she does not know the height of it other than saying it is two-story, if there is going to be vaulted ceilings or not, she still does not know where they will be laying the project compared to the other neighborhood's items; the Board just does not have enough information to where she can even corridor it logically or ignorantly because she does not do this job; she knows Ms. Rezanka is trying and that has her attention, but she has to have a sense of comfort in protecting the neighbors right now with this project.

There being no further comments or objections, the Board continued public hearing to consider a Small Scale Plan Amendment to change the Future Land Use designation from Residential 4 to Residential 6, to the November 12, 2019, Board meeting.

Result: Continued
Mover: Rita Pritchett
Secunder: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.3. JSFS Land Trust, Jacob and Faye Shapiro, Trustees (Kim Rezanka) request a change of zoning classification from RRMH--1 to RA--2--6. (19PZ00063)

Chair Isnardi called for public hearing on a change of zoning classification from RRMH-1 to RA-2-6 requested by JSFS Land Trust, Jacob and Faye Shapiro, Trustees.

There being no further comments or objections, the Board continued consideration of a request for a change of Zoning Classification from RRMH-1 (Rural Residential Mobile Home) to RA-2-6 (Single-Family Attached Residential), to the November 12, 2019, Board meeting.

Result: Continued
Mover: Rita Pritchett
Secunder: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.4. Petition to Vacate, Re: Public Utility and Drainage Easement - "Catalina Isle Estates Unit Five" Plat Book 20, Page 104 - Merritt Island - Michael Scott and Deborah Ann Phillips

Chair Isnardi called for public hearing on a petition to vacate a public utility and drainage easement for Catalina Isle Estates Unit Five Subdivision as requested by Michael Scott and Deborah Phillips.

There being no comments or objections, the Board adopted Resolution No. 19-215, vacating

part of a public utility and drainage easement in Catalina Isle Estates Unit Five Subdivision, Merritt Island, as petitioned by Michael Scott and Deborah Ann Phillips.

Result: Adopted

Mover: Bryan Lober

Second: John Tobia

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

H.5. Petition to Vacate, Re: Public Utility and Drainage Easement - "Catalina Isle Estates Unit Six" Plat book 20, Page 119 - Merritt Island - Marsha K. Myers

Chair Isnardi called for public hearing on a petition to vacate public utility and drainage easement in Catalina Isle Estates Unit Six Subdivision, as requested by Marsha Myers.

There being no comments or objections, the Board adopted Resolution No. 19-216, vacating part of a public utility and drainage easement in Catalina Isle Estates Unit Six Subdivision, Merritt Island, as petitioned by Marsha K. Myers.

Result: Adopted

Mover: Bryan Lober

Second: John Tobia

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

H.6. Petition to Vacate, Re: Public Utility and Drainage Easement - "Fairway Lakes at Viera Phase 1" Plat Book 53, Page 98 - Melbourne - Wilson L. & Brianna L. Cheatham

Chair Isnardi called for public hearing on a petition to vacate a public utility and drainage easement at Fairway Lakes at Viera Phase 1 Subdivision requested by Wilson L. and Brianna L. Cheatham.

There being no comments or objections, the Board adopted Resolution No. 19-217, vacating part of a public utility and drainage easement at Fairway Lakes at Viera Phase 1 Subdivision, Melbourne, as petitioned by Wilson and Brianna Cheatham.

Result: Adopted

Mover: Curt Smith

Second: Rita Pritchett

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

H.7. Petition to Vacate, Re: Public Utility and Drainage Easement - "Barefoot Bay Unit Two Part Twelve" Plat Book 22, Page 79 - Micco - Barry Southard and Valerie Gallo

Chair Isnardi called for public hearing on a petition to vacate a public utility and drainage easement at Barefoot Bay Unit Two Part Twelve Subdivision, as requested by Barry Southard and Valerie Gallo.

There being no comments or objections, the Board adopted Resolution No. 19-218, vacating part of a public utility and drainage easement at Barefoot Bay Unit Two Part Twelve Subdivision, Micco, as petitioned by Barry Southard and Valerie Gallo.

Result: Adopted
Mover: John Tobia
Second: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

H.8. Amending Chapter 102, Article III, Section 102-119(3), Code of Ordinances of Brevard County

Chair Isnardi called for public hearing to amend Chapter 102, Article III, Section 102-119(3), Code of Ordinances of Brevard County.

There being no comments or objections, the Board adopted Ordinance No. 19-22, amending Chapter 102, Article III, Section 102-119(3), Code of Ordinances of Brevard County, Florida, adding language to allow for funding auditoriums that are publicly owned but operated by organizations exempt from Federal taxation pursuant to 26 United States Code Section 501(C)(3), providing an effective date; providing for area encompassed; and providing for inclusion in the Code of Ordinances of Brevard County, Florida, during a public hearing.

Result: Adopted
Mover: Bryan Lober
Second: Curt Smith
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.1. Banana Riverfront , LLC. Extension

Commissioner Lober stated this was the one that was continued, but he met with the folks so he does not know how Chair Isnardi wants to handle it.

Commissioner Tobia stated he wanted to thank Commissioner Lober for continuing this; he has no idea where this went but it was in his District and he did not want to step on his toes in any way, but this is something that started before Commissioner Lober's tenure, in fact, it started before his own tenure; and although it is on the Agenda under his District he would like to pass it over to Commissioner Lober.

Commissioner Lober commented he has no ill will on this one. He continued the short version on this one is he met with the applicant, the applicant's attorney, and the applicant's engineer with respect to this; he does not want to waste everyone's time rehashing history prior to this Commission, so with that said he is proposing is taking what Commissioner Tobia had proposed and modifying it slightly; therefore, it will read, "It is requested for staff to restrict any additional extension to," he will strike number six, replace that with number nine months, and he is going to strike, "Pending no declared State or Federal emergencies." He went on to say the first sentence will read, "It is requested for staff to restrict any additional extension in nine months." He stated the rest of it will be the same; he wants it to have at the end that staff should call a performance bond without further action from the Board should these actions not be met within the time period specified; essentially what he is getting at is they have nine months to finish it; they have had ample time, if there are a couple tornados or hurricanes; and if in nine months they want to come back and request something they will not have much of a chance of having that. He noted he it is impractical when there is time built in to deal with that, so basically they need to get it done in nine months; therefore, the motion would be to allow a single nine-month extension and to direct staff to call up a performance bond at the end of the nine-months if they are not through with what they have to be through with.

Kim Rezenka, Cantwell and Goldman, stated from the audience they have agreed with the motion by Commissioner Lober.

Chair Isnardi advised since Ms. Rezenka was not at the microphone that she stated the applicant has agreed with the provisions that Commissioner Lober worked out with them.

The Board directed staff to allow Banana Riverfront, LLC, a single nine-month extension; and staff to call performance bond in nine months without further action from the Board should the improvements outlined under the settlement agreement not be completed within the time period specified.

Result: Approved

Mover: Bryan Lober

Secunder: John Tobia

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

I.2. Solid Waste Emerging Technologies recommendation

Steve Darling, Central Services Director, stated this Item is a recommended rejection of the single proposal received in response to Request for Proposal (RFP) 5-19-17, the Solid Waste Conversion Facility; and he advised the proposal response they received was substantially deficient of the required information that they had asked for that would have allowed for a thorough vetting of the proposed improvement of technologies for the Selection Committee to make a recommendation to the Board.

The Board approved rejecting proposal received in response to RFP P-5-19-17, Solid Waste Conversion Facility.

Result: Approved

Mover: Bryan Lober

Secunder: Rita Pritchett

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

I.3. Request the Board of County Commissioners to provide direction to staff regarding the US Army Corps of Engineers Environmental Resource Permit signature.

Euripides Rodriguez, Solid Waste Management Director, stated this Item is a continuation from the July 8th meeting; at that time, the Board solicited some information that they have brought to the table; they have received a majority of that information; they now have the appraisal which is included in the Board's package; they did not have the Conditional Use Permit (CUP) for the 10 acres which they do now; and there were some questions on fiscal impact and how it would impact the cost per ton and how it reflects in the price that the County charges in a per ton basis, and in moving it to the different options. He continued on to say these are future costs, in other words if the County has already invested in that they are not included in this; for example, the Cocoa Landfill has tanks already so the County does not need to purchase them; the 192 property is the County's, the CDF property belongs to the County, and the Sarno property belongs to the County, so when looking for the purchase of land is shows as \$0; the rest of the costs have been pretty much vetted and it has been presented for comparison purposes; and Sarno is being presented as a baseline so the Board can compare it to the other ones and to the contribution that each ton contributes to the CIP. He advised they did not take into consideration any kind of permits that they did not have or that the property did not have, so in other words, if the property has a limitation of 40 feet high, they did not consider anything

and it does have a vetting in it; they did not consider any rerouting of ditches that were shown later on in the Power Point; and they did not consider at all the removal of the mulch over at Florida Recyclers which the County has no use for because it has a surplus of mulch and pay someone to take it. He noted if the Board remembers correctly at the last rate hearings that they did, the County had to raise its rates in order to be able to get rid of the mulch because the vendor had raised the rates; the estimation for the County to get rid of that mulch ranges between \$1 million and \$2 million depending on how much mulch it is in there; and he stated his staff is seeking guidance on the signature for the U.S. Army Corp of Engineers Environmental Resource Permit.

Commissioner Lober stated with respect to the signature there is nothing that is pressing the County to sign it right at this moment; he is not saying there would not be circumstances down the road where it might be a good idea to sign, but he does not think there is any reason to do anything that is permanently going to affect the property down in that neck of the woods; with that said, looking at the cost between the five options listed, he thinks the cost may actually appear a little higher for the first four options than it really would be because if the County is not going to use that U.S. 192 option, there is a value to that land if the County were to turn around and sell it; in his mind that would be something to off-set and reduce the cost to the initial four options; and the other thing that was mentioned, the fourth option was based on a 40-foot elevation not an 81-foot elevation. He continued by saying there is a huge chunk of property adjacent to it and Melbourne allowed the County to match that 81 feet for the portion the County asked for; he does not have any reason to believe that Melbourne Councilman or others in Melbourne would be opposed to the County going up to 81 feet for that; they seemed empathetic and sympathetic with the issues being faced on a County-wide scale with respect to Solid Wastes Management; and he noted he does not know what the best option is, but he does not think the Board needs to autograph that sheet of paper just yet.

Frank Abbate, County Manager, pointed out that under the Florida Recyclers option he believes the cost that was utilized was based on the County's appraisal which was about a \$3 million difference in cost, so it makes that option look a little lower when reviewing the factors that they considered in the cost per ton; and depending on some of the other options, like the Northeast expansion option and some other issues that may come up perhaps on different valleys and the time frame of those different valleys could have some additional costs that are considered such as moving the ditch and stormwater; as and mentioned in the Agenda Item, the County does not have a response yet. He noted Florida Recyclers have been very cooperative in giving permission to get environmental testing done; he anticipates that happening in November; and he just wanted to make sure the Board was apprised of all those items.

Mr. Rodriguez stated he just wants the Board to know that the attorney who has been representing the County with the different agencies and the engineer on record is in attendance if the Board has any questions.

Commissioner Tobia stated he thinks the analysis would be skewed if the County were to sell the land in Option 4; he mentioned his guess would be if it were sold, it would be in the best interest to taxpayers to get the best and highest use for that land; and he inquired if that is the way the County usually does it when it sells its land.

John Denninghoff, Assistant County Manager, stated normal appraisals they try to base it on best use, unless there are special instructions.

Commissioner Tobia asked what is the cost of the permit.

Mr. Denninghoff responded Mr. Rodriguez would be best to answer that.
Mr. Rodriguez inquired if Commissioner Tobia is asking about the Environmental Resources Permit.

Commissioner Tobia stated he is talking about the one suggested on here, the Environmental Resource Permit.

Mr. Rodriguez advised the County has already spent all the money required to bring that permit to a conclusion, the only thing missing on the permit is a signature from an authorized person within Brevard County.

Commissioner Tobia stated that is super; and he inquired if that signature was placed on there, if the land value would increase.

Mr. Denninghoff noted he is not an appraiser, however, he would think it would increase.

Commissioner Tobia inquired if the County has an approximate value that it might increase.

Mr. Denninghoff explained he does not have a number on it but he would guess it would potentially double the value of the property, and possibly be more than that.

Commissioner Tobia asked if he is saying \$12 million to \$24 million.

Mr. Denninghoff advised he has difficulty putting numbers on it; property that is permitted with the difficulty to obtain permits increase in value dramatically; and in fact the developers have contingency contracts to purchase pieces of property that are based on the assumption that they will get the permits and should they not get the permits they do not close because the value is much lower without those permits so they would not pay the higher values.

Commissioner Tobia asked if the Board were to go with Commissioner Lober's fine suggestion of looking at an alternative and selling the land, a signature would cost nothing and could potentially bring in a windfall of additional monies, \$10 to \$12 million for that signature.

Mr. Denninghoff stated that could be a potential outcome.

Commissioner Smith stated he would like to hear what others have to say before he comments.

Commissioner Lober stated he would like to add where Commissioner Tobia left off, that there is perhaps a harder to quantify costs still associated with that; once that is permitted it is highly likely that is what that land will be used for; the cost that goes along with that is the impact that would have to go back to the Item the Board had earlier; when he looks at property rights he looks at what impact it has to the neighbors, and they would have one heck of an impact on the neighbors; he mentioned expanding an existing landfill or taking an already permitted area that is being used for something a little more industrial and focusing that on what is already being done is a miniscule change; whereas, taking land that has been farmland and turning it into a landfill to him is a much more disruptive action to take. He continued by suggesting the Board to be mindful of the folks who live there; he thinks given the fact that the County is at the stage where all that is required, from what he understands, is a signature, the due diligence has already been done by everyone who would even want to research that; the value of the land if the County were trying to sell it could be increased by virtue of saying it has been run through the process and all it needs is a signature, it can be relayed that way without having to go through and getting the signature which would essentially be an irreversible step; and he noted he is not opposed to signing it if that proves to be the right way to go about it, but he is just not

convinced that the County is there yet. He went on to say he thinks the Board needs to determine what it is doing before it decides whether or not to sign the permit.

Commissioner Pritchett inquired when the last date is for this to be signed before the County loses the permitting and the ability to do the upgrades.

Mr. Rodriguez advised there is no official date for it, if he is understanding her correctly and that she is talking about the timeline for something to be available at the time Sarno runs out of capacity.

Commissioner Pritchett stated then the Board has a little bit of time if they are waiting on that.

Mr. Rodriguez advised not much time.

Commissioner Pritchett asked if there is anything hanging in the balance.

Mr. Rodriguez explained the permitting pretty much has all been done at the federal level, the State level, and this is the last portion on the outside agencies; what is left is the Florida Department of Transportation (FDOT) permit that has not been done for the turning lanes and the permit from the Federal Aviation Administration (FAA) which would be a second one; they had already obtained it once but they are only good for one year; therefore, he would have to research it. He went on to say the rest of the permits left are all local permits from Brevard County.

Commissioner Pritchett asked for clarification that the County is not going to inquire any costs by not doing any further process on the U.S. 192 project; she mentioned the County had this discussion that if X,Y, and Z was not done, the County had already invested a certain amount of money, and she asked if the County is at the point where it is about to lose that money.

Mr. Rodriguez stated what the timeline says is if the County does not start construction by next year, construction on the turning lanes and the fencing around the property to separate what Deseret is going to continue to rent from where the County is going to be building and giving the proper notice for them to vacate the southern portion of the property by September 30, 2020, he cannot assure the Board that U.S. 192 will be ready to accept waste if Sarno runs out.

Commissioner Pritchett inquired if the Board prolongs this, it will have to pick another option.

Mr. Rodriguez agreed with Commissioner Pritchett.

Commissioner Pritchett stated she has been real honest with this; she has no plans to develop U.S. 192; she thinks right now the County should be coming up with better ways to handle the waste; she knows the County is not there yet; there is yard debris, the mulching, and it is an expensive mess, but there has got to be a better way to handle some of this; and just so the Board knows, she is not going to vote to sell U.S. 192 either because the County has it and she thinks the County needs to take care of it. She added she loves that the farmers are able to utilize the property; and whether the County puts in a turning lane or a couple of upgrades, it does not matter to her. She reiterated she is not going to vote to sell this and she is not going to vote to develop it; she does not want it to be a place where the County dumps stuff so the Board will need to come up with some ideas; she is glad there is a little more time on Sarno; and if the County works with one of the others it is good, but she gave caution to Option 1. She went on to explain it is not that she minds bringing more stuff to the District but the County is already receiving the worst kind of trash that and if it is filled up with the lower grade stuff then the County will lose the ability to use that; and she inquired if that is a class one.

Mr. Rodriguez noted it is a class one.

Commissioner Pritchett continued by saying putting in a class three or four in there, it is going to fill up and the County is going to have a bigger issue down the road; she is looking at the time period in fear of what the County has to fulfill; she thinks this Board is going to have to come up with some kind of consensus; she does not mind using some ideas, and putting in the turning lanes at U.S. 192, as she is not going to vote to sell it or to dump garbage on it; and worst case scenario, they would have to come up with something later, but she would love for that property to be able to be utilized by the farmers. She noted it belongs to the County and she wants to keep it. She stated she would guess the Florida Recyclers would be coming to the Board with some information but it has not received all the data back on that; there are some costs that are not listed on there; and like Mr. Rodriguez stated there is a lot of mulch and it is going to take almost \$1 million to remove it, plus costs for the drainage so there is still a lot of discussion on this. She noted the information Mr. Rodriguez provided is great, and she commended him for always being honest with her. She went on to say she hopes staff or the Board can come up with some creative ideas of what to do, short term and long term.

Commissioner Lober stated he is going to make a couple folks less than thrilled, but he would rather be direct and put his cards on the table with respect to where he is with this; given that massive difference in the appraisals between the low and the high with Florida Recyclers, he looks at it, and he knows the difference between a landfill and other types of property, but there was a developer and an Item on the Agenda not too long ago that was representing the owners of the property north of the Walmart on 520, and they had an appraisal and the County had an appraisal; he talked with the broker and stated the County would not go with their appraisal being substantially higher than the one done for the County; and the fact that the County's next least expensive alternative is far more expensive than the difference in appraisals, he brought up that he would rather spend more on that than to set a precedent that the County will pay whatever on an item by item basis because he feels that is a bad trend or precedent to set in the long run; and with the last one what he said was the most he could conceivably get behind is splitting the difference between the two appraisals. He went on to say he is not saying this is identical to that, but at first blush his inclination is something that is a good starting point for discussion, not to say that is where the Board would be at or that he would be comfortable with any number but to split the difference and take out the cost to remove the mulch, maybe that would be something to look at as a starting point; and he noted he is not comfortable with the higher appraisal so he would happily spend more so to not set the precedent that if the County is in a bad spot, it would essentially give someone a sweet deal because it has no choice.

Commissioner Tobia inquired if the County has not received the environmental study.

Mr. Rodriguez advised that is true, it is the missing piece.

Commissioner Tobia inquired if that missing piece could make that delta between the appraisals smaller, because it is his understanding that it would stay where it is or grow.

Mr. Rodriguez commented that is correct because the County definitely does not want to buy, and he is not saying it is, but in any situation the County usually does not buy land that is knowingly contaminated without having their eyes wide open; and that gets factored into any price that anybody buys.

Commissioner Tobia stated Commissioner Lober has been pretty salient on where he stands at that \$3 million is too large; and he asked when the Board will know how much larger and when will he get that study back.

Mr. Rodriguez advised they are supposed to start that drilling on November 10th or 11th so it would be probably 20 days after that he will receive a report.

Chair Isnardi inquired if that is the County's consultant doing the drilling.

Mr. Rodriguez responded affirmatively.

Chair Isnardi stated she thinks aside from the fact that 30 years ago when the County started this process with U.S. 192, the sky was falling on Sarno; she knows some things have been changed and there have been some extensions and some expansions, but that is what initiated this whole U.S. 192 project; as far as cost the County spent millions fighting Deseret in order to put this landfill out on U.S. 192; and she thinks it will probably be mentioned because American Recyclers is obviously looking out for their best interest which is great, like any business would do; and it is great for her because she did not want it at U.S. 192 and here is this land that came much later. She noted this has been an issue she has followed for a very long time and even more so when Commissioner Anderson got in office; she knows Deseret Ranch finally gave up because they were worried they would have three types of trash out there; however, if anybody in the room thinks that putting a new footprint of a landfill, that it is not even remotely risky, is insane to her because this Board talks about environmental impacts and water quality, and this is within two miles of the St. Johns River, so no matter what liners or safety precautions, once this is signed, it starts the ball rolling. She noted it is almost like the County has been on this mission to win and to build this landfill instead of looking for every other possibility not to do this; she knows the Board has heard her rant about it several times, but for those who have not, this is why she is so passionate about it; and she stated people will know they are in Brevard County when they are coming down U.S. 192 and see the landfill, even a couple miles from the road it is going to be seen, and there is no way to do away will the smell completely because it will be all three classes of trash by the time it is done whether or not they wait 10 years after they do the construction; what the County should be doing, instead of trying to push this U.S. 192 project like has been going on all these years, spending all these millions of dollars, and devaluing the future of all that property around it, is trying to do anything it can not to put another landfill in Brevard County; and she thinks if there is any way to use that American Recyclers property the County should be doing it. She went on to say that does not mean the County let them take advantage of it on the sale of the property because she does not think anyone on the Board would allow for that; if there is another option, and that is already permitted; and it is unfortunate for Deseret Ranch, but she thinks they should have fought a lot harder although she is sure they were tired of spending hundreds of thousands of dollars fighting the County; however she will fight this to the end. She noted if it comes down to the Board and it votes to sign that, she will not sign it, Commissioner Lober will have to do it; she thinks it is disgusting that this Board is not doing everything within its power to not do that; everyone knows the technology is close; and she apologized for getting excited about this.

*The Board Recessed at 11:41 a.m. and reconvened at 11:52 a.m.

Jack Kirschenbaum stated he is with Grey Robinson and has been in Brevard County since 1957; he knows this land pretty well since he was involved with the legal team that condemned it from Deseret; two points that were not on his presentation is that he represents Florida Recyclers and they do real well selling mulch so they may be able to help on that side of the coin; that is something that can be talked about in the future; secondly, they are looking for forward to the environmental testing; Mr. Golden with Grove Scientific will help and work with the engineers and testing company that Mr. Rodriguez is sending out to them; and he noted they will be 100 percent cooperative and work on that project together. He went on to say appraisals are like noses, everybody has one, they are opinions, and people use different methodologies in determining value; the County Attorney is an excellent eminent domain

lawyer; he has had these arguments before in court cases, appraisals set parameters and they would be happy to work with the County staff to talk; and that brings him to his presentation. He advised he is requesting that the Commission not do anything that limits and forecloses its options; something occurred to him this morning, on Sunday afternoon he took all of his yard waste out to the curb, then on Monday he took the garbage out to the curb, and today he started recycling all the cans, bottles, cardboard boxes, and he would suggest that no decision the Board makes affects more people, residents and visitors, more often, or longer than this decision the Board is making about solid waste and what to do with these options that the County has; this is a huge decision; like a real estate issue, it has land issues and locations important like a business decision, it has business considerations of timing, of environmental factors, and it requires experts; and he has brought two today to talk about that, Jim Golden from Grove Scientific, and Bruce Moia. He noted he has environmental issues to convince the Board that they have the best site for the taxpayer, they have location issues that will convince the Board that this is the best site for the taxpayers, and he thinks, in conclusion, the Board will say it has an opportunity to talk and do the right thing for the taxpayers.

Mr. Golden stated he is in attendance to give a presentation about Florida Recyclers of Brevard Construction and Demolition Debris landfill; it is very centrally located in Brevard County; it is right adjacent to the other solid waste facilities; it is really the best place for a solid waste disposal facility, if that can be achieved, and to make it a good neighbor to the community; Florida Recyclers has been operating for over 20 years now and they are really running a good facility there; he noted it is surrounded on three sides by Brevard County properties as the transfer station is to the west, Sarno Road landfill to the South, and the northeast parcel to the east; therefore, it is uniquely located to provide an expansion for the Sarno Road landfill. He mentioned the Board has already heard from Mr. Rodriguez about the different options to solve the Class III waste disposal problem; the Sarno Road landfill is going to be full about 2024; and he wanted to point out that Option 1 is really going to use up Class 1 landfill space which is very valuable, Option 2 is not the best site to develop without their parcel in it first; and they are Option 3 and have a lot of landfill space remaining. He noted Florida Recyclers can provide 10 years of life with the 80 foot elevation; they can provide another nine years of life with the valley between the two landfills; it can be a quick turnaround time of two years or less to provide that space for a Class III disposal; and Option 4 is the U.S. 192 property to where that would be a brand new landfill with new impacts. He went on to say he thinks Florida Recyclers is the best option with 45 acres of initial expansion and 79 acres ultimately could be expanded into for Class III disposal at this location; he showed a map and explained that where the purple area is, in the middle, is the valley infills between the two landfills where there could be one on their property and one on the northeast parcel; he advised this would give the County 47 years of space if it went with this concept design; and he believes this is the lowest cost option, even though Mr. Rodriguez's staff did an excellent job trying to do an apples to apples comparison for a very complex problem. He continued by saying they did their own evaluation and believe they are the lowest cost option, but their obviously needs to be more study into that.

Bruce Moia stated he is in attendance to present why this is a good option from an environmental perspective; his understanding based on some information that was provided to the Florida Department of Environmental Protection (FDEP) is that the property on U.S. 192 has a potential to impact 197 acres of wetlands; there were 13 threatened or endangered species that have been observed on the site that could also be impacted; it would be a 30-mile round trip from the transfer station to the site so that is a lot of exhaust and greenhouse gases; and most importantly it is located in the St. John's River basin. He went on to say he does not know a lot about landfills, but he knows they are lined; he has learned recently that all landfills leak, all liners leak; they are near Lake Washington, the drinking water supply for the City of Melbourne which supplies water from basically Pineda all the way south excluding Palm Bay and Micco; there is a landfill leaking material into the groundwater which could potentially have

a devastating effect on the drinking water supply; and he thinks that is pretty important. He advised he did a Google street view of this and it is pretty flat out there; everything can be seen from the road and there are not a lot of trees and not a lot of elevation; this could potentially be a 280-foot landfill which is like an eight-story building, it could be seen for miles away, and that would be a really bad visual impact for anybody coming to Brevard County; and it would be the gateway to Brevard County from U.S. 192, and that is not even talking about the impact it might have on any neighboring properties that would want a development right next to a landfill. He stated from an environmental perspective he thinks going to U.S. 192 is really not that good of an option, the better option would be to go right next to a landfill that is already there.

Commissioner Smith stated he has been listening to these arguments, pro and con, for five years and he is committed as ever to the fact that he believes going forward that the County has to develop U.S. 192; there was just a picture presented of the Sarno landfill and it is surrounded by homes, even a daycare center; all of those places would be part and parcel of the big problem he is hearing in that a lot of people would be affected by the noise, the activity, and the potential smell of increasing Sarno landfill; there are also a lot of unknowns with Sarno landfill particularly what the environmental assessment would be of that property; and if the County bought it, it would inherit that. He continued by saying he believes the County needs to sign the Army Corp of Engineers permit; he know Mr. Rodriguez keeps saying there is no hurry but he has done some research and there kind of is a hurry because the Board does not know what future regulations and restrictions are going to come down the road; the Board also knows this is very, very difficult path to follow; and he mentioned the perfect evidence of that is it has taken 30 years, it is not something that someone can just flip a switch and open up a landfill. He stated if the County gets to a point where it is three or five years out of filling up these other landfills, the switch cannot be flipped to open U.S. 192 in five years; the County may not be able to sign the permit because there may be changes that come down, and that is a pretty fair assessment; that would require the County to start some of this process over again; he thinks where the County is at with the U.S. 192 landfill, there are only two tenants and tens of thousands of acres so it is not impacting people like it would with Sarno; for him the big thing is it secures Brevard County's future because it locks the County in without any further costs and it would void any future changes in regulations and rules; and the future the County is looking at if it does not have this landfill, the Board would be selling the future of its citizens down the road because without a landfill the County is at the mercy of market conditions because it would have to ship the refuse out of the County. He asked who would accept it and at what cost because the County is not in the driver's seat at that time; he stated he thinks it behooves the Board to understand it does not know whether this is going to happen in three years or what will happen in 15 years; he advised if the Board secures this purchase, it will be locked in for future Commissioners in 10 or 15 years from now when they have all the answers and will not be speculating, they can make the decision whether to go forward with the U.S. 192 landfill or not; and for him the key is securing the future and not putting the burden on future Commissioners and citizens at risk because this could be hundreds of millions of dollars. He commented Mr. Rodriguez had mentioned one time about doing some kind of survey or trying to figure out what it would cost the County to ship the stuff out.

Mr. Rodriguez advised one time they did a cross analysis between developing U.S. 192 and shipping it off to the JED facility in Osceola County; at that time it was like \$100 million to ship it over there, spread out about 20 years; and he believes the option for U.S. 192 as seen in the reports is around \$60 million for the same period of time. He mentioned according to those numbers, there would be a savings of \$36 million.

Commissioner Smith stated that is significant in any period; the Board does not know what inflation is going to do but he does not think \$36 million is going to be chump change even 20 years from now; and he asked if David Dee could be asked to come to the podium because he

has worked with the County for an awful long time and he would like to ask what the significance is.

David Dee stated he has been hired as outside counsel for the County; he has worked on this project since 1992 off and on as the County had decided to move forward with it; he has 40 years of experience working on environmental law projects around Florida; he has probably worked on more landfill projects than any other attorney in Florida; and he permitted the JED landfill in Osceola County among others.

Commissioner Smith commented it has taken 30 years and this is not something where the County can just flip a switch and turn U.S. 192 into a landfill and he asked if Mr. Dee could explain some of that and the reasons behind it.

Mr. Dee stated he has worked with 28 different counties around the State of Florida on different projects and about a dozen cities; his fear throughout his career has been that there would be monopolies on the disposal of solid wastes and local governments would be left to market conditions and having to pay whatever; and in this case he has been impressed with the County because long ago it started looking at alternatives and made long-term plans both at central and also for the southern part of the County. He went on to say based on his experience and having struggled through many hearings in trying to cite facilities like this one, which are unpopular, undesirable, and hard to find suitable locations for them; this site always struck him as being an excellent opportunity for the long-range future of this County because it gives the County enough property to have large buffers on the property so that it would not adversely affecting the neighbors; and he noted there is enough space on the property so the County can provide for a recycling center there, the use of innovative technology, it could provide for use of waste to energy; and there could be a landfill there to receive ash from a waste energy facilities and parenthetically the neighbors and Deseret Ranch have stipulated that they would not object if the County wanted to do a recycling facility, a waste energy facility, or an innovative technology out on that site. He noted the County has already compensated them for the purchase of their property; the County compensated them for the secondary impacts on their property; and indeed it paid richly to get the site in the first place. He went on to say there is cattle and not much else out there, so there is not much impact on people; there is a 3,700-foot setback from the highway so plenty of room for a buffer, and there is a large visual buffer on the west side of the property, an existing forested wetland; there is setback of about 4,000 feet from the east so the County has lots of room to minimize impacts on the neighbors; he understands the concern about the wetlands and wildlife; those have been thoroughly reviewed by the regulatory agencies both by the DEP and the U.S. Army Corp of Engineers and the U.S. Fish and Wildlife Service have all reviewed and approved those plans and impacts; and the DEP on the wetland review determined that this facility was clearly in the public interest. He stated the U.S. Army Corp of Engineers after reviewing the wetlands and wildlife impacts said that this project more than sufficiently provided offset to the impacts of that site with the best wetlands are going to be preserved, and the best environmental areas are going to be preserved; and from his prospective the County has an historic opportunity to continue the work that was started decades ago by people who sat in the same chairs as the Board Members are in today. He added previous Board Members recognized the need to provide for the long term solid waste disposal.

Chair Isnardi interjected to advise Mr. Dee that she did not allow everyone else to have these long discussions and that they only had three minutes so she is trying to be fair to everyone; and she inquired if he had been working for the County since 1992.

Mr. Dee clarified he had worked for the County off and on since 1992.

Chair Isnardi asked if his interest is with the County.

Mr. Dee advised his work is done.

Chair Isnardi commented that Mr. Dee probably made a significant amount of money from the County doing legal work.

Mr. Dee responded he did.

Chair Isnardi inquired if Mr. Dee would say that most of his time spent over the last 25 to 30 years has been in litigation with Deseret Ranch over the property.

Mr. Dee responded not at all.

Chair Isnardi stated maybe not for Mr. Dee.

Mr. Dee replied not at all.

Commissioner Tobia asked if Mr. Dee has ever had a Commission not sign a permit like this in all the time he has ever worked with the County.

Mr. Dee responded he has not and he is stunned that the County is at this position because in this situation the Board does not have nearly as much time as it thinks it does; there are five years to capacity if the Board moves forward with Sarno under the current height variance; one good hurricane wipes out a lot of that capacity; if Hurricane Dorian had hit this County the way it was supposed to, that spare capacity would be gone and the County would not be able to get U.S. 192 up and operational in time to meet the County's needs; Brevard County was very fortunate this year; however, saying that it is going to take three years to get U.S. 192 operational, it does not really account for the variabilities that could affect capacity at Sarno. Commissioner Tobia stated he would imagine Mr. Dee is paid a fee by the County.

Mr. Dee confirmed his statement.

Commissioner Tobia stated it would actually benefit Mr. Dee to carry this on for another 30 years.

Mr. Dee responded affirmatively.

Commissioner Tobia inquired if it is Mr. Dee's opinion and that it would cut directly against his financial interest, would be to sign the permit.

Mr. Dee once again responded in the affirmative. He explained if the Board moves forward and does not sign it and moves forward it will have to renew those permits; this is a large site and every time there is a change in regulations the County has to an extraordinary amount of work to evaluate this site, respond to those conditions, and prepare new applications; the County has spent millions of dollars to get to where it is; and there will be additional substantial expenses the County will occur if it does not go forward now.

Commissioner Tobia asked how Mr. Dee got to the meeting.

Mr. Dee advised he drove there.

Commissioner Tobia asked if he charged the County on a per mile basis.

Mr. Dee responded in the affirmative.

Commissioner Tobia pointed out if the Board does this again there is another cost incurred to bring Mr. Dee down here again.

Mr. Dee replied sure.

Chair Isnardi pointed out Mr. Dee said his work is done so she is curious why the County is paying him to still come if his work is done.

Mr. Dee advised it is because the County has not signed the permit; the permit was issued in March or April.

Chair Isnardi inquired what Mr. Dee's interest is in whether the Board signs the permit other than the fact that he said he did his job already.

Mr. Dee noted he is there to advise the Board to make sure it makes an informed decision. Chair Isnardi pointed out she knows she did not hire him, maybe the County did; obviously Commissioner Smith knew he was here because he called him up; however, she would not have agreed to pay him to be there if it was up to her and his job was finished.

Mr. Dee responded he understands that.

Chair Isnardi stated Mr. Dee is not in attendance because the Commission asked him to be there, he is in attendance possible because staff asked him to be there.

Commissioner Lober asked if there is anything Mr. Dee is doing or intends to do in the immediate future with respect to this that requires a license to practice law or if this is just lobbying because it sounds like what Mr. Dee is saying is it would be better coming from an engineer, a subject matter expert; and he stated he is just trying to understand why there is an attorney trying to tell the Board what may be more appropriate coming from an engineer.

Mr. Dee again explained he has a lot of history on this project and he is happy to convey to the Board his professional opinion based on his experience working throughout the State of Florida; and if the Board chooses to ignore it that is fine.

Commissioner Lober stated he just wants to understand why he is there instead of someone else; he is not trying to take away his experience by any means because he is sure Mr. Dee knows much more about it than he does; and he explained he is just curious.

Mr. Dee replied he was asked by Commissioner Smith to advise the Board of the status of the permits.

Commissioner Pritchett stated something Mr. Dee said caught her attention; and she asked Mr. Rodriguez if the County permits, does it mean the County has to build on this.

Mr. Rodriguez responded the County can get all the permits it needs, but it does not have to build.

Commissioner Pritchett asked if he is talking about the Army Corps permit that is about to expire.

Mr. Dee stated it is not about to expire, it needs to be signed.

Commissioner Pritchett stated her dilemma is she has no intention of doing anything with U.S. 192; if the County runs into a critical situation, she asked what the alternatives are; she commented she knows with Sarno the County has some time; she is probably going to move forward with trying to figure out the Florida Recyclers, she needs more data on this; and she reiterated she has no intention on doing anything with U.S. 192 unless there is a real emergency. She advised she needs to know if there was a hurricane what it would do to Sarno and what type of emergency situation would the County be in; and she asked if it is possible to overflow to the other options.

Mr. Abbate stated the option that relates to the central facility, if the County runs into an emergency, it still has that option which is a transportation option; in the report that is a significantly more expensive option than any of the others; there are less expensive options as contained in the beginning of that Agenda Report under the fiscal impact statement; and he explained what the Board is hearing here is that if the Board were to go to the longest term, least expensive option, that would be the one that staff would be submitting, with the U.S. 192 option the Board would be avoiding the more significant cost if there was that kind of emergency, than choosing any of the other options. He continued there are three other options and they include the purchase of Florida Recyclers, or the northeast quadrant and trying to get that permitted with the height variance, or utilizing some of the Cocoa facility, which is a Class I, and not the best option for reasons the Board has already heard.

Commissioner Pritchett asked what the harm is in waiting another year to discuss the signing of the permit.

Mr. Abbate stated the challenge is if the County does not have that kind of emergency and there is no pressure on the capacity at Sarno, and there is four years of life, Mr. Rodriguez believes that what is needed to be done with the remaining permits, the remaining building of the turning lane, the driveway, the environmental mitigation that needs to occur, putting up the fence, and then to start the construction after that is at least a three-year process, going into 2020 and reaching capacity in 2024, assuming there is no additional pressure; and the one factor is how much time frame is left in the facility is just an estimate, and the best professional estimate that staff can get.

Commissioner Pritchett asked what the problem is with signing the permit if the Board has no intention of using U.S. 192 as a landfill.

Mr. Rodriguez stated there is no problem; the Board can just authorize a signature on it, and it can direct staff to any other actions that are taken on this site that staff has to seek individual authorization for it.

Commissioner Pritchett asked for clarification that the Board can sign the permit and still do nothing there and continue with other prospects.

Mr. Rodriguez advised that is correct.

Chair Isnardi asked if the Board has no intention of using it, then why would it sign the permit.

Commissioner Smith stated because it increases the options so the County is not stuck.

Chair Isnardi asked if the Board is not doing anything, not moving forward, and not making any movement, then why sign it.

Commissioner Smith advised because it does secure the future, if regulations change the

County is locked in; and if regulations change and the County is not locked in then it has to start the process again.

Chair Isnardi stated that could happen with anything the Board does, just like the hurricane.

Commissioner Smith responded that is right, and that is why, if the Board signs it, it has secured the future; if some future Board decides it is not needed then they can sell it; and he pointed out that Board will have all the information and all these hypotheticals will no longer exist at that point.

Chair Isnardi noted Commissioner Smith has made it pretty clear that he wants to move forward with building on U.S. 192 anyway.

Commissioner Smith commented he wants to secure that the County does not have to worry about it.

Chair Isnardi stated she wonders if Commissioner Smith would feel the same way if this were in Viera because this is her District and it is hard to be sympathetic.

Commissioner Smith stated that is like apples to oranges.

Chair Isnardi responded of course it is ridiculous, she does not want a landfill anywhere; and she commented what she is trying to say is obviously this does not impact Commissioner Smith or his District, it impacts her and her District.

Commissioner Smith asked how it would impact her District when no one lives out there.

Chair Isnardi informed Commissioner Smith it is a huge impact; the very first meeting she had with staff about this landfill was what does she care anyway because they are going to build on it anyways; Commissioner Smith talks about the future and about selling people down the river, and she thinks about any risk at all of polluting the river; she has seen FDEP and Army Corps permits come out and she just scratches her head because everything is political or Mr. Dee would not be in attendance and he would not have that job in Tallahassee on behalf of these cities and municipalities; and she thinks this Board should be doing everything in its power to not do another landfill.

Commissioner Smith stated he agrees and this gives the County the option if it has to, that is the key.

Chair Isnardi advised if the Board told the County there is no other option and that it is not doing this, then the Board would find a way; if Commissioner Smith does not think technology will be ready in 20 years then that is dumb because it is foolish.

Commissioner Smith stated that is the whole thing.

Chair Isnardi stated she would rather pay \$2 more a month than put another footprint for a landfill and risk the environment; he can talk wetlands and endangered species but this is the entrance to Brevard County; and to place a landfill there and try to disguise it, it will not happen. She continued it may not be the entrance to District 4 but it is the entrance to Brevard County so she will never support this.

Commissioner Smith commented Chair Isnardi is supporting the size of a landfill in a populated area.

Chair Isnardi pointed out that it is already a landfill.

Commissioner Smith stated it is not obtrusive at this point.

Chair Isnardi stated yes it is, it is already there, and already permitted; and she thinks it is foolish not to use it.

Commissioner Smith stated there are tens of thousands of acres out there and she thinks that is going to be a problem; he understands what she is saying and she is very passionate; however he respectfully disagrees with Chair Isnardi.

Chair Isnardi advised that is okay, he does not have to agree with her.

Commissioner Smith stated his point is the Board sign the permit, secure the County's future, and if U.S. 192 just sits there and it is not needed a future Commission knowing all the details can make a decision at that point in time; and if the Board does not do anything this then it has sold the County down the river for the future. He added he wants to let future Commissions decide yes or no.

Chair Isnardi stated she would rather wait for all of the information to come back on the environmental study, which she believes should be independent so there is no question; she thinks once the environmental study and feasibility study comes back, then the Board can make a decision on that land; if waiting a few months is going to change the future of the County in 30 years, then this Board has bigger problems; and she does not think this Board is being reckless making a rash decision because everyone knows once that permit is signed it is all over. She went on to say she is very passionate about this because it is her District; she knows this impacts all of the Commissioners, but this is her District; and she does not understand why there are not 30 speaker cards on this issue because this is a big deal.

Commissioner Lober stated the concern he has with signing the permit is it is irreversible; he believes if the Board signs that permit there will be a landfill over there; as far as the buffering, he does not trust that it is possible to fully buffer a landfill; he appreciates Commissioner Pritchett's concern about an emergency situation, but the fallback if the Board elects to not go with any of these options, which he believes is a terrible decision, then the County would pay to ship it; it is expensive, but if the County has a situation where it is three months behind schedule it is not the end of the world if the County needs to ship it for a few months; and that is something he does not want the County to incur but due diligence has a cost. He added the County is doing what it needs to be doing and it is worth spending the money to be certain of what it is doing; in this case, it is a hypothetical cost because the County does not know if it is going to have an emergency; if the County does have an emergency it is not like the trash is going to pile up in people's homes; it is going to be expensive to ship it for a short period of time if that comes to pass; however he thinks that is the cost of the County doing its due diligence.

Commissioner Tobia stated this falls squarely on Commissioner Pritchett's shoulders as it is apparent where the other four Commissioners stand; he has an alternative that was not advocated by Commissioner Smith but he agrees with where he stands on this; he is not opposed to Florida Recycles but he thinks the County needs to have some leverage and right now there is no leverage; and they came back with the most ridiculous reports claiming the land value is worth \$8.5 million. He noted they claimed that there is value in mulch, something the County has to pay to get rid of; it is worth \$8 million if the County does the environmental study and finds \$3 million in gold down there, but he has a feeling there is not going to be a goldmine down there; he stated Mr. Rodriguez is really wrong; and he thinks the Board needs to let these

folks know that there is a real opportunity to go in a different direction. He continued by saying he is not advocating to go in that direction nor does he think Commissioner Smith is advocating that; right now the Board has the option of putting a signature on something than can benefit taxpayers to the tune of \$10 million to \$12 million; he thought before this meeting that the County had to pay \$10,000 and he was almost willing to stroke a check in order to do that; he thinks the reality of the situation is he is not advocating going forward with the landfill, he is just advocating that the County have a little leverage when dealing with Florida Recycles because right now there is a valuation that is almost double what the County's consultants are telling the Board; and there is an attorney here going against his own financial benefit, he is being paid per hour and he is telling the Board to sign this thing so he does not have to come back to Brevard.

Chair Isnardi commented she doubts that is how that went down.

Commissioner Tobia went on to say he is sure he could ask Mr. Dee but he does not want to show his face here, or be here again; that is what it sounds like; and he would like to ask Commissioner Smith to make the motion, and he would certainly second it. He stated Chair Isnardi mentioned about technology and he really hopes the technology works but the Board put a solid waste emerging technologies RFP out and received one item back that was severely deficient so right now that does not exist; all this does is give the County an option as it moves forward with Florida Recyclers; and he reiterated this squarely comes down to Commissioner Pritchett. He added this one has been punted before; he does not believe Mr. Rodriguez is biased one way or another; he is just asking that when the County goes into negotiations, which sounds like they will, that it has a little leverage; and all the signature does is provide the County with that leverage. He continued Commissioner Lober mentioned that the County build a landfill out there, but that is not what the signature does; and right now he would not support going forward with that landfill until the County went through fair negotiations with Florida Recycles. He stated he certainly hopes for Commissioner Pritchett's support because he hates to do this, but it certainly falls on her shoulders at this point.

Commissioner Pritchett stated it concerns her, but that makes a lot of sense; she asked the County Manager if the Board signed a permit if it could remove the permit as well by nullifying it with a resolution later.

Mr. Abbate stated the Board does not have to act on it, he does not know that it can actually remove the permit.

Commissioner Pritchett explained if the Board decided to put this in place for leverage and then later on the Board wants to remove that permit just so the County is not at risk of future Commissions having such an easy time trying to develop a landfill without doing its due diligence.

Mr. Abbate advised from a legal perspective he does not know the answer to that, he would have to ask the County Attorney.

Eden Bentley, County Attorney, advised she thinks the Board should ask Mr. Dee how to abandon or terminate a permit of this type because she does not have that level of expertise on this type of permit.

Mr. Dee stated the County could simply notify the agencies that it is abandoning the permit or it could simply not act on the permit, either one would suffice.

Commissioner Pritchett stated she does not want to sell U.S. 192, she does not want another

landfill in Brevard County, nor does she want to ship it out; she actually watched that Commission meeting years ago and the all day long negotiations that were made with Deseret; she agrees with Commissioner Isnardi that Deseret just got worn down and agreed to a different class; she probably should not have said she was really looking forward to working with Florida Recyclers because she does agree with Commissioner Tobia that the delta there is so large that she is a little uncomfortable with it; she was joking around with Fire Chief Mark Schollmeyer, if he would set the mulch on fire it would take care of the million dollar problem; and he stated he would charge the County to put it right back out after he torched it. She went on to say there is still a real cost to look at with that; she thinks Commissioner Tobia is correct that the County needs to do negotiations; she was going to say she thinks this needs to be put off a little bit longer, maybe table it to the very next meeting, because if the Board completely shuts down all options it does not have any negotiation tools with Florida Recyclers; and she would like to see it go Sarno for an extra four, Florida Recyclers for eight, and then another three or four with the expansion. She noted that would take care of another 15 years; she thinks technology has to catch up; whether or not the County signs a permit, and she plans on being on the Board for another five years, she is not going to vote to build on U.S. 192; her idea would be after the Board gets this in place, if she does agree to permit it, is to remove the permit and let somebody else have to deal with that later down the road. She reiterated she does not plan to build on U.S. 192, but as far as an option to bring in negotiations, she really does understand that; and if Florida Recyclers would drop their price in half she thinks this conversation would be over right now.

Commissioner Lober stated he thinks the leverage already exists.

Chair Isnardi agreed with that.

Commissioner Lober continued by saying either himself or Chair Isnardi can take a pen and sign the permit and it is done; if Florida Recyclers is unreasonable or inflexible with the price, he will sign it; he has no problem signing the permit if that is the best option; he just wants to make sure that is the best option; he does not normally ask folks to bid against themselves but the Florida Recyclers appraisal is way too high; and he would suggest before this comes back with another number that they reconsider the number they are at and where they really see it ending. He added he knows when dealing with negotiations often times people will throw out a first offer figuring that they will be low-balled and they will meet somewhere in the middle or there is all this gamesmanship that goes into negotiating; he thinks if Florida Recyclers get a lot closer to where it sees this ending realistically, that would probably help all involved and increase their chance of making something on the land, much more than they otherwise might; and he noted he believes the number is beginning with the wrong digit. He went on to say the number is substantially off, it is not in the ballpark; as far as the process of abandoning or terminating the permit, he would not ever worry about what the process is because he will never do it; once the County signs the permit he does not think he would be okay with abandoning it because at that point it is there and if the County is already invested in it then he just sees that as being an irreversible step; and he reiterated he has no problem signing it down the road if that is the best option but he is far from convinced until all the options are on the table. He mentioned if Commissioner Pritchett wants to make a motion to continue this until the Board can get some more information he would be happy to second it; he thinks the worst thing the Board can do, regardless of what the end result is, is to rush it now because it is under this artificial pressure over something that may never come to pass; and if it does come to pass it is not the end of the world either, it would just cost the County extra for a short period of time.

Commissioner Smith stated he thinks Commissioner Pritchett nailed it; if the County can get 12

to 15 years out of this then U.S. 192 does not even come into the picture; if in 15 or 20 years the Commissioners all think there is going to be technology available, then a recycling plant could be placed out on U.S. 192 and that solves the County's problem forever and ever; and whether it is signed today or later the only risk the County runs is that if regulations or rules change then it is going to cost more money than if it were signed now.

Commissioner Pritchett stated she is thinking she would like to get the study back from the Sarno Road landfill, she would like to get real costs, and she would like for a real proposal to come in; she is not real sure having this discussion in three months will make a big difference as far as whether to permit; if the County can get some type of negotiation in here that is competitive then she will probably move forward with the permit; and the permit can be withdrawn if it is stable after that. She noted she would like to have this discussion again in three months to see where everyone is with Florida Recyclers and moving forward with these options; and she mentioned Florida Recyclers sharpening up their pencils a little bit because that delta is way too big and there are costs to get this ready for use. She pointed out the good news is the height restrictions are going to be a little bit better, so the County may get even more years than what was first thought; she believes this could be a real win; and she thanked Mr. Dee for his time and investment that he put into this.

Chair Isnardi commented everyone knows where she stands on this. She noted she would like to see what the environmental study says, but she wants an independent agency not the County's consultant or their environmental agency to study; and she does not know how the County would go about that but it takes out any bias.

Mr. Rodriguez asked if he could clarify something and Chair Isnardi could then tell him if she feels that is independent or not; and he advised the people doing this are not his normal consultants they are Natural Resources Management's consultant who specializes in this stuff.

Chair Isnardi asked if the consultant still works under the County.

Mr. Rodriguez responded affirmatively.

Chair Isnardi reiterated she wants an independent agency that has zero vested interest in how the study looks; she is not saying the County would tell them any which way but she wants it fair for the County and for them; she does not know what the process takes or if it is going to be done in three months; and she advised she just knows the last time the Board talked about signing a permit was because it wanted to start prepping not just the turn lane, but a little bit of the property too such as some grading.

Mr. Abbate stated there were two issues, some fencing issues and the environmental mitigation that needs to happen on the property.

Chair Isnardi commented that is movement on the property. She stated a majority of the Commission said nothing.

Commissioner Pritchett asked if that had to be done if the Board permitted it.

Chair Isnardi responded no, but that was the County's intention of wanting to permit it before; her gut is telling her not to sign the permit; she does not think there is any urgency; she can go back the 25 years and talk about the urgency of Sarno filling up, the urgency of the land, and the many years spent fighting Deseret and all that other good stuff; Commissioner Tobia may

have different intentions but she thinks the idea is to not have another landfill; and she knows the leverage is there and Florida Recyclers knows how close this Commission is as far as teetering one way or the other so she does not feel they are going to play games whether the County signs the permit or not.

Mr. Abbate stated he just wants to make sure he understands if the Board is asking the County to go out for another bid or RFP for an environmental consultant to come in.

Chair Isnardi responded there probably needs to be some parameters.

Mr. Abbate noted that is why he is making the request because that is going to change the time frame obviously for staff to go through that kind of a process.

Chair Isnardi stated she is not sure the County agrees with that but what she is saying is the Board is to do its due diligence and do what is best for the County.

Mr. Abbate noted staff will be seeking Board direction on that because right now they have the one coming in and they were planning to have something back to the Board 20+ days after the middle of November, but if the Board wants staff to go down another path staff is more than willing to follow that direction.

Chair Isnardi stated odds are that is not what the rest of the Board wants but it is what she wants.

Commissioner Smith asked how Chair Isnardi would hire someone and have he or she not be with the County. He stated they are going to be influenced because the County is going to be paying them.

Chair Isnardi stated if they bid on it they are an independent person not somebody that does consulting work for the County already and that takes the bias out of it; their environmental study person is going to be biased just like the County's would be whether it is intentional or not.

Commissioner Smith stated he sees where she is coming from.

Commissioner Lober stated he would agree with Chair Isnardi on most of this but he does not agree with her on that; he would like to see how the existing study comes back, and if there is reason to question it then he would be happy to expand it out; at this point he thinks it may be a little premature to do that; and he advised he would support it. He went on to say beyond that, as far as the situation with Florida Recyclers, regardless of what happens or does not happen with U.S. 192, he would like to explore to see where that would end up price-wise; and he would like to make a motion that does not preclude anyone from making another motion with respect to signing or not signing, but he would like the motion to direct the County Manager or his designee to negotiate with Florida Recyclers of Brevard to whittle down and see what the acceptable purchase price would be for both parties.

Commissioner Pritchett seconded the motion for further discussion. She went on to say she thinks the Board would almost have to wait for the environmental to come back to do a good negotiation.

Commissioner Lober stated he does not disagree with that, however, what he was thinking was if they set it up now having in mind that it is going to come back at a certain date, they can already have on the books a meeting for a couple days after.

Mr. Abbate stated he would ask that if the Board wanted to see things like that mulching issue addressed as well as closure cost issues because he thinks there are outstanding issues related to funding for closure and how that would impact the value of the land which he does not think has been considered yet.

Commissioner Lober stated he intends to give staff all the wide latitude to include whatever concerns staff might have, at least that is what his motion contemplates.

Commissioner Tobia stated he is usually hesitant to do analogies but this is like purchasing a car without looking underneath the hood and now there is an issue of who is looking underneath the hood; he does not know about staff bias; he thinks people may assume there is staff bias when he or she gets an answer back that does not meet his or her bias; he understands passion, but it appears staff is trying to give the Board the best possible information they have; and if this goes one way or another Mr. Rodriguez does not see two more nickels in his pay check one way or another and the same goes for Mr. Denninghoff and Mr. Abbate. He went on to say if someone is talking about bias, there is no incentivizing an outcome for any staff member here; when outside work is done, those folks are going to get outside work hopefully one way or another if they are the bidder that wins the project; as to that motion, he thinks there are too many variables to enter into negotiation until the Board at least has the first report back; to throw off the first report because there may or may not be bias he would have to question what happens if the first report back, the Board finds out that there needs to be no mitigation or remediation; and he inquired if Chair Isnardi will still want on outside consultant if she gets the result that meets what she is looking for.

Chair Isnardi inquired if Commissioner Tobia is asking her a question.

Commissioner Tobia responded affirmatively.

Chair Isnardi explained she was not talking about staff bias she was talking about consulting bias.

Commissioner Tobia asked what if the consultant comes back and finds that there is nothing wrong with it.

Chair Isnardi commented she is fine with an independent person coming out, but she has a feeling it is not going to happen that way because the Board is already finding reasons why it does not want this property; there is a long laundry list on the Agenda Item; so the independence takes the bias out; it is okay if Commissioner Tobia does not want to have an independent person that is not already paid by the County, like the lobbyist that came up earlier; and she asked if Commissioner Tobia is telling her that people are not biased or consultants are not biased; and she stated Commissioner Tobia is not naïve he has been in Tallahassee.

Commissioner Tobia advised he has been in Tallahassee; that individual lobbyist gets paid on results; and he is telling the Board to sign a document and it is going to directly cut his pay.

Chair Isnardi noted he already got his results, it is not going to cut his pay because he said he has done his job.

Commissioner Tobia stated the lobbyist got paid hundreds of dollars an hour to drive to Brevard County, spend his time, and he will receive hundreds of dollars to drive back; and he is

telling the Board to sign this document so he does not have to do this again and receive those hundreds of dollars.

Chair Isnardi stated okay, he said he has done his job, and his job was to help get the permit; he completed that.

Commissioner Tobia advised he has not completed it because Chair Isnardi has not signed it; the Board cannot realize a \$12 million potential increase to individuals that won the king's ransom, as Commissioner Lober pretty much put it, for a piece of property that is worth a small fraction of what reality is.

Chair Isnardi stated she does not think anyone on the Board wants to pay king's ransom; she does not think anyone would agree to pay what their suggested appraisal rate is; she does not think the Board is even close to that; but what she will not agree to is putting out a landfill and having environmental and economical impacts to that area, she believes that is irresponsible, without looking at this option first; and she advised it does not mean that they get what they want, but it may mean that the County does not have another footprint. She went on to say it is okay if Commissioner Tobia wants another landfill on U.S. 192 because that is what will happen if that is permitted; if it is permitted landfill there is going to be a private landfill out there which the Board will have no control over; and they could probably run it better than government but at the same time the idea for her is not to have a landfill.

Commissioner Tobia stated he gets that and he loves Chair Isnardi's passion.

Chair Isnardi commented she thinks Commissioner Tobia just likes to disagree with her.

Commissioner Tobia stated his opinion is not going to change; ultimately, this comes down to Commissioner Pritchett and she has been pretty clear; and it sounds like she wants more time on this.

Chair Isnardi stated she wants more information; if this is going to come back she would actually like some completed information; she does not want to set a date, it is more like a stage, that the staff has this information then it will bring it back; and rather than give staff a date deadline she would rather have completed information on the environmental study.

Mr. Abbate stated staff will bring back the environmental study and whatever additional information like on the mulch and then report back on that; and he thinks staff has given as much complete information as it had outside of those areas.

Chair Isnardi asked what if the Board does not want to use another independent consultant, and just uses the County's consultant.

Commissioner Lober stated not at this point.

Sandra Sullivan stated she just wanted to ask if the Board could delay for another meeting; relating to the comment about staff and their consultants, she wanted to bring up the dredging to do a compare and contrast; while she thinks it is a very valid point that will be brought up Friday at the Save Our Indian River Lagoon (SOIRL) Oversight Committee, staff hired an engineering firm, Geotech, to speak and he made a compare and contrast regarding the high levels of arsenic, 22.6 milligrams per kilogram at the head of canals; he did a compare and contrast to Montana which has high levels of arsenic; and he stated the background in Florida is not very high but this level was high at those canals. She went on to say the speaker said

that was not a problem because Montana has high levels arsenic, and when she went home and mentioned that to her husband he laughed and told her there is two types of arsenic, organic and inorganic; the organic arsenic is harmless but the inorganic arsenic is from chemicals, which could be at the disposal site where she lives, drain down to the heads of canals which the Environmental Protection Agency (EPA) identified would be a risk in the 1,400 page report in 1992; inorganic is a class A carcinogen; he stood up there in front of that group of people telling them it is not a problem because the levels are high in Montana, therefore, the high levels here are not a problem; and he did not say that there is a difference between organic and non-organic. She added this speaker mislead the entire council because they are not scientists and they did not understand what he was saying; she is not a scientist and did not understand what he was saying but she consulted with someone who knows more about this; and to her that was very deceptive. She went on to say she honestly thinks there needs to be an investigation and she has emailed the Board about the red flags that have gone on; there is actually professional Board of Engineering complaints that have been filed; there is a valid issue, there are red flags going on right now with some of the things going on with the internal consultants; and she encouraged the Board to have an independent consultant when there are issues that are as high profile as this.

Commissioner Pritchett asked that the Board have this discussion again in three months; she stated she probably does not have any problem doing a permit or removing a permit; she advised she is not going to sign to move forward with any construction on the U.S. 192 property; she will be looking for a fine line pencil of the recyclers option; and she will be looking to see if the County is getting some competitive ideas because if not, the Board can just do the expansion and if need be it can just be brought to District 1 until another alternative comes along. She continued by saying signing a permit is just a piece of paper and she does not have a problem undoing it, if the Board does it she is going to want to undo it before she leaves office so the next Board has to start over; she does agree with Commissioner Tobia that it is a little bit of a tool; and as far as staff she does not distrust them nor does she have distrust in consultants because they are hired to be independent and bring independent information. She added people come along saying others are dishonorable and she throws it out the window; there has to be good information and good resources; she asked Mr. Rodriguez a very hard question and he provided her with the absolute truth on the cost per household per person for these different options; and the options are all within the County's range and not too expensive. She stated she would like to bring this back in three months and have the discussion; and she advised she will not be agreeing to have any building or constructing on U.S. 192.

Commissioner Lober stated he will second Commissioner Pritchett's motion and advised he still has a motion on the floor at this time.

Commissioner Pritchett inquired what Commissioner Lober's motion was.

Commissioner Lober explained his motion was to have the County Manager or his designee speak with Florida Recyclers.

Commissioner Pritchett stated she is always open to that negotiation any time.

Commissioner Lober stated he would be happy to support Commissioner Pritchett's motion however, he would just like to have some idea where the numbers are for when this comes back in three months; and he is hoping there will be less legwork at that point in time determining where the Board wants to go.

Commissioner Tobia stated he is confused and he asked which motion is on the table.

Chair Isnardi stated Commissioner Lober had a motion first.

Commissioner Tobia asked if that is the one being voted on.

Chair Isnardi replied the motion is to allow the County Manager to speak with Florida Recyclers; and she believes it is just dialogue not to cut a deal right now.

Commissioner Lober spoke up and stated no, and if Commissioner Pritchett wants to be involved in that as well he has no objection to that; he is going to stay out of it and he would suggest the other Commissioners do the same since Commissioner Pritchett is driving the vote on this one; and he noted if Commissioner Pritchett is interested in attending he does not have any objection to it.

Commissioner Pritchett explained she is good with the County Manager coming back with some data because she knows Florida Recyclers is feeling the heat right now.

Commissioner Tobia advised he is still confused with what motion the Board is voting on at this point.

Commissioner Lober advised it is his motion to direct the County Manager or his designee to enter into negotiations, not to finalize anything, but just to see where the numbers end up so there is some basis to move forward with more accurate numbers when it comes back.

Commissioner Tobia inquired if that prior to the Board receiving the environmental study that may or may not be biased.

Commissioner Lober explained no, the motion contemplates the first sit down if there is more than one occurring after the Board has the results, and staff has had the opportunity to review those to their satisfaction.

Mr. Abbate asked if that includes the other points that he raised as well.

Commissioner Lober commented yes, and he would give the County Manager the discretion if there is something else that occurs between now and then, or staff can include that into negotiations as well.

Commissioner Tobia noted he will support that but he never has issues with Mr. Abbate doing the legwork to find out all of this stuff; he believes Mr. Abbate has the respect of the entire Board; he believes the Board understands that Mr. Abbate takes a non-biased opinion; and he will support this but he does think the Board needs to authorize him to make that determination.

Commissioner Lober noted he just thinks that maybe that makes him a little more comfortable given the nature of this.

Mr. Abbate advised he will have the County Attorney by his side as she has the expertise in this area.

Commissioner Tobia jokingly stated he does not trust her in this area.

Chair Isnardi commented Commissioner Lober and Commissioner Pritchett should combine their motions.

Commissioner Lober inquired if Commissioner Pritchett wanted to make it just one motion.

Chair Isnardi noted she is just a little confused as to whether or not Commissioner Pritchett wants to sign the permit.

Commissioner Pritchett stated not until it comes back in three months.

Commissioner Lober asked again if Commissioner Pritchett wanted to do it all in one motion.

Commissioner Pritchett advised to do Commissioner Lober's motion first and then do her motion next.

Commissioner Tobia asked if it could be done before the three months; and he asked why wait three months and not do it as soon as the response comes back from the environmental company and the Board provides the ability for Mr. Abbate to enter into that as soon as he feels comfortable.

Commissioner Pritchett stated she is totally good with that, she thought three months because the County should not be in that big of a hurry; and whatever the Board wants to do is fine with her.

Commissioner Lober asked if the Board could address his motion first then vote on Commissioner Pritchett's motion.

Chair Isnardi agreed.

The Board discussed the U.S. Army Corps of Engineers environmental resource permit; directed the County Manager, or his designee, and the County Attorney to negotiate with Florida Recyclers of Brevard to see what an acceptable purchase price would be for both parties; and directed staff to address mulching and closure cost issues related to funding for closure and how it would impact the land.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

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

Commissioner Pritchett inquired how much time the Board would like before this is brought back for discussion.

Commissioner Lober stated three months is pretty good.

Chair Isnardi commented as soon as staff has the information.

Commissioner Smith agreed with Chair Isnardi.

Commissioner Pritchett stated that would be about three months as it will be November soon then there are the holidays.

Mr. Abbate stated it will probably be mid-December before staff has the information based on what it was just told, therefore the report on the environmental will not be seen until mid-December; if the Board gives staff the three months that would bring it to the middle of January or beginning of February; and staff should be ready by then.

Chair Isnardi stated if it is a meeting or two off that will be fine.

Commissioner Lober commented if someone wants to add as well if something miraculous happens and everything is ready in two weeks anyone would be able to enter it onto the Agenda.

Commissioner Pritchett advised it can be done earlier, she is just going to make a recommendation that it be brought back in three months at the first January meeting or earlier if someone brings it up, but by then it is for discussion.

The Board directed staff to bring information back to the Board, including the environmental study, for discussion in three months.

Result: Approved

Mover: Rita Pritchett

Second: Bryan Lober

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

J.4. Policy Prohibiting Elected Officials' Names or District Designation on Specified Signs and Equipment

Commissioner Tobia asked to table Item J.4 to the next Commission meeting.

The Board tabled discussion of policy prohibiting elected officials' names or district designation on specified signs and equipment to the next Board meeting.

Result: Approved

Mover: John Tobia

Second: Bryan Lober

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

J.6. Staff Direction, Re: Lori Wilson Park Design/Build Renovation Project

Commissioner Pritchett asked to table Item J.6; she had a call from Jim Barfield and he had asked Commissioner Lober if he would give them all a little more time because they have only had a few days.

Commissioner Lober explained what he was actually seeking to do today is he would like for the city to provide either a thumbs up or thumbs down because it is going to disproportionately impact them; and instead of continuing this he would like to direct staff to request that the City of Cocoa Beach add this on their agenda to at least give this Board conceptual approval or disapproval because if the city does not want it he does not want it and if it does want it then he wants it.

The Board directed staff to request the City of Cocoa Beach add the discussion regarding Lori Wilson Park Design/Build Renovation Project to its agenda, and to advise the Board if the City approves or disapproves of the Project.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

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

Executive Session: For the purpose of discussing litigation strategy and settlement negotiations in re: National Prescription Opiate Litigation Case No. 1:17-MD-2804.

*The Board adjourned at 1:10 p.m. for Executive Session and reconvened at 2:05 p.m.

Commissioner Tobia absent

**J.1. Waiver of Subdivision Perimeter Buffer, Re: Marker 24 Subdivision (19WV00009)
Developer: Marker 24 Development, LLC**

Tad Calkins, Planning and Development Director, stated this Item is a request from Marker 24 Development, LLC to waive Section 62-2883(d) which requires a 15-foot buffer, platted as a common tract separate from individual lots; instead they wish to propose a 15-foot landscaped tree preservation easement within the lots along the perimeter, and a 10-foot hardscape and landscape easement along the north boundary of the abutting Wendy Drive; and where their development abuts the marina, they would just use the stormwater management area for buffering. He added by the Board granting this waiver it will effectively reduce the separation between this subdivision and the neighboring subdivision by 15 feet and it will also provide the buffer that will be encumbering those rear lots. He went on to say staff has provided three conditions for the Board's consideration in approving this Item; if the Board has any questions he would be happy to answer them; and he knows the applicant is in attendance to speak to the Item.

Commissioner Lober stated he would like to address some things and perhaps nip them in the bud before the applicant comes up; the applicants have been real good in speaking with them, they have been very accessible and have reached out to him on a few things with respect to this project; looking at the Agenda Report that was included with today's Agenda, there is a section at the bottom portion saying the Board may wish to consider the following conditions for granting this waiver, and he has spoken with the applicant and it is fine with those three conditions; there has been no objection unless they come up and say otherwise today; and the other Item brought up to him as early as yesterday was there is a concern on one of the conceptual drawings that he believes may or may not have made it into the Agenda Packet, that showed some shrubbery in a place where staff had indicated it could not be. He continued by saying one way to resolve that concern and the concern was based on there being a drainage structure where the bushes were shown, is including as a deed restriction no vegetation or improvements impairing drainage; this is not simply a condition it would be a deed restriction so that would go along with the land regardless of what may otherwise happen; the idea with that is that there will not be any sort of construction beyond the retaining wall up until the point where they have their buffer easement; it could be grass, ground cover provided it does not impair drainage in any way, and they will also ensure that the HOA has adequate easements to access the areas beyond the retaining wall for maintenance purposes, because that is not something that is needed in the deed restriction but it is something that would be a condition here; and with that he will let the applicant come up and speak.

Todd Foley stated he thinks they have a fantastic infill piece that has a significant amount of obstacles that they have overcome through a good 10 to 12-month ongoing sessions with staff and they have been resolved to the four bullet points that Commissioner Lober outlined; they intend to solve the fourth one which is the restriction to just sod in the drainage easement with a simple plat note and that will cover the deed restrictions that the County wanted; essentially the buffer easement is necessary for the marketability of this piece; it is really a significantly smaller building pad that would be required on these four lots; since the subdivision is really close to a minor subdivision than it is to a major subdivision in a lot count that is where they asked for the permission to do these on just six lots; the other lots in the community do not have this buffer easement condition and he thinks it falls completely within the standards of the ordinance and in how residential to residential might look, for instance most of these homes even with the buffer easement are still 56-plus feet apart; and nowhere else, looking at a map

of this part of Merritt Island, will there be homes found that are further apart than what they are asking for with this waiver.

Chair Isnardi inquired if these are two-story houses next to one-story houses.

Mr. Foley advised single-story houses in Florida will always be more marketable than two-stories so he thinks with the market conditions they are always going to try and push a single-story; if they can get a nice size single-story home on these lots with the buffer easement; and at this point unless there is significant contention from neighbor homeowners that do not want a two-story, which they have not heard up to this point, they would like the option of being able to build them if they have a customer that feels they want one.

Commissioner Lober stated the Board heard it with Commissioner Pritchett's District today where the buffering would handle the higher window or the roofline; if there are folks coming out that were concerned about this he would be happy to take that into account, but he has not heard anything from folks; and depending on the Board's level of comfort, if it is something that is concerning to them, one of the things potentially is there is something called a one and a half story building; and he asked Mr. Foley to give the Board some information.

Mr. Foley showed the Board a rendering of a 2,400 square foot single-story house; he stated the pool was achievable in the backyard by cutting into the back corner of the house; that would be their preferred home for this section; a one and a half story home is simply using the roofline of the single-story to accommodate living square footage up in the attic essentially; and he noted the roofline is the same, instead of maybe a 312 pitch it maybe a 612 or 712 pitch, a little steeper roof. He added that would be their second option and a real two-story home would be their last option. He went on to say in a two-story home there is just not the appeal for them so he thinks the market is going to drive the single-story or the story-and-a-half.

Commissioner Lober stated his thought is if it is a concern for the Board he can make that a condition of the waiver but if it is not then he will leave it off; if someone raised it as a concern he would not mind requiring that or restricting it to that; he does not want to restrict them to a straight one-story because the fact is if they can make use of the existing height and simply get more value out of the project by making use of that; and that would be up to the Board and it's comfort level.

Chair Isnardi stated she is sort of indifferent on it because nobody has really complained about it, so she does not have an issue with it.

Commissioner Lober advised what he will do given there has not been any objection from the neighbors that he has been aware of, is move to grant the waiver with the following three conditions that are listed explicitly on the Agenda, monthly maintenance of rear yard drainage be required in perpetuity by the HOA and recorded as such of the covenants and restrictions, mitigation approved by Natural Resources Management Department of any disturbance to the buffer including preserved and planted trees as a result of future drainage maintenance or replacement that shall be required in perpetuity by the HOA and recorded as such an occurrence and restrictions, and planted and preserve trees and the buffer shall be preserved for screening purposes should a tree die it shall be replaced with Natural Resources Management Department approval that should be required in perpetuity by the HOA and recorded as such in the covenants and restrictions; and what he had mentioned earlier, there would have to be a deed restriction indicating no vegetation or improvements of any kind that would impair drainage. He added the area he is really concerned about with that is the area just beyond the retaining wall where the photo shows the bushes. He went on to say they

mentioned the plat note already that they would ensure the HOA has adequate easements to access the area beyond that retaining wall on the outer direction of the project so it can be maintained in perpetuity.

The Board approved a waiver to Section 62-2883(d), which requires a 15-foot perimeter buffer, platted as a common tract separate from individual lots with the following conditions:

- Monthly maintenance of the rear yard drainage be required in perpetuity by the HOA and recorded as such in the Covenants and Restrictions.
- Mitigation approved by the Natural Resources Management Department, of any disturbance to the buffer, including preserved and planted trees, as a result of future drainage maintenance or replacement, which shall be required in perpetuity by the HOA and recorded as such in the Covenants and Restrictions.
- Planted and preserved trees in the buffer shall be preserved for screening purposes; should a tree die, it shall be replaced with Natural Resources Management Department's approval; and this shall be required in perpetuity by the HOA and recorded as such in the Covenants and Restrictions.
- There will have to be a deed restriction indicating no vegetation or improvements of any kind that would impair drainage.
- Ensure HOA has adequate easements to access the area beyond the retaining wall outside the outer direction of the project so it can be maintained in perpetuity.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Smith, and Isnardi

Absent: Tobia

J.3. Discussion Re: Babcock Street Improvements

John Denninghoff, Assistant County Manager, stated this Item was asked by the Board to brought today regarding Babcock Street and the vicinity where the Parkway will intersect with Babcock Street; the desire was that staff bring back options on what would be done and what could be done as an alternative idea to the concept of utilizing \$1.5 million which had been set aside for purposes associated with Babcock Street; in light of that staff has presented three options; one is to enter an interlocal agreement with the City of Palm Bay; the second option was to perform reconstruction and resurfacing activities in an area south of that location down where the bend is on Babcock Street; and the third option was to do the same thing but up on the north end, up close to the overpass over I-95. He continued by saying staff has tried to estimate at those two locations of approximately how much it believes can be done in terms of reconstruction and resurfacing; the difference between these two is that the more northerly option has higher traffic volume on it; the more southerly one while it has a lower traffic volume it also has far worse conditions on the existing road; and going back to option one with the City of Palm Bay, staff has been in discussions at various times with various city staff members over something like five years and the Board had set aside \$1.5 million for purposes in general with Babcock Street and Babcock improvements. He went on to say the City had indicated a desire for that money perhaps to be contributed towards improvements at the intersection with the St. John's Heritage Parkway and Babcock Street; to be clear this location would be the connecting

point between the now existing interchange on I-95 that was constructed by Florida Department of Transportation (FDOT) and a roadway from that location to Babcock which is under construction currently by the City of Palm Bay, and then intersecting with Babcock Street, and making improvements for turn lanes and traffic signal at that location; in effect there are three projects there, one is finished waiting for the other two to be completed; and there has been a great deal of time associated with discussions on this and quite clearly the premise had been for the money to go towards the intersection was the idea the City of Palm Bay would accept the road, Babcock Street, when it was widened, for maintenance purposes which means ownership. He stated finally after all these years, staff has been developing a more clear interlocal agreement draft; it is not finished and that has been indicated in the Agenda Report; it is not as fully vetted as staff would have liked, but it is here for consideration by the Board; Thursday night City Council had a meeting where this was an item and they had delayed their discussion on it until they had a special meeting which was last night; and in the meeting last night there was a number of things which came up. He went on to say several of the Council, if not all of them, indicated that they were not comfortable with the idea of taking Babcock Street in the future for a variety of reasons and that was the basic reason for the County to be there; staff's proposed interlocal for the \$1.5 million, what it gets is a better intersection, the road to go to the City in the future, and part of the justification for that is the growth on the road; and the amount of traffic volume that the road is going to see is overwhelmingly going to be a result of the development growth in the City of Palm Bay and that vicinity. He continued by saying this also provides an opportunity for the City to obligate themselves to provide funding in a limited way, from their impact fees going forward; the County would also obligate itself for impact fees that the County would collect with the ability to perhaps include Grant/Valkaria's impact fees and Malabar's impact fees if they so chose to do so; that is not a guarantee and staff has not attempted to get those two cities involved although there has been communications with them; and they certainly have not made any commitments and staff has not asked them too. He mentioned there were a couple comments made by City Council that were of concern in addition to not taking the road, one was the goal posts were moving; he is not sure what was meant by that but he does know that they had been given an estimate of a little less than \$3.5 million; and he noted that estimate was not provided by staff and not created by staff. He advised the plans that had been developed and staff believes are permit-abled at this point, the estimate for that was over \$7 million, \$7.7 million; he does not feel like the goal posts has been moved as staff has been pretty consistent with what it was asking for and wanted the entire time, which has been years now; he was asked a question as to if there were other cities that were taking County roads and the answer to that is most definitely; the City of Cocoa Beach took all the County roads in the City of Cocoa Beach; the City of Cape Canaveral took them all; when Grant/Valkaria was created they took them all and they did not have to; Rockledge has taken Barnes Boulevard once it was widened to four lanes, from Murrell Road to I-95; and he believes there has been one with the City of Cocoa as well.

Frank Abbate, County Manager, stated most recently, under this Board, the City of Melbourne with Babcock.

Mr. Denninghoff agreed with that.

Chair Isnardi stated that is a big deal because that is awesome.

Mr. Denninghoff stated that was not even widening and taking it, it was just participating in the funding of the repairs and reconstruction of the road; and with that, he offered to answer questions the Board may have.

Commissioner Lober stated he saw at the top of the Agenda Item this is right where three and

five meet; he noted what Commissioner Tobia and Chair Isnardi want to do with this would carry a lot of weight with him; he is not saying anyone would otherwise do this, but he does not think it is appropriate to look at other uses that might parasitize this outside of District 3 and District 5; and he thinks if this is something that was intended for that area in all likelihood the Board probably ought to keep it in that area because if that is where the need is that is where the need is.

Commissioner Pritchett stated she agrees with that; and she thinks part of this money was allocated through District 5 in the past, so whatever Chair Isnardi is comfortable with doing, she will support it.

Chair Isnardi stated she spoke with Harry Santiago after his meeting on Thursday because she was a little disturbed about the discussion that had occurred at the meeting because she thinks there was some inaccuracies or downright misleading information provided at that meeting; she is sure Mr. Denninghoff can confirm that; and she stated she is not trying to put him out there as he works for the County.

Mr. Denninghoff stated one of the things that was out there was that in the draft version of the interlocal, staff had placed a condition in the interlocal that the city would provide, the intent was to have the city provide the County with annual disclosure statement as to how they were spending 100 percent of the impact fees, which they were dedicating 50 percent of to Babcock; the entire purpose for that was for transparency so there would be a level of awareness regarding that and no concern of money going somewhere else; there are a lot of different ways to handle impact fees and staff wanted to be sure it understood that; and the County also committed to do the same for them for the portion the County would be committing.

Chair Isnardi inquired if the goalposts did not keep moving; if the County did not keep changing the terms; and if the County did not have a proposal from July that it ignored. She continued by saying there were several meetings, several discussions; she mentioned she could not count how many times her and Mr. Denninghoff talked about this or met about this; and she and staff have beat their heads against the walls about this on how to get an agreement. She noted this has less to do with the intersection; at one point there was a developer who committed to paying for the entire road from the interchange to the intersection, not just to her but to others he committed to it, and she believes there is a document that says so; if the City Councilmen want to find it, she is sure it is part of the public record; that same developer was going to pay for the intersection; at one point that same developer, before the interchange was in there said he was going to pay for the interchange; and she asked if Mr. Denninghoff could confirm all that information.

Mr. Denninghoff advised Chair Isnardi is correct.

Chair Isnardi noted she is not making that up, she was there.

Commissioner Smith asked what happened to the deal.

Chair Isnardi pointed out City Council happened to the deal; City Council allowed the developer out of the deal and did not hold them accountable to the deal, or did not ask why the developer was not committing because the developer directly benefits from where that road goes and from the road itself; the County's concern was they would have all these impacts and the city was going to have all these developments on Babcock and if the city was not going to commit those impact fees to the road being impacted; and she mentioned it was a County road because it was a County road, when cities incorporate it is only natural for them to take over the roads if and when the County can come up with something to help them along. She added

usually cities are open and agreeable to take these roads over because they get the County's help, it is an agreement; this interlocal with the intersection alone, aside from the other drama Palm Bay has with the interchange, their road, and it not being open, and Representative Randy Fine's frustration, that intersection at the time was supposed to be \$1.5 million from the County and \$1.5 million from the developer, which has nothing to do with the County, and \$1.5 million from the Cities; therefore, it is roughly a \$4.5 million intersection. She continued on by saying it could have been done with about \$3 million to put the minimum requirements, and expandable later.

Mr. Denninghoff stated early on staff had thought that maybe the \$3 million in pre-design and the conditions were that it was always going to have to comply with the design standards and there was discussion in fact at the City Council meeting last night by a constituent about a two-lane intersection with a stop sign; it was basically said that this is not acceptable because that intersection would fail the day it opened; and staff has been looking towards a long term solution that would not have to be reconstructed.

Chair Isnardi commented there is a history here; it is not up to staff to decide how that deal fell through for the city as far as what they were getting for their developer; she spoke with Harry Santiago and after watching Thursday's meeting she was in awe about what she was hearing; she really wanted to go to the meeting but she did not want to overstep; and the Board had not addressed it again so she did not think it was appropriate. She mentioned it was a little upsetting and then to hear back what happened on their special meeting, it is just completely inaccurate; she thinks the County has waited five years; she thinks there are projects ready and willing to go; it still keeps the funds within the City of Palm Bay; however if the City does not want to take over Babcock but has no problem impacting it to a large degree by the benefit of the developer and a little residential tax base for them, it just is not fair. She continued to say it does not make finance fiscal in a government sense to go into an interlocal agreement with them because they do not have the money to pay for the intersection which was confirmed by Harry Santiago yesterday, they do not have the money for their portion, the developer is just out, and the County still does not have an agreement.

Commissioner Smith asked if Chair Isnardi has a pet project.

Chair Isnardi responded she does not have a pet project but there are options; and she asked staff what else can be done in the area that is close to being ready to go.

Commissioner Smith stated he has no interest in any of them, any one would be okay.

Chair Isnardi pointed out she did not care if it was her or Commissioner Tobia's District, she just said to be fair keep it in the City of Palm Bay; she receives numerous complaints about Babcock Street; she would like to see that southern part done which is Option 3 because she knows there are some improvements where there is a little more traffic; but there are a lot of people who travel down there.

Commissioner Smith asked if she wants one of the Board to make a motion.

Mr. Denninghoff explained it would be the south option which is Option 2.

Mr. Abbate stated the City did send something back in July and staff, Mr. Denninghoff, and himself all spoke with them multiple times; then there was the hurricane; shortly after that staff received a response back to them; and then a new issue came up that he heard for the first

time yesterday where something in the joint plan agreement from 2016 staff was working under

the premise that the City was comfortable with the interlocal agreement that it received from them previously. He added the issues last night on the joint plan agreement from the City Attorney was not an issue that staff was familiar with or aware of prior to yesterday.

Chair Isnardi stated she thought the impression given was the City sent staff an agreement in July and that the County did not respond, and that is just not what happened.

Mr. Denninghoff agreed with Chair Isnardi; he stated staff did receive a better than expected draft of an agreement; it was not in proper format but it had a lot of good points in it that they had all talked about including all of the really important ones; staff took that and created a more formalized agreement which he knew would require some of the City's input; they were in the process of doing that and sent it to them so they would look at it and have a chance to get it in front of their council; and he appreciates the current city staff has done a much better job as far as moving things along.

Mr. Abbate stated it was made clear to the City that it was not a take it or leave it draft that they had received.

Mr. Denninghoff responded that question came up Thursday night and it was never intended to be a take it or leave it option; and the County had been looking for a partnership to move forward collectively to eventually result in the widening of Babcock Street.

Chair Isnardi advised the County exposed itself if the City cannot come up with the money to do the intersection; and she inquired if the County has like a \$4 million or a \$3 million intersection, that \$1.5 million is going to sit there until they either have the money or what.

Mr. Denninghoff stated that brings up an interesting point; the County has delinked the interlocal agreement and the issuance of a permit for the intersection improvements; they have not made this interlocal and were not trying to hold the permit hostage; one of the things the County has consented to was the City could build a two-lane road as a temporary road, get the connection from the interchange while they finished the rest of the construction, and whether there has been a concern that has been raised that perhaps the city gets that far along for the amount of money that they maybe have and then maybe the city does not pursue it to completion; he does not know what would be done in that situation; and he has not thought of a way to address that in any legally sufficient sort of way. He added the thinks that is very difficult to do and the County would probably have to end up filing suit for violation of the conditions of the permit, and that is never a good thing.

Chair Isnardi stated hopefully it does not come to that.

Mr. Denninghoff advised he has been assured that is not where the City is headed; they have been very forthcoming; they have been excellent to work with so he doubts that is where that will go; but on the other hand, if the City does not have the money then he does not know what happens.

Chair Isnardi stated she is not saying they will not eventually have it, but she was told they do not have it, so she can only go off of that; she does not know what happened to their agreements but that intersection or that road from I-95 to Babcock Street was committed to by a developer to pay for it; that intersection she thinks was committed to; and she inquired if the developer came up with some different concept plans because it was not the County.

Mr. Denninghoff stated he thinks he has a dozen.

Chair Isnardi stated so everything has changed and now the developer is out, the city does not

have the funds, and the County is sitting with \$1.5 million for five years; the intention was good to build the right intersection when all the players were committed; and now the money is sitting there and the County has bad roads, she knows that will not do as much as she would like, but she would at least like to do some of Babcock Street because it is like a washboard down there at night.

Commissioner Smith stated it is terrible.

Chair Isnardi reiterated it is more dangerous at night especially because it is dark and a crummy road; and she thinks doing some of that will at least make some people's ride a little more pleasant.

The Board approved Option 2, for Fiscal Year 2019-2020, the Public Works Department has scheduled the reconstruction of a portion of Babcock Street, south of Centerlane Road, a distance of 1.26 miles utilizing Full Depth Reclamation estimated to cost \$943,065, which expands the reconstruction limits of this project to include an additional two miles of reconstruction on Babcock Street from Centerlane Road north to Micco Road, and the additional two miles of reconstruction is estimated to cost \$1,479,380.

Result: Approved

Mover: Bryan Lober

Second: Curt Smith

Ayes: Pritchett, Lober, Smith, and Isnardi

Absent: Tobia

J.5. Approval, Re: Contract with City of Cocoa Beach for Keep Brevard Beautiful Beach and SR520 Causeway maintenance

Commissioner Lober stated he can make short order of this; he was going to make a fuss about it but he found out from Peter Crannis, Tourism Development Director, that this did previously go out for RFP; that was his only concern; and given that it did actually happen, he will move to approve it.

The Board approved and authorized the Chair to execute a three-year Contract with City of Cocoa Beach for Keep Brevard Beautiful beach and State Road 520 causeway maintenance from October 1, 2019 to September 30, 2022, for \$175,000 yearly, with a two-year renewal option; and authorized the County Manager to execute necessary Budget Change Requests.

Result: Approved

Mover: Bryan Lober

Second: Rita Pritchett

Ayes: Pritchett, Lober, Smith, and Isnardi

Absent: Tobia

K. PUBLIC COMMENTS

Sandra Sullivan stated she just wanted to give the Board an update on the dredging; she previously requested a delay on that until the evaluation of the FUDS site was done; a year ago she consulted with a retired Navy Munitions Officer and he said he was concerned about the period of time when the long-range proving grounds were operating, the potential for chemical

neurological weapons potentially having being bulk disposed in that area; and she was watching a FUDS video trying to learn more about the FUDS site and the thing the Army Corp of Engineers looks for when looking for potentially chemical weapons is arsenic. She went on to say with high levels of arsenic, 22.6 at the head of the canal, what is it up gradient when it comes down out of there, that is her concern; she just wanted the Board aware of that she spoke with the Florida Department of Environmental Protection (FDEP) about; she mentioned the other issue is a request for an impact study; beachside is seeing an uptick in traffic regarding a zoning change request in her area; she found out that the level of service between Ocean and Berkeley is a D; and the level of service coming across the Pineda Causeway is D. She continued saying she talked to Florida Department of Transportation (FDOT) yesterday; A1A cannot be expanded so there is a lot of development being planned by Satellite Beach right now that impacts everybody else because they are in the middle; she would like to ask the Board to consider an umbrella planning idea where the Board takes a concept of what it has for development and the cities would not be able to exceed that; they could come to the Board and ask for a request to do whatever development they want within the constraint of what that umbrella is; or the area is going to be impacted because there are four 85-foot towers being put in, Oceana has not been occupied yet, there is a lot of development, they are planning on moving all the commercial development up to the A1A corridor, and there is so much the city is planning to change when it is already at a level D. She stated she asked for reports, asked FDOT for a corridor study on A1A, with no response back on that yet; and she mentioned if there was an impact study, the water has chloroform; the most recent testing on the water came back with the chloroform, the water issue for concurrency is not going to be resolved until the pipes go across Pineda which will fix the water issues beachside, and there is low water pressure and chloroform in the water. She added there are also traffic issues; and she thinks there needs to be an impact study.

Commissioner Lober stated this is a District 4 Item and he would be happy to do whatever Commissioner Smith wants to do with respect to this; and if he thinks it is a wise idea to move some resources around he would be happy to make it happen.

Commissioner Smith advised he would rather talk to the City of Satellite Beach and get their input because he would assume they have done traffic studies and growth studies; and rather than the County just jumping in and telling them what it thinks and what should be done, he thinks the Board should at least give them the courtesy of a response.

Commissioner Lober stated that is fair; he will keep the offer open if Commissioner Smith finds out something from them and if they want the County to jump in, he would be happy to help any way he can.

Commissioner Smith stated he will give them a call.

Charles Tovey thanked Commissioner Smith and his District for the increase in vacuuming especially before the rains hit. He noted he wanted to speak on the speed bumps; he understands the protocol and he just wanted to emphasize the importance of the speed bumps, as personal pertinence to him being a speaker it has none but as a teenager he was going to college and coming home from a date and a vehicle with extremely bright lights that are not normal, ran him off the road and he went into a coma and the doctor and the nurses were talking about amputation, he woke up out of his coma but since then he has had years of recuperation and getting off of opiates, heroin, and other drugs, he made a lot of wrong choices at that time and there was no support programs for that; and he wanted to see if the County can get the governor approved opiate team and see if it can get some people in hospitals and help for the people being released for pain management and give them the option to nip it in the bud before they get caught up in this situation. He added he is a miracle and thanked the

Lord. He went on to say he has surpassed a lot of obstacles; the other thing was about the wetlands; his property never flooded before they moved and did all the development that was done; it floods now, which is okay in a way; and he stated the Bald Eagle, Sandhill Cranes, African Grey, the Screech Owl, the Barn Owl, the Osprey, and other animals he has witnessed on his property; and what is Palm Shores now was a significant keystone in the balance of Brevard County, and the Lagoon as well; and he mentioned he has a lot of other things he wants to say but he does not have the time to say them. He commented he appreciates everyone's acceptance of him and their respect; and he apologized for any kind of rudeness or misconduct that he might have, it is a product of his environment and a symptom of his impairments and other things.

Commissioner Lober stated he thinks if people give the Board several months it may be in a different position with what it is able to do to help folks who have opioid addictions, so just bare with the Board right now, it may be in a different position down the road with how it may be able to be addressed.

L. BOARD REPORTS

1. Frank Abbate, County Manager

Frank Abbate, County Manager, stated he is looking for Board permission to appeal a Federal Emergency Management Association (FEMA) public assistance eligibility determination letter that relates to the Sea Ray Bridge.

The Board granted permission to appeal a FEMA public assistance eligibility determination letter relating to the Sea Ray Bridge.

Result: Approved

Mover: Rita Pritchett

Seconded: Bryan Lober

Ayes: Pritchett, Lober, Smith, and Isnardi

Absent: Tobia

2. Eden Bentley, County Attorney

3. Rita Pritchett, Commissioner District 1

6. Curt Smith, Commissioner District 4

4. Bryan Lober, Commissioner District 2, Vice Chair

Commissioner Lober stated he appreciates everyone's patience today as it was a long meeting, the Board certainly did everything it reasonably could to keep it moving; and he asked the County Manager to speak briefly about the road mileage that has been paved versus the expectations.

Frank Abbate, County Manager, stated he celebrated with Public Works Friday with the Assistant Director and Director with the staff that was involved in doing a road repaving this past year; staff made a commitment two years ago to doing 55 miles per year; that was

readjusted to try to keep the road paving ahead in terms of roads that would not go into reconstruction at a higher cost so this year they committed to do 61 miles of road repavement; and the staff of Public Works actually accomplished over 70 miles of road redone as well as doubling the amount of reconstruction roads that were anticipated. He mentioned some of that was due to a bit lower cost of asphalt than had been anticipated, but also from staff penny-pinching and trying to do the best they could by mobilizing and getting a good amount of roads each time they mobilized; they did a tremendous job and set the bar pretty high for the County to move in the future; staff has committed moving forward this year in the budget to do 63 miles of roads, so he is anxious to make sure they honor all the commitments they make to the Board.

Commissioner Pritchett stated she would like to give a shout out to Susan Jackson and all her work on that, she is a champion and her communication skills blow her away when she is dealing with things; and she is also excited to find out the County has between \$6 million and \$9 million in Reserves that could probably be applied soon that the Board did not know about; and she is looking forward to a report on how the County can increase the mileage next year.

Chair Isnardi stated Susan Jackson is great.

5. John Tobia, Commissioner District 3

7. Kristine Isnardi, Commissioner District 5, Chair

Chair Isnardi stated she wanted to talk to the Board about the possibilities of bus shelters and where they are needed; she is not talking about every single stop but there is definitely a dire need in some areas for shelters; this is not just in her District but in all of the Districts; she spoke with Paul Alfrey and this was before the last Commission Meeting or the day of the last meeting; and she was going to bring it up but the intersection thing came up and she did not want to bring up two things. She noted Mr. Alfrey brought it up to his board, the possibility of, because if the County puts the shelters in with grant funds available for some of it, and if the cities take them over and handle the maintenance on them then that would be great; Melbourne was very agreeable to the idea; and she wanted to get a feel out there before she brought it to the Board to find out what kind of response it would get from the municipalities.

Commissioner Smith stated that is a subject near and dear to his heart; when he took office Jim Liesenfelt, Assistant County Manager, told him the County was short 600 and something.

Jim Liesenfelt, Assistant County Manager, noted there was 900 and something bus stops and there are like 66 or 72 shelters Countywide.

Commissioner Smith stated in the course of all that he spoke with Sheriff Wayne Ivey and he committed to building the shelters at a substantial savings from what the County could buy, it just never moved forward because there was no funding source; and he asked what is the price of those shelters.

Mr. Liesenfelt advised those shelters that have been purchased were \$5,500 to \$7,500 and the installation can run \$8,000 to \$18,000 up to \$25,000.

Commissioner Smith stated Sheriff Ivey stated he could build them for like \$3,000 or \$3,500, so that is a \$3,000 savings.

Chair Isnardi commented as long as they are up to standard she has no problem with that at

all. She stated she appreciates the report on this.

Commissioner Smith mentioned it is simple; what they do is build the first one, create the jigs, and make all the cuts the same, so it may be something to look into or to pursue. He went on to say that means if the County could buy 20 shelters now it could buy 40.

Chair Isnardi commented if it works. She went on to say she imagines the engineering and they have to be weathered and design to specification.

Commissioner Smith stated he already did all that, he has specifications from the shelter companies that the County was dealing with, and he gave the specs to the Sheriff and his people.

Chair Isnardi asked why Mr. Liesenfelt is shaking his head.

Mr. Liesenfelt stated when discussing the engineering, it has to be whatever it is now 150 or whatever miles per hour but breakaway if a car hits them, they have to be engineered to those levels.

Commissioner Smith advised five years ago he does not think the County had that stipulation.

Chair Isnardi asked if the County could use the Sheriff's Department to install them and if that is where the savings would be.

Mr. Liesenfelt stated the savings would be just on the purchase of the shelters not on the installation; the shelters are the cheap part of the installation is buying the shelters; and it is getting them into the ground, getting the permitting, and making sure of the sidewalk and the ADA connections with them.

Commissioner Lober stated that is the concern, looking at \$20,000 to put in the average shelter.

Mr. Liesenfelt agreed with Commissioner Lober.

Commissioner Lober stated even to put in a bench there is still a lot of the same expenses; he does not know if the Chair bugged his office but he talked to Mr. Liesenfelt about this not too long ago.

Chair Isnardi stated everybody is on the same page so that is a good thing.

Mr. Liesenfelt stated as a follow he and the County Manager spoke with Shannon, City Manager of the City of Melbourne, he spoke with Transit the day after and they are getting some stuff together, Transit is working with The Viera Company, MIRA, and Satellite Beach are most likely the next set to get shelters; and if Melbourne wants some, it will be the next fiscal year.

Chair Isnardi stated that is wonderful, there is nothing worse than seeing someone standing outside in the rain, it is awful.

Mr. Liesenfelt stated he received a text just last week about that.

Chair Isnardi commented she imagines an old person with their little bag.

Commissioner Lober stated it is interesting though because he did not know what all was

involved in terms of maintenance for a bus shelter until he had the conversation; it is everything from removing gum, keeping the glass clean, making sure nothing is broken, and there is a lot of trash to be cleaned up; then there are the rights-of-way and the easements concerns with the municipalities; and there is just a lot more that goes into it than a lot of people realize. He went on to say he would certainly be supportive of adding either benches or shelters anywhere in the County, he thinks it is a good idea.

Chair Isnardi stated there are some places that have shelters that are actually inadequate; in Melbourne across the street from her office there are three times the amount of people who fit in that shelter; they are packed in there like sardines; and she knows there is a lot of moving traffic.

Mr. Liesenfelt stated that one was put in there through a developer's agreement with the City of West Melbourne and Hammock Landing.

Chair Isnardi stated she will talk to Rose.

Commissioner Pritchett Isnardi pointed out that the City of Titusville got aggressive with shelters and they are nice; she remembers part of this discussion, it was talked about, and she does not know if it can be done, but having businesses sponsor a shelter; and that kind of pays for it. She asked Mr. Liesenfelt if that is correct.

Mr. Liesenfelt stated that has not been done in the County but if the cities want to do that; he is not exactly sure how the City of Titusville pays for the maintenance of the shelters but they are covering the cost of the maintenance of the shelters. He went on to say since the County does not have any of its own in the County, it has to develop the system, learn how to collect the revenue, and contract out from there.

Commissioner Pritchett commented that may be a little bit of an idea to do it; the City of Titusville has a lot of shelters; they are all over; and they are nice.

Commissioner Smith stated he looked into that way back; he asked about half a dozen businesses if they would donate \$3,000 and they could put their names on it, or people in lieu of flowers could donate money for a shelter in memory of somebody.

Chair Isnardi noted the cities do it all over the County because there are some shelters that have that for advertising; and people just assume it is for the County. She noted the County not doing it does not show that it works with Cleaner and Greener.

Commissioner Lober stated there are already ads on the busses, and he asked so why not with the shelters.

Mr. Abbate stated he will have SCAT look at that and bring back options to explore that.

October 22, 2019

Upon consensus of the Board, the meeting adjourned at 2:59 p.m.

ATTEST:



Scott Ellis

SCOTT ELLIS, CLERK

Kristine Isnardi

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

As approved by Board January 21, 2020