

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

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 8, 2018 at 5:01 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

MOMENT OF SILENCE

Chair Pritchett called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance

MINUTES FOR APPROVAL

The Board approved the April 10, 2018, regular meeting minutes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.A., RESOLUTION, RE: RECOGNIZING AGENT STANTON

Chair Pritchett stated the Board is honored to have the family of Agent Stanton present this evening.

Chair Pritchett read aloud, and the Board adopted Resolution No. 18-057, recognizing Agent Kevin J. Stanton for his outstanding and dedicated service to Brevard County.

May 8, 2018

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rita Pritchett, Commissioner District 1/Chair
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.B., RESOLUTION, RE: RECOGNIZING FRIENDS OF THE CEMETERY

Chair Pritchett read aloud, and the Board adopted Resolution No. 18-058, recognizing Friends of the Cemetery.

A representative of Friends of the Cemetery expressed his appreciation for the Resolution. He stated the cemetery belongs to Brevard County and is run by Brevard County; it has been in shambles for years; this group has decided they would make permanent improvements to it; they have already put approximately \$12,000 into it; and if anyone has not been out there lately, he asked that they stop by 1143 Day Street and see what they have done with the place. He continued there are only 127 veterans buried there and there will never be any others; it was an honor for them to fix up the cemetery; there are two Eagle Scouts in the program and they have both fulfilled their requirements; and the group really enjoyed this project and he feels it was worthwhile for the community.

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

ITEM I.C., RESOLUTION, RE: LAW ENFORCEMENT MEMORIAL WEEK

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-059, recognizing the Week of May 15th as Law Enforcement Memorial Week.

Brevard County Sheriff Wayne Ivey thanked the community for the support they receive throughout Brevard County; he stated they are blessed to serve as law enforcement officers in Brevard County, where the citizen's love, trust and protect them just as much as they love trust and protect the citizens; having that kind of support means the world to them; and on behalf of all law enforcement and first responder's of Brevard County, he expressed their appreciation for the Resolution.

Chief Doug Waller, Brevard County Sheriff's Office, stated Senator Bill Nelson's Chief of Staff, Helen Miller, is in attendance to do a special presentation for the Stanton family; and he asked the Stanton family to come forward.

Ms. Miller stated an American flag was flown over the Capitol in honor Kevin Stanton; and she read, "This is to certify that the accompanying flag was flown over the United States Capitol on February 23, 2018, at the request of the Honorable Bill Nelson, United States Senator. This flag was flown in memory of Deputy Kevin James Stanton for his sacrifice in the line of duty February 17, 2018."

Sheriff Ivey commented the job that law enforcement does every day is very challenging; as the Commissioner stated earlier, it seems as though these days are much more challenging; the

May 8, 2018

citizens of this County have a great team out there protecting them each and every day; and they all appreciate the recognition today.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.D., RESOLUTION, RE: NATIONAL PUBLIC WORKS WEEK

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-060, proclaiming May 20 - May 26, 2018, as National Public Works Week in Brevard County.

Andrew Holmes, Public Works Director, stated there are only five of them standing at the podium, but there are probably close to 500 employees who are involved with public works; they get to be the face of it today, but there are many other people who work sometimes, seven days a week for the taxpayers, and the County; they are the ones who should receive the credit and who the Public Work's Week should be about; and he thanked the Board for its leadership. He continued every time the Board funds a project or a maintenance expense, it extends its trust to all of those people; they really appreciate that trust; and it is an honor to serve.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.E., RESOLUTION, RE: CHILD WELFARE PROFESSIONALS RECOGNITION DAY

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-061, proclaiming May 14, 2018, as Child Welfare Professionals Recognition Day.

Bill Bucher stated about a year ago the Board of Directors at Brevard Family Partnership directed the company to create a new subsidiary which would have 100 percent focus on case management in Brevard County on Brevard County's children; they are only a 10-month old organization, but their staff of 86 child welfare professionals have successful seen over 500 children achieve permanency since operation; and he thanked the Board for the recognition and the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.F., RESOLUTION, RE: CORRECTIONS OFFICERS APPRECIATION WEEK

Commissioner Smith read aloud, and the Board adopted Resolution No. 18-062, proclaiming the week of May 6 - May 12, 2018, as Corrections Officer's Appreciation Week.

Sheriff Wayne Ivey, Brevard County Sheriff's Office, stated all too often people think that when someone works in the field of corrections, they are only responsible for those who are incarcerated, however the reality is they are responsible for taking care of the prisoners, making sure they are in a safe environment, they have the things they need, and working with board services to get them through the process; the team at the Brevard County Jail is second to none; they are truly dedicated and committed individuals who go to work each and every day knowing they will be surrounded by the worst of the worst criminals in the community; and they work hard each and every day, with professionalism, respect, and honor. He expressed his appreciation for the Resolution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

CONSENT AGENDA

Commissioner Tobia stated he would like to register descent without comment on Agenda Items II.B.2 and II.B.3.

Commissioner Barfield stated he would like to recognize Scott Nelson as the Transit Services Department Director and the new Public Safety Department Director, Matthew Wallace.

ITEM II.A.1., FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES, RE: ARTHROPOD CONTROL BUDGET AMENDMENT

The Board executed the State of Florida, Department of Agriculture and Consumer Services, Division of Agriculture Environmental Services Arthropod Control Budget Amendment; and approved Budget Change Request in the amount of \$239,573.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.2., FINAL PLAT AND CONTRACT APPROVAL, RE: STONECREST AT ADDISON VILLAGE PHASE 1 (16SD00006)

The Board granted final plat and Contract approval with The Viera Company, subject to minor engineering changes, as applicable, and developer responsible for obtaining all necessary jurisdictional permits; and authorized the Chair to sign the final plat and Contract.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.3., BOARD POLICY REVIEW, RE: BCC-41, WAIVER OF DEVELOPMENT REVIEW AND PERMIT FEES

The Board continued Board Policy BCC-41, Waiver of Development Review and Permit Fees; and authorized the Chair to execute the Policy.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.4., BOARD POLICY REVIEW, RE: BCC-50, FEE WAIVERS

The Board continued Board Policy BCC-50, Waiver of Development Review and Permit Fees; and authorized the Chair to execute the Policy.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.5., APPROVAL OF WARRANTY DEED FROM RAY SMYTH TO BREVARD COUNTY FOR A PORTION OF PROPERTY (PARCEL 101), LOCATED ON GLENDALE BOULEVARD, MIMS, RE: RELATED TO THE PERMIT REQUEST BY SMYTH

The Board accepted delivery of the Warranty Deed for Parcel 101, 2169 Glendale Boulevard, Mims, Florida, by Ray Smyth.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.6., RESOLUTION AND QUITCLAIM DEED, RE: ACCEPTANCE OF RIGHT-OF-WAY (POND) FROM FLORIDA DEPARTMENT OF TRANSPORTATION TO BREVARD COUNTY, RELATING TO THE REALIGNMENT OF NASA BOULEVARD AND ELLIS ROAD AT WICKHAM ROAD PROJECT

The Board adopted Resolution No. 18-063, accepting right-of-way from FDOT; authorized the County Manager to accept delivery of the Quitclaim Deed from FDOT and cause the recording of the Deed and Resolution Documents.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.7., RESOLUTION AND LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, RE: COUNTYWIDE INTELLIGENT TRANSPORTATION SYSTEM

The Board adopted Resolution No. 18-064, and executed Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the Countywide Intelligent Transportation System (ITS) Operations Project FPN 428930-1-88-01; and approved any necessary Budget Change Requests associated with this request.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.8., APPROVAL, RE: AMENDMENT TO RIGHT-OF-WAY USE AGREEMENT WITH RAMBLING ACRES WEST HOMEOWNERS ASSOCIATION, INC.

The Board executed the Amendment to the Right-of-Way Use Agreement with Rambling Acres West Homeowner's Association, Inc. for additional improvements in the public right-of-way and to update the Use Agreement provisions.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.9., APPROVAL, RE: BCC-55, PUBLIC MEETING AT THE BREVARD COUNTY GOVERNMENT CENTER

The Board approved modifications to Board Policy BCC-55, Public Meetings at the Brevard County Government Center, and ensuring orderly, safe and informative proceedings for all

May 8, 2018

members of the public who attend public meetings in the meeting rooms at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.10., PERMISSION TO USE CONTINUING CONSTRUCTION MANAGEMENT (AT RISK) CONTRACT FOR RENOVATIONS, RE: FIRE STATIONS #43 AND #64

The Board authorized staff permission to use its previously Board approved Continuing Construction Management (At Risk) Contract for renovations at Fire Stations #43 and #64; and authorized Chair to execute said contracts.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.11., APPROVAL, RE: UTILITY EASEMENT FROM INDIAN RIVER COLONY CLUB, INC.

The Board accepted the Utility Easement from Indian River Colony Club, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.B.1., AMENDMENT, RE: MANAGEMENT LEASE WITH THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

The Board executed Amendment Number 6 to Management Lease with Internal Improvement Trust Fund of the State of Florida for Archie Carr Sea Turtle Refuge Florida Forever Project.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

May 8, 2018

ITEM II.B.2., DONATION, RE: PROPERTY FROM SANDRA STONER TO THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM

The Board approved acceptance of a donation from Sandra Stoner of 1.40 ± acres of property located in the Town of Grant/Valkaria; and waived the requirement for a Phase I Environmental Site Assessment.

RESULT: ADOPTED [4 TO 1]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS: John Tobia

ITEM II.B.3., RESOLUTION AND AGREEMENT OF MAINTENANCE RESPONSIBILITIES, RE: S.R. 406 COAST-TO-COAST TRAIL

The Board adopted Resolution No. 18-065, and executed Agreement of Maintenance with Florida Department of Transportation (FDOT) for SR 406 Coast to Coast Trail; and authorized the Chair to execute resulting amendments to the agreement upon County Attorney and Risk Management approval.

RESULT: ADOPTED [4 TO 1]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Rita Pritchett, Jim Barfield, Curt Smith, Kristine Isnardi
NAYS: John Tobia

ITEM II.C.1., RENEWAL, RE: ANNUAL PROPERTY INSURANCE PROGRAM EFFECTIVE JUNE 1, 2018

The Board authorized Human Resource Director Jerry Visco to bind and secure placement of the County's property insurance coverage as presented and recommended by PRIA, with an effective date of June 1, 2018, at a cost not to exceed \$1,805,188.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.C.2., CONTRACT, RE: AT&T TELECOMMUNICATION MAINTENANCE EXTENSION

The Board executed Second Extension of Existing Agreement with AT&T Corporation for maintenance services, with a new contract period of July 1, 2018 to June 30, 2019.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.1., CONFIRMATION, RE: PUBLIC SAFETY DEPARTMENT DIRECTOR

The Board confirmed the appointment of Matthew Wallace as Director of the Public Safety Group; and authorized Human Resources to advertise a Notice of Intent and pursue Senior Management Service Class Designation for the Public Safety Department Director position.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.2., CONFIRMATION, RE: SCOTT NELSON AS TRANSIT SERVICES DEPARTMENT DIRECTOR

The Board confirmed the appointment of Scott Nelson as the Transit Services Department Director.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.D.3., APPROVAL OF ADVERTISEMENT, RE: ORDINANCE AMENDING ORDINANCE NO. 2016-14, LIST OF PERMITTED INVESTMENTS

The Board reviewed and granted permission to advertise a public hearing for proposed changes to Ordinance 16-14, adding Multi-Asset Class Investments to the list of permitted investments for the County Investment Program.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM IV.A., FIRST PUBLIC HEARING, RE: TEMPORARY SEPTIC MORATORIUM

Chair Pritchett called for the first public hearing on a temporary septic moratorium.

May 8, 2018

Virginia Barker, Natural Resources Management Director, stated this is the first reading of an ordinance that would establish a 150-day limited moratorium on new conventional septic systems or any system which does not provide a minimum of 65 percent total nitrogen reduction located on the barrier islands including Merritt Island, and within 50 meters of the Indian River Lagoon (IRL) and connected waterways County-wide. She noted she would like to provide some background because she has had some calls and she knows the Board has had calls as well. She explained nitrogen is contributing to the pollution in the IRL system, nitrogen loading from septic drain fields is a recognized source of pollution in the IRL through groundwater pollution migration; for the IRL waters in Brevard County it has been determined that septic drain fields contribute approximately one-third of all new nitrogen pollution into the IRL; when recycling of nutrients within the Lagoon is also factored in with the new sources, septic systems are still responsible for over 18 percent of the total nitrogen pollution; a properly functioning conventional septic system is designed to treat human pathogens, but it only reduces nitrogen pollution by 30 to 40 percent; in adverse conditions reduction has been measured at zero to 20 percent; the best available studies estimate a 10 percent reduction in nitrogen with a properly maintained functioning tank versus an improperly maintained tank; and the remaining 20 to 30 percent of nitrogen removal occurs in a properly located and functioning drain field. She continued on there are scientific studies that support restricting the use of the typical low performing conventional septic systems in environmentally sensitive areas; requiring higher performing septic systems where it is not feasible to connect to sewer could provide immediate additional protections to the IRL; fortunately there are alternative septic systems designed to specifically reduce nitrogen through multi-stage treatment processes; these are already in use in Brevard County and the industry is rapidly growing; according to Brevard County Health Department and the Florida Onsite Wastewater Association there are many alternative septic systems such as NSF245 certified aerobic treatment units and engineered performance based systems which can be installed to reduce total nitrogen by at least 65 percent; and this 65 percent performance standard is also being considered by the State and impaired spring sheds across Central Florida. She stated attached to the Agenda Package were several lists, provided by the Florida Department of Health, on septic systems available off the shelf right now, that meet the 65 percent nitrogen removal performance standard; the moratorium, as written, would not limit development to just the units in this list; the list is for informational purposes only to show the variety of choices currently available; the moratorium simply sets a performance standard of 65 percent; and any system provided by the State that can be certified by an engineer to meet the standard would be acceptable to Brevard County. She continued the Local Planning Agency (LPA) heard the Item last evening and there was no public comment, but considerable discussion by the LPA; a motion to recommend the moratorium failed; members said they supported the ideas of an ordinance but they were concerned about how people, the septic industry, and home builders will be affected by the timing of the moratorium; there were multiple members who recommended an extended grace period for implementing any change; a motion to deny the moratorium until the LPA receives further input was approved unanimously, however, there was strong support for bringing back an ordinance with new septic tank rules in five to six months. She went on to say the moratorium is temporary, up to 150 days; its purpose is to provide time to develop a more informed ordinance to address the impact of septic systems on the Lagoon; ordinance preparation will consider the appropriateness of the 65 percent total nitrogen reduction standard and refine the overlay area looking at risk factors including proximity to surface water connecting to the Lagoon, depth to ground water, density of development, age of the septic system as well as soil, hydrologic group, organic matter, porosity, hydraulic conductivity versus dispersivity; and staff will also evaluate the feasibility of expanding sewer service to areas of high risk for septic pollution, consider how to address hardship cases, as well as identify potential funding sources to prevent social justice implications.

Roy Pence stated this would have a tremendous impact on the property owners in Brevard County, the future of the Lagoon, and the future of a lot of homeowners; he served on the Technical Review and Advisory Panel in the Florida Department of Health, which is established

May 8, 2018

by the legislature in the late 1990s; he was on that committee, appointed by the Florida Homeowners Association representing developers since its inception; in that role he has the opportunity to review all State Ordinances that are proposed, all the studies that State undertakes, all the studies that are brought forward, the millions of dollars that are spent on studies to determine the effects, how they can be improved, and whatever changes might be needed; he would like to support the position that the LPA has taken as far as slowing this process down a little bit; it is less than a month's time since the ordinance was advertised, that the Board is going to vote to implement it; it is too quick to get proper analysis on it for a far reaching and broad geographical area that this covers; and the other thing that is really apparent to him after reviewing the ordinance and talking to the people who drafted it and Natural Resources, is they keep talking about the onsite treatment and disposal systems, part of that is the tank or an ATU and the other part is the drain field, this ordinance as it is drafted, does not take into consideration the reduction; the ordinance is requiring 65 percent reduction in the treatment unit itself; there is a big difference in the cost, the functionality, and the complexity to a treatment unit providing a 50 percent reduction to on that provides 65 percent reduction; and the 65 percent treatment units are relatively new, are slowly being approved, and twice the cost of those with 50 percent reduction. He urged the Board to consider it as an entire system and not just the treatment unit; he mentioned if there is going to be a 65 percent reduction, which he is not talking against, he is urging the Board to consider what the entire system provides and not to require it out of aerobic system; if they chose a performance based aerobic system, there has to be an engineer to design it, certify it, survey it, and the costs are exponential with the complexity and the time frame to get it completed; the County could get its 65 percent from doing that today, or it can go through a system that has already been designed and approved; the National Sanitation Foundation provides a testing mechanism for these systems; they certify how much the treatment is provided, how much nitrogen among the other pathogens might be removed; and there are many more systems provided that reduce 50 percent. He urged the Board to do what it said it was going to do since this first started and recognize the treatment that is provided by the drain fields, which will be properly located in size.

Roxanne Groover stated she is currently the Executive Director for the Onsite Wastewater Association and co-author of one of the white papers used for Board discussions; they have had the opportunity to have the IRL group come to the training center to review some of the available technologies; she also sat on the Research Review and Advisory Committee which is similar to Mr. Pence's DOH; they actually look at the research that goes over to the TRAP Committee before they go into rules; and she has also sat on every one of the BMAP OSTDS for mediation committee, so she is an engineer by training. She continued one of the things she would encourage the Board to do is to slow down this process so they can make sure it has good rule policy; this is very similar to what is happening in the Springs protection, based on the water bill they are looking to implement July 1, 2018; and one of the challenges is how they are going to implement this. She mentioned there are several technologies out there, about 30 systems available unfortunately several of those have not been incorporated into the rule right now; they had their first public hearing on April 16 to look at what they originally called the lined system; there is now an unlined system; a week ago Thursday they actually put that in at the training center to see exactly how well that could be installed; it has to be one of the passive systems they talk about that also tends to be where the 65 percent reduction number comes from; when they did the initial studies on the passive liner system they felt pretty comfortable saying that was going to be a 65 percent reduction on total nitrogen; as Mr. Pence stated that is from the input of the tank to the treatment through the soils; and she encouraged the Board to not just look at the treatment itself but also the accompanying treatment within that drain field. She went on to say if someone were to use those NFS, they did not look at nitrogen reduction 20 years ago, but to take the 20 existing systems and add on a properly sized drain field using drip irrigation, low pressure dosing, and shallow, it will far exceed that 65 percent; to move into the 245's with the additional it could be upwards of 85 to 90 percent reductions; and

May 8, 2018

there are lots of options and she hate to see some kind of rulemaking go forward that they are not prepared for. She explained the industry perspective, the DOH perspective, the funding perspective, there are a lot of different challenges out there; she will be meeting with the Florida Department of Environmental Protection (FDEP) on Thursday morning for further discussions on opportunities for better funding for the OSTDS systems; she thinks there is a lot of room for good potential rule making, but she is not sure the County is there yet; and she believes the intent is good, however, looking briefly at the ordinance she thinks there are some other options that can be looked at to make sure they are all prepared to move forward and understand where they are going with this implementation.

Commissioner Tobia stated he has a couple questions; he understood the study done by Tetrtech, to state the nitrogen loading impact to the Lagoon decreases by more than 75 percent when looking from 50 meters to 200 meters; and he inquired if he was correct.

Ms. Barker stated on average that is correct.

Commissioner Tobia asked if Ms. Barker has any research that looks at the diminished nitrogen past those 200 meters. He stated his understanding is this moratorium would deal with septic tanks that are much further than 200 meters.

Ms. Barker replied there is a State approved model that looks at all of the factors; the Tetrtech document is based on averages, but the performances of those systems, within 50 meters, is highly variable based on a number of factors; there is a model that looks at a dozen or so factors; and part of what they intend to do between now and when a permanent ordinance would be brought to the Board, is to go into that model and look at the more specific factors to better refine the overlay area that would be most appropriate.

Commissioner Tobia asked if she could use that model to estimate the impact of septic tanks that are a mile away from the Lagoon as opposed to 200 meters.

Ms. Barked stated yes, but it would probably be more effective at differentiating those between 50 and 200 meters.

Commissioner Tobia inquired if she has any idea based on last year's numbers, of residences that applied for septic permits and how many would be impacted for this moratorium.

Ms. Barker responded she does not.

Commissioner Tobia commented the ordinance cites two papers to support this ban and he inquired if that is correct.

Ms. Barker responded she believes the ordinance included multiple citations.

Commissioner Tobia responded yes. He stated the ones he used to assess the impact of sea level rise and precipitation change on aquifers in low lying coastal plains, and barrier islands East Coast Florida, he must have missed the reference to septic tanks.

Ms. Barker explained that was about groundwater movement under barrier islands.

Commissioner Tobia inquired how that relates to septic tanks.

Ms. Barker responded there is a certain amount of nitrogen reduction that happens in the tank; then there is more nitrogen reduction that happens in the drain field; then there is more nitrogen reduction that happens in the soils between the drain field and the water table; in the soils, as

May 8, 2018

that groundwater moves through the soils from wherever the septic drain field is to the nearest water body, so it is the movement of the polluted groundwater underneath the barrier islands that is the issue; and that paper talks about the movement of groundwater under barrier islands.

Commissioner Tobia stated the second one was looking at Cape Hatteras and the impact of septic tanks on Cape Hatteras; and he inquired if there are differences in soil composition and geology with Cape Hatteras and Merritt Island or if it is a fair representation of each other.

Ms. Barker noted there are some similarities and some differences.

Commissioner Tobia asked if those would have any impact on nitrogen seepage into the Lagoon.

Ms. Barker responded affirmatively.

Commissioner Tobia stated he guesses it all comes down to whether there is any science that backs up that a properly functioning non-aerobic septic tank a mile and a half from the IRL will have any measurable impact on nitrogen into the Lagoon.

Ms. Barker stated they would have to look at the flow path of when the groundwater is intercepted by a ditch or canal and how quickly it would make its way to the IRL and what natural attenuation processes would happen along that pathway; and she explained it is a time and distance equation.

Commissioner Tobia noted that is how that would be conducted, but his question is if anyone has done that and if there is any scientific research.

Ms. Barker answered she does know.

Commissioner Barfield stated what he wants to do is a moratorium so the County can get a grasp on all this research and what may be needed in the ordinance; the point is 33 percent of new nitrogen is coming from septic tanks; he hears from the developers, and what other people are saying, but the point is it is time to do this now, take a pause, and go create the standards that need to be put in place; there is excellent research out there; and he thinks the Board needs to do the moratorium, get the research, and come up with a path forward. He went on to say the time is now; the County knows what the problem is; and he questioned why it is not being addressed.

Commissioner Isnardi stated she understands both sides; she would not be opposed to a septic regulation; her concern is making a decision and waiting several months to get feedback on what details will be in that decision; it makes her nervous because she hesitates to make an important decision on a moratorium before having some solid data behind it; and it all boils down to one thing, committing to get everyone on sewer. She noted instead of spending five months on deciding how to handle this and what type of septic systems will be put in place that cost twice as much as a standard septic tank, she thinks the Board should be discussing how to finance the next sewer treatment plant to avoid all of this; and she announced she will not be supporting it for that reason. She went on to say she believes the Board should be spending equal time and commitment to getting the sewer treatment plants in place because the County has the money to do it, just not the will.

Chair Pritchett stated she thinks there are different paths to get there but she is on board with getting those items up and moving; she would request that the County do its best to come back with 120 or 90 days instead of the 150 days with where the Board needs to go with this process; just stopping what could be put in right now that could cause more damage, they can still build,

May 8, 2018

they are just going to have to make sure they have these standards right now; and hopefully they can come back with a good formula to move forward on.

The Board conducted the first of two public hearings of a 150-day County-wide moratorium on septic systems having the greatest impact on the Indian River Lagoon; and authorized Natural Resources Management Director to bring the ordinance back to the next Regular meeting on May 22, 2018.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, Jim Barfield, Curt Smith
NAYS:	John Tobia, Kristine Isnardi

ITEM V.A., BOARD DISCUSSION, RE: TINY HOUSES

Tad Calkins, Planning and Development Director, stated this is a request for the Board to provide direction to staff for the implementation of Code revisions addressing tiny houses on foundations and tiny houses on wheels; the staff is seeking direction specifically with the expansion of locations to allow tiny houses on foundations, whether or not tiny houses on wheels should be allowed as a permanent residence, and if so, the degree of construction and regulations that the Board feels is appropriate for tiny houses on wheels and where they should be located; and he has a brief PowerPoint presentation he would like to run through to help some of the conversation. He continued based on the outcome his Department would be bringing back an ordinance that would be a summarization of what the Board has decided.

Erin Sterk, Assistant Planning and Zoning Director, stated tiny houses are residential structures between 100 and 400 square feet in size; they rarely exceed 500 square feet; there are two types of tiny houses, those that are built on a permanent foundation known as site-built tiny homes and tiny houses on wheels which are commonly known as THOWs; currently site-built tiny houses are permissible in certain residential zoning classifications as guest house units which are buildings that are accessory to a primary residence, so there are allowances today for small structures; guest houses do not have a minimum floor area restriction, but do have restrictions on separate electrical meters and on renting the guest house out; therefore, it is not a separate residence behind another residence. She continued THOWs are not permitted to be used as a guest house; they are considered recreational vehicles that are permissible in the Recreational Vehicle Park (RVP) zoning classification, but they have a time limit on their stays of 180 days, so they are not a permanent residence; and they are also permissible in the RVP destination resort zoning classification that has a 50-acre minimum size requirement, but does not have a time limitation on stays. She went on to say staff would like the Board to consider key factors for tiny houses on foundations such as minimum floor areas in current zoning classifications, whether they should be reduced or eliminated, or create a new zoning classification to allow for tiny houses; and for THOWs the Board should determine if they should be allowed as permanent residences and if so, the Board should define THOWs in the Code, determine the degree of construction regulations, establish THOWs in the Code, and determine what zoning classification is appropriate for them. She stated staff has drafted the definition of THOWs for the Board's consideration; it defines it as a structure built on a single-chassis and mounted on wheels which is intended for use as a full-time residence or year round rental property that is not a mobile or manufactured home or park trailer as defined by Florida Statute Chapter 320.01, THOWs must be towable by a vehicle and cannot be designed to be movable under its own power, and they must be in compliance with size and weight limits for vehicles on

May 8, 2018

public roadways; and that is a proposal by staff and it can be tweaked by the Board. She noted that definition does not include options for construction standards; if the Board were to consider those in a zoning classification, staff has proposed a few options for the Board's consideration; option one requires connection to water, sewer, electric, and to comply with electrical codes, which is the least restrictive option; option two is the criteria from option one plus establishing minimum living area standards and requiring engineering for anchoring; and the third option is options one and two combined with adoption of the 2018 International Council Tiny House Provisions and it requires that a licensed engineer certify that the construction meets the Code and is constructed to American Society of Civil Engineers (ASCE) engineering standards. She continued on for the location of tiny houses, staff put together a few options, which there are many and the Board can allow them in every zoning classification if desired, but these are a few that seem to be a good fit for discussion; the first one is to see a tiny house development, there is a PUD and RPUD zoning classifications today and in order to allow for tiny houses within them, the Board would need to change the minimum floor area requirement which is currently 900 square feet in PUD and 800 in the RPUD; she noted if those were less restrictive then tiny houses could be located there, however, that is only for a tiny house on a foundation; if the Board was allowing for THOWs in a PUD or RPUD zoning classification then the Board would need to consider several more things; the Board could also consider reducing the minimum acreage requirements in either zoning classification, reducing the minimum lot area requirements, and removing the requirement in RPUD that single-family lots along the perimeter mirror the lot size of surrounding property; the next option could come in as a subdivision or as an info lot by amending existing zoning classifications; and staff picked two of them that allow for single-family homes that have the smallest minimum floor area sizes, however, the Board could open up any zoning classification. She stated staff has broken down option two into two options and evaluated the zoning classifications that had the house size of smallest minimum allowances; tiny houses on large lots could be considered an AU or GU, both having 750 square feet of minimum floor area requirements; tiny houses on small lots could be considered an RU-1-7 which has a 700 square feet minimum floor area requirement; and the Board can also consider allowing THOWs as a permitted use in any existing zoning classification. She went on to say the last option for locational criteria is to create an entirely new zoning classification; in order to do that staff would ask the Board to consider defining or not defining a minimum floor area, a minimum lot dimension, and minimum acreage; and she will leave it to the Board to discuss, and she will answer any questions.

Mike Cheatham stated he is one of the owners of Movable Roots Tiny Home Builders; the biggest question he receives is where can people put a tiny home; the journey for he and his wife started about two years ago on a personal journey to downsize and find a way to not be tied down to a mortgage that they felt they had to work all the time just to pay utilities bills for a home that they did not necessarily need all that space for; they started touring some tiny homes and they decided to make the transition; they bought a piece of property; and then found out they could not place their dream tiny home on wheels on that piece of property. He noted at that time they decided to build homes for potentially other people who did not have the same regulation issues and restraints that he was held to locally; currently the only option locally to place a tiny home was in an RV park; he and his wife are not 55-plus years old and so that was not really an option for them; the fact that they would have to move it every 180 days just really was not what they were looking to do, their home base is here; they knew the potential for change in the Zoning Code was here; they knew that Rockledge had recently had approved a tiny home community; there was a group that worked with the City, the Commissioners, the Planning and Zoning people, and got it approved; unfortunately, they ran into some hiccups with the piece of property and that development is now somewhat on hold because of it; but there are over 6,000 people on a single Facebook page for Rockledge Tiny Home Community for potentially 15 spots on a 1.5 acre lot; and to him there is a big need for this potential change in zoning and development. He went on say he shared the information about tonight's meeting on social media and it was shared internationally; they received messages from people all over the

May 8, 2018

United States asking for updates on the outcome of tonight's meeting and saying they would relocate as soon as possible; this is something that is definitely a need; and he feels like Brevard County could be a pace-setter here and show a pathway for other counties and cities around the U. S. to make these changes. He explained as a tiny home builder who's main focus is THOWs, he welcomes regulations and inspection to ensure that his builds are both safe for living, sleeping, as well as potentially going down the road at 70 miles per hour; there is a saying that tiny homes are going through a hurricane and an earthquake at the same time when it is going down the road; and he noted Movable Roots is certified by Specific West Associates as a custom RV manufacturer and they require them to build homes to a ANSI Code of 11195 as well as National Fire Protection Association (NFPA) Code for life safety. He stated they are required to keep quality control logs, PWA inspects his place of business, and he has the ability to take multiple photos on his builds; they have third party inspection companies that can inspect the builds to the appendix cue standard as well; and he mentioned he hope Brevard County can be huge part of this growing movement and set an example for others because people from all walks of life and age demographics are looking for this opportunity.

Chair Pritchett stated she is totally good with the tiny houses on foundations; she has questions about the ones on wheels; she would like staff to make a new zoning classification for permanent tiny houses; she believes it would be easier for staff; she loves what the city did in setting up a community of these tiny houses; with the THOWs, it sounds like an RV to her; and she asked what the downside is for the County if it made this permanent housing although it is on wheels.

Mr. Calkins responded he does not know if there would be a downside to this; there are mobile home type developments now; he thinks it would be how the Board chooses to provide locational criteria for them; and he thinks the other thing would be, right now there is no oversight of the construction standard for them, so if the Board were to look at those it would probably want to have some sort of construction oversight.

Chair Pritchett inquired if Option three with the most regulations would take care of Mr. Calkins concerns.

Mr. Calkins responded he believes so and it would also fall in line with what Mr. Cheatham is doing now as part of his business practices.

Chair Pritchett commented she is comfortable with this if the County would make a new zoning district and that staff go with option three as far the THOWs.

Commissioner Tobia mentioned he was in Tennessee a few years ago and he went through the tour of Jack Daniels and he expected to get a little sample, but they said Jack Daniels is headquartered in a dry county and he thinks Mr. Cheatham has that same problem; he has a wonderful product and nowhere to place it; he noted this Board just did away with a minimum square footage on hotel rooms; and he suggested the Board do exactly what it did with the hotel room and do away with minimum square footage. He stated he does not know why the County would need a new zoning classification in order to do that; option three is a good suggestion; and he inquired what would happen if he had already purchased one and it was located in Georgia, how would he go about receiving a Florida certified engineer.

Mr. Calkins replied he does not know if he would, he thinks they should be able to certify it based on the plans it was designed to; the challenge staff would have is if they are built off-site in a factory, that there is really not an opportunity for staff to inspect them like on a normal site where people build homes; manufactured homes and RVs are inspected at the factory where they are constructed without the oversight by the County; in those instances the County evaluates the tie-down and connections to the electrical services, and the connections to the

May 8, 2018

sewer service; if it was being built out of state, the County would look for a Florida engineer to certify that it met the standard; and he thinks that could be done based on the plans it was built to.

Commissioner Tobia inquired if the Professional Engineer (PE) in Florida is any different than a PE in Georgia, Tennessee, or Wyoming.

Mr. Calkins responded he would have to defer to the PE behind him to answer that question.

John Denninghoff, Assistant County Manager, stated in the case of Georgia, yes there is a difference; he does not know off the top of his head about the other states; many states have reciprocity so if an engineer signs and seals and can obtain the license from the state that they want to certify within then they can obtain that license for that purpose and at that point it would be identical; in other words, if someone was an engineer in Kentucky, which has reciprocity, he or she could apply to the State of Florida to get obtain a license for the purpose of certifying these structures and upon receipt of that licensure in the State, it could be used for that purpose; and he noted the engineer would not have to relocate to the State of Florida to do that. He commented he knows Georgia does not have reciprocity, unless something has changed recently that he is not aware of.

Commissioner Tobia stated people purchase these homes for a variety of reasons, one of them is for the value associated with them; he inquired if a PE's time on this is multi-hour process or if this would take it out of the realm of possibility for someone to purchase.

Mr. Denninghoff explained an engineer who has not done that type of work before would have to spend a great deal of time on it; once they had done it one time, he thinks they would be able to do it very economically; and to answer the question about his private practice experience, he was in private practice for more than one-third of his career.

Commissioner Tobia asked if it is his opinion that the ones today may be built to certain standards; and if he has any idea whether this would take older models out of the ability to be located in Brevard County, or if they have always been built to these standards.

Mr. Calkins stated the standard that staff is purposing are National Standards so they should be universal and not just specific to Brevard County; PEs should be able to evaluate that and the plans should be pretty standard; currently there is no oversight in the construction of the tiny homes that are on wheels; the example they have, the manufacturer has the certifications and they built it to that standard, so he cannot tell him if the previous ones or the other ones meet a standard; and he does not know without having a PEs evaluation based on these standards that they would know that for certain.

Commissioner Tobia asked if the standard Mr. Calkins is discussing is the International Code Council (ICC).

Mr. Calkins responded yes, and that there is also the National Electrical Code and the ANSY standard they were looking at.

Commissioner Tobia advised according to the report the ICC standard is for 2018; and he asked if someone has a tiny home built in 2016, how he or she is supposed to have a 2016 home meet the 2018 standards.

Mike McCaughin, Chief Building Official, stated in 2016 there were no standards; the 2018 standard is something newly created by the ICC to address tiny homes across the nation; and it is a supplement or appendix to the International Building Code.

May 8, 2018

Commissioner Tobia inquired if in that case, if Movable Roots had built a tiny home in 2017, it would not be eligible for parking or having a lot in Brevard County because the standards did not exist at the time it was created.

Mr. McCaughin stated they are asking the County to consider a doctrine of that County standard to apply to any time home on wheels and most likely if the tiny homes were well constructed, they are going to meet that standard anyway; he noted they are not overly restrictive standards; as a matter-of-fact they are a lessening of the building Code to accommodate this new type of construction; and he does not think the year of the adoption of it is that critical.

Commissioner Tobia stated in Mr. McCaughin's opinion is homes built prior to 2018 could meet those standards even if those standards were not around; he is not familiar with the standards so he is just trying to make sure that the County allows for older tiny homes to move into Brevard County and they do not enforce brand new ones.

Mr. Calkins replied they certainly would have the opportunity to show that they did comply with those standards, so there would be an opportunity for them.

Commissioner Tobia asked if they could retrofit one of these homes or if they are paradigm shifts in which they would need to be torn down to start over again.

Mr. McCaughin stated he thinks most of the standards in the ICC Index could be retrofitted or fit into a normally built tiny home; the example of a tiny home in the parking lot, if it were built older he thinks most of these things could be met.

Commissioner Tobia stated that was his next question. He asked what Mr. Cheatham's opinion is on the tiny homes he built prior to 2018 and if the homes were to those standards.

Mr. Cheatham said the standards were out for quite a while before they were officially adopted; there were teams that placed a lot of time and effort into making those changes; a lot of builders started moving their builds towards that, knowing it would most likely be adopted into the International National Building Code; and for the most part local and talented builders could make changes to the build if need be to meet that standard.

Commissioner Tobia stated another one reads, it must be anchored to the ground to resist high winds and he asked if his builds have those abilities.

Mr. Cheatham stated they do; all of his trailers are purpose built tiny home trailers; they are not taking a utility trailer and trying to conform it to a tiny home; they all have 12,000 pound anchors on multiple different spaces on the trailers themselves; therefore, they can be connected to earth anchors similar to a mobile home setting.

Commissioner Tobia inquired if that is an ICC standard or is it something he does on top the standards.

Mr. Cheatham responded it is more of an industry standard for the anchorage; the homes are designed to be mobile so not anchoring could be cumbersome; the reality of the units is they have the ability to be more permanent with permanent tie-downs to withstand more wind options; and a majority of the industry is putting those on their trailers.

Commissioner Tobia stated he is sure Mr. Cheatham has looked at the regulations because he is a builder; and he inquired what his suggestions would be.

May 8, 2018

Mr. Cheatham advised he is for the regulation and inspection side of this; he does use third parties, there is RVIA, PWIA, that sets a standard for how to build an RV; unfortunately, because they are mobile and have wheels on them, they are classified at the Department of Motor Vehicles (DMV) as a travel trailer; it behooved them as a business to go after that regulation and make sure his builds were held to that regulation; and now that appendix Q has come out, it has also created a potential for more permanent setting of the homes. He explained that is why the standards from the International Building Code had been changed to address things like staircases, living room sizes, and egress sizes; and those things are now addressed for a tiny home because they are different than a residential home.

Commissioner Barfield commented that was very interesting; he noticed it was very well constructed as he walked through it; motorhomes and RV's have been around for many years; he likes the way it is laid out; for him there are a lot of reasons why he thinks this is important; the County is in a situation where affordable housing is getting difficult to find; and the County is at 3.6 percent unemployment rate, which is fantastic, but there are a lot of people working multiple jobs and in the hospitality industry who will never have the opportunity to have home ownership. He believes that is important and this gives those people the option to do that; he thinks the Board needs to move forward on this; people have asked him why the Board is dealing with this because it is not an issue right now; his point is the Board needs to get ahead of it and make some plans; he really believes it needs to be done on the zoning side and look at doing PUDs; he really likes what the City of Rockledge has laid out to do this; he has looked at some of the other cities around the country online at what they have done; it builds a little neighborhood with green space and everything is their together with the neighbors; and he thinks it fits into this community. He noted the issues is how to go about the zoning; he does not know if the County is ready to come up with that decision; he would like to send staff back to talk individually with the Commissioners to come up with ideas on that; Commissioner Tobia stated the Board eliminated the square footage for hotel rooms but that is commercial and in his mind it has no bearing on what is being looked at for residential homeownership; and he is all for this. He continued a lot of it comes down to the zoning; he is not really concerned with issues meeting the standards of option 3; actually anytime someone puts something on the road, if it is a manufacturer, they need to meet the RVIs standard or the Q standards; and there are all these other standards that the builder would need to meet, so he does not believe someone would sell something that was not at that standard because of liability; and he would like to send this back to staff using option 3, and look at other things that can be done with zoning.

Chair Pritchett stated she does not mind the PUD or the new zoning; she talked with staff about that; she thinks these need to have a neighborhood feel when they start to be developed; she thinks the Millennials are going to love it; and she is in agreement with Commissioner Barfield.

Commissioner Isnardi stated she thinks this is fantastic for 150 reasons; she thinks the Board needs to be careful when talking about affordable housing and forcing these people into a PUD; everyone knows what comes with a PUD; even a middle class PUD has association fees, user fees, taxes are a bit higher, and that is what she does not want to do with this; the number one reason why people would be in support of this is because affordability; and she wants to make sure that the County is not zoning people, that would use this option, out. She continued typically most PUDs even if it is fun up and coming Millennials or people who do temporary work she does not want to box people out, if this is going to be an affordable option; she would be okay with these being in any residential area or in her neighborhood; she could name 15 houses in her neighborhood that look worse than one of those tiny houses; and she commented the tiny house is amazing and very impressive. She went on to say most of her questions were answered about safety and regulations; she inquired if the manufacturers certified engineer is signing off that these meet the standards and the ICC Codes that should be sufficient, she does not want to over regulate it to the point of nauseam like government can sometimes do; and she

May 8, 2018

does not want someone to jump through the same hoops that the manufacturers are already jumping through.

Mr. Calkins stated he believes that is what staff is looking at, they would have someone certify it and the County would just permit the connections to the utilities.

Commissioner Isnardi stated that is what she thought but wanted to make sure.

Chair Pritchett inquired if that is what staff is trying to accomplish with option 3.

Mr. Calkins replied affirmatively.

Commissioner Tobia stated his one concern with option 3 is with the Florida engineer; the reciprocity is something that expands it a little but he inquired if Mr. Denninghoff is familiar with how many states have reciprocity, is it a majority or not.

Mr. Denninghoff responded it is his recollection that upwards of 37 or 38 states have reciprocity with the State of Florida.

Commissioner Tobia noted that means people are in trouble if they are in one of the other 13 states.

Mr. Denninghoff responded that is correct; if they are in a state that does not have reciprocity and that is their only license, then they would not easily be able to get licensed in the State of Florida.

Commissioner Tobia asked if he as an engineer would be okay if someone in one of those states were to sell to someone in the State of Florida if he was sent the plans.

Mr. Denninghoff stated he thinks that could be arranged; some engineers would want to see the actual structure to inspect it; others may be willing to do it just on the plans at which point they would certify that the plans meet the requirements; but if they have not seen the structure to verify that it was built in accordance to those plans he personally would be a little nervous about that.

Commissioner Tobia inquired on the zoning, Mr. Cheatham mentioned he purchased a piece of land then found out he was not able to place a tiny home on it, so while he thinks PUDs offer an option, he thinks the County could potentially expand that and look at other zoning classes such as AU; for example if someone has two and a half acres and does not like other people, they should be able to place it on their land; he does not know about putting these in the middle of residential neighborhoods but his suggestion would be to look at both ends of the spectrum; look at the PUDs, look at agricultural, and then if people want to place one in residential maybe they could come to the Board to discuss that; and he thinks some neighborhoods may agree with that and some may not. He went on to say he would like see not only the PUD, but also AU and GU have options for these.

Commissioner Barfield stated that is all good stuff; he thinks staff has some ideas of what can be done; when he mentioned PUD, that was just one of the things he was thinking about, there are all kinds of other zoning to be looked at; and he asked if a motion was needed for that.

Eden Bentley, County Attorney, explained it is up to the Board and she thinks staff would appreciate direction.

May 8, 2018

Motion by Commissioner Barfield, seconded by Commissioner Smith, to send this back to staff based on today's conversations for them to report back to the Board at their convenience.

Commissioner Isnardi stated that Commissioner Tobia has a good idea; she would like, it residential makes people nervous, at least people have a way to appeal that or have some sort of method because it may be conducive to some sort of neighborhood; looking at the neighborhood she lives in, she thinks it would be conducive there; and as much as she does not want to make people uncomfortable, just a stone throw away from her home, is a purple house. She added it is their property and it is their right, whether she likes it or not.

Chair Pritchett stated she thinks the Board has a consensus that it likes this; she thinks staff can come back with some help on the zoning of where these tiny homes can be located; and she called for a vote on the motion.

The Board authorized Planning and Zoning Director Tad Calkins to work with each Commissioner for ideas, using Option 3, for looking at other Zoning classifications of how tiny houses can be properly zoned, and for him to report back to the Board at his convenience.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.A.1., APPEAL, RE: TRANSPORTATION IMPACT FEE EXEMPTION BY BANANA RIVERFRONT, LLC

Tad Calkins, Planning and Development Director, stated this is a request for the Board to consider an appeal from Banana Riverfront, LLC of the denial of transportation impact fee exemption for Squid Lips deck extension; the Banana Riverfront, LLC, submitted a letter requesting the exemption of Transportation Impact Fees for a 1,970 square feet deck extension to the Squid Lips restaurant; they claim that no new units were created with this, that the use has not changed, there will be no additional vehicular trips created, and the amount of impact fees should be based on the net accessible area; staff has evaluated it and found that new units have been created because there was a deck expansion and that absence of the professional traffic study they were not able to determine if there were additional trips; the impact fees are based on the gross area and not necessarily the net area; and the assessed fees were at the lowest rates for a restaurant.

Kim Rezanka stated she would like to request 10 minutes.

Eden Bentley, County Attorney, stated she would recommend allowing Ms. Rezanka the time she needs to give her presentation.

Ms. Rezanka stated she is representing Banana Riverfront, LLC, and she has Mr. Underill with her to answer any questions; Supreme Court Justice, William Douglas one said, "Common sense often makes good law;" a \$33,289 new impact fee for a 1,970 square foot of an infield deck on an existing restaurant does not make any sense; this amount has been paid in full; and Banana Riverfront, LLC is seeking a refund of all or a substantial amount of the fees they paid. She explained Banana Riverfront purchased the old Lobster Shanty in Cocoa Beach on October 16, 2015; the property had been used as a restaurant since 1952; it also had an outdoor deck for seating since 1988; the restaurant was shut down when Mr. Underill purchased it because it

May 8, 2018

was in poor shape; after substantial renovations and clearing the outdoor decking and bar, it reopened as Squid Lips in February 2016; and the rest is history. She went on to say the life safety plan she presented to the Board is a bigger version and a little different than the one in the package; it has the yellow area which they are claiming is not usable by patrons; that area encompasses 1,110 feet, so they believe only 860 feet of the 1,970 square feet is usable for patrons; 267 feet is the stage for the band; the 843 area is for the stairs, walkway, and bar area with a cooler and not available for patrons; the restaurant is very large, 10,049 feet with a banquet room that is used often and two lower rooms that are never used; and the new deck does not add new patrons. She added no new seating was added, they actually decreased from the 459 that were there when purchased, as evidenced by the affidavit in the packet; Mr. Underill is in attendance and can testify if the Board wants sworn evidence; she has given the Board a packet that has quite a lot of information; and the County has these Transportation Impact Fees to pay for capital improvements needed as a result of new development, and this new development is infield decking and is used partially for seating and partially for walkways. She noted it is actually redevelopment not new development. She stated the fee attempts to repay a portion of the cost of local entities and counter providing the facilities needed to service the new development; there is nothing being serviced, there are no new roadways needed because of the addition to the existing restaurant; and she placed in the packet a County Ordinance, starting at page two; the intent and purpose of 62-802 is to ensure new development bears its fair share of the cost of capital expenditures to accommodate the impact of the new development; she reiterated this deck does not cause any new roadway improvements; and 62-803, the findings states if the existing road system is not sufficient to accommodate new development without decreasing the level of service, and it does not apply to infield decking. She continued State Road A1A has lots of capacity; the 2016 level of service count is in the Board's packet; A1A in this area has 42 to 46 percent capacity; this is the only road leading to Squid Lips; finding number four states new development should contribute its fair share of new facilities to accommodate new development, but there is no cost for these new facilities; the set impact fee establishes a fair and conservative method of assessing new development and \$33,289 is not fair or conservative for this minor addition to this very large restaurant; and there are many problems with the way the ITE manual counts trips which are used for impact fee assessment. She added 62-809 B, the Independent Fee Calculations Study, which is the alternative in the County Code to use this scheduling, was not provided to the County because while looking at that, it requires two sets of documentation; the first one is three sets of documentation for traffic engineering studies and two sets of documentation studies for economic data studies; she spoke to a traffic engineer, Gill Ramirez, and he says in order to do this he would have to have someone sit in front of this restaurant for three days and ask every person who comes in how far they drove to get there; the cost for that study is \$10,000; that is just not reasonable or fair for a small business owner; and 62-815 is a Code section under which Banana Riverfront sought to claim exemptions, and she believes A 1 did apply but there are three criteria and they did not actually meet one because they did add square footage. She noted B, Construction of Accessory Buildings or Structures, which will not produce additional vehicular trips over and above those produced by the principle building or use of the land, and she believes this is exactly where Banana Riverfront is with this infield decking; the 62-816 is the review of the fee schedule and they do not know when the fee schedule was last reviewed; staff cites to the March 2015 study, but that was three years ago, regardless, the fee schedule is rigid and does not account for the vastly different areas of the County from the very rural Mims area to the urban Palm Bay area with everything in between in this 72-mile County; in the packet starting at page five, is just a few pages of impact study that staff recommended; and it is 202 pages. She went on to say she does not believe three of the Board members were on the Board or if this even came to the Board for review; she could not find it in the Agendas for 2015 from March through July; she believes it might have been consent but she could not go through that; she does not know how deeply reviewed this was by the County Commission; she knows it chose not to increase the Transportation Impact Fee, but part of this study discusses legal standards for imposing impact fees, which is on page six; the first standard is the fee is

May 8, 2018

proportioned to the need, and there is no need here; and the second standard is it directs the proportion to the new development and that is not done by the study either. She added the other considerations for the Board to think about are a portion of the trips to Squid Lips are passerby trips, starting at page 10 there is an ITERIS PowerPoint that explains about passerby trips; the American Planning Association (APA) has identified eight variables that can result in trip reduction, whereas, several of these variables do apply to the very unique location and design of Squid Lips, and the APA recognized that the ITE manual over estimated peak traffic by an average of 35 percent so one size does not fit all with this traffic study or the County's impact fee schedule; the ITA Trip Manual does not provide accurate consistent vehicle trip estimates, on page 17 the Portland State University study says there were error findings in 13 of 23 studies for restaurants that showed actual trips by 26 to 35 percent less than projected by the ITE manual; Mr. Swanke's denial letter of January 11, 2018, assumes that the increase in square footage will result in an increase in trips and he cites no evidence for his assumption; challenges in state court are based upon the arguments that the fee obligation fails to advance a legitimate state interest, that it exceeds the cost to mitigate the harm directly caused by the new development, and there is no harm to the roadways by this new development; and included in the packet is 2009 Florida Bar Journal by Wade Hoppings and it is important that he recognized it is almost universally accepted that Florida's transportation concurrency system does not work, it creates economic winners and losers, and it encourages cities, counties, FDOT, and developers to game the system breeding disrespect for how they pay for development created impacts to transportation. She advised Banana Riverfront request the entire \$33,289 be refunded under exemption 62-815 A 2 based upon the fact that infield decking did not and will not produce additional vehicular trips; they alternatively request that the assessment be reduced by usable square footage of added 1,100 square feet as calculated, the reduction of \$18,759; and the third option is to allow Banana Riverfront to take out one of the outer buildings and receive credit for that. She stated, "Common sense is seeing things as they are and doing things as they ought to be," as Harriet Beecher Stowe once said; and she asked that the Board use its common sense and refund part or all of the impact fee as it does not make sense nor is it fair.

Commissioner Isnardi stated her concern is about what is fair; the existing deck was there and they reduced their seating in the restaurant, this is not new development; it may be improved development, but she thinks the impact fee is excessive; and she knows staff cannot administratively decide to cut the fee in half or anything but she reiterated she thinks this is excessive.

Chair Pritchett inquired when the deck went in, there were no impact fees applied for because there was a situation they had to work through, so when the impact fees were applied, were they applied as if it was a new addition put onto the establishment.

Mr. Calkins replied to the affirmative. He added when they came in with their zoning and staff established their use, they came in with a survey from possibly 2015 that the Board said was the baseline survey and it was what it would agree to as existing; and then the 1,970 square foot was an expansion of that 2015 survey.

Chair Pritchett inquired if the Board then went ahead and voted to allow for that expansion.

Mr. Calkins responded yes.

Chair Pritchett stated and for him to get those items correct. She continued when she was able to ask questions of staff, her concern is if the Board does this, they will potentially have a lot of people show up who want a refund because they will want to do that instead of gross as well.

May 8, 2018

Mr. Calkins responded the whole Impact Fee Ordinance is based on the gross calculations, gross square footage of restaurants, commercial, and industrial.

Chair Pritchett stated the impact fees for the amount that was in affect at that time, it should have been \$30 a square foot, but the County only charged \$16.99, and she inquired why.

Mr. Calkins explained when staff assessed the value of the assessment, they went with the lowest classification for assessment which was \$16 per square foot; he thinks what Chair Pritchett is referring to is when the Board first heard the Impact Fee Ordinance, it only adopted the \$16 square foot as opposed to what was presented by the consultant of the \$30 per square foot increase, at that point.

John Denninghoff, Assistant County Manager, advised the 2015 study indicated technical and legal support for a much higher Transportation Impact Fee; when the Board re-implemented the impact fees, or ended the moratorium, it returned to the previously established impact fee levels based on the 2000 study which is what staff is using for the schedule; a single-family home would have gone up to about 166 percent of what it had been, had they implemented the 2015 levels; however, the Board chose to keep them at the 2000 levels. He added the similar increases would have occurred for restaurants, as in the case being discussed today; and the Board has actually already implemented about a 50 percent discount on impact fees.

Chair Pritchett stated she thinks the Board needs to maybe start doing a pro-rated impact fee real soon to start bringing the rates up to what the actual costs are for the County.

Commissioner Barfield asked for clarification that when they added on to the deck, they increased the gross square footage.

Mr. Calkins replied affirmatively.

Commissioner Barfield inquired if what they are asking for is to go to the net square footage instead of the gross square footage.

Mr. Calkins again responded in the affirmative.

Commissioner Barfield stated if he understands this, the County's Impact Fee Schedule is based on gross square footage.

Mr. Calkins stated yes, the base calculation is on the gross.

Commissioner Barfield stated he looked at what other counties are doing, and after reviewing 10 other counties, it appears there is not one that is not doing the same; the thinking is that, it is including all the appliances in there; he has a hard time believing this is not new development because it increases business, that is why businesses do this, so to him it is new development; and his point is the Board cannot change the rules right now because it would not be fair to all the people who came before this and all those who will come after this. He explained if the County switched the square footage based on net instead of gross what it would have to do is go back and look at the numbers and increase the cost for net square footage because it is not taking into account the whole entire picture; and that is like piecing apart a restaurant, such as adding one more sink; and he cannot see going to that level. He went on to say he does not agree with giving that waiver, because of that.

Buz Underhill stated he does not disagree with Commissioner Barfield; that is not his proposal to do this on a net basis; he realizes it opens a can of worms and does not make sense; he does not think he should be charged anything, because he does not think he has done anything to

May 8, 2018

create an impact; if that is not the case, then he would like it looked at upon net after takes down the 1,200 square foot building; and because he is getting ready to take down the 1,200 square foot building and adding 1,970 square feet, and if he is going to be charged, it should be on the difference of the two structures. He continued he does not think the County can go from a gross to a net because it does not make a lot of sense; it was an option, but he does not buy into it; he thinks it creates more problems for the County and everyone else to go that route; and he reiterated he does not think it is legitimate to say he created anything that causes more impact to necessitate this kind of impact fee.

Commissioner Isnardi inquired what is in the 1,200 square foot building.

Mr. Underill stated right now it is used for storage, but if the County is going on gross, then it does not really make any difference what he is doing with it. He noted they will probably take it out to help mitigate some of the drainage to be able to retain some of the nitrogen that he agreed to do; and he would be willing to leave the money until the time when he actually takes the building down, and receive some sort of credit.

Mr. Denninghoff stated in the past the County has given demolition credit towards developments that have demolished portions of the business, but they do not give that credit until the demolition is done; ordinarily it is proposed as part of the site plan; when all the permits and certificates are completed and the Certificate of Occupancy (CO) done the basis of the impact fees would include the demolition that took place; and to his knowledge that has not been the case here. He noted that is the first he has heard of a demolition on a portion of the site.

Commissioner Isnardi stated she thinks what it comes down to, and she was not even looking at the net gross, is how absurd this is that the County would even suggest or entertain, and maybe the Board will not, that he take down a 1,200 square foot building being used for storage, which obviously is not being used as part of the restaurant or for eating or otherwise, as no one is eating in the storage unit nor is anyone driving to sit in the storage unit; it is about impact and what is fair and equitable; it is a technical issue whether to demolish a 1,200 square foot building to appease the difference in what his impact fees would technically be; and again, this is about an existing restaurant and someone who has improved their property. She added yes, the deck was increased but the seating has not gone up, so she does not see that being a \$33,000 impact for an existing restaurant; it is what is fair and that is why there is an appeals process; and the Board does not have to agree to not offer some relief here; however, it is getting absurd when talking about taking down a storage building or even entertaining the idea of taking down a storage building to offset the impact fee charges; and she is not saying staff has suggested that, her point is that is a silly path to go down if the Board is considering it.

Chair Pritchett stated she thinks if that came in as part of the package for a trade out then maybe the Board could consider that; but she cannot go out and watch everyone's business to see if it has picked up because of this; if there was a transportation analysis it might help, but for the Board to sit here and make guesses whether this is causing impacts, she thinks the safest thing to do is stick with the foundation of gross; she believes those impact fees are probably a lot lower than they need to be anyways; and based on the information right now, she does not think she can support this. She added she is not saying it cannot come back later with another idea on how to work that out, if that happens the way Mr. Denninghoff suggested, but right now she is not comfortable with it.

Commissioner Barfield asked Attorney Bentley if the Board denies this, if they can bring it back again.

Attorney Bentley stated she thinks that would be a res judicata issue that it was already decided, so she does not believe they could come back again; however, she mentioned it could

May 8, 2018

be tabled to give them time to come in with the demolition permit and adjust it at the staff level if that is really the plan.

Commissioner Smith suggested one option be if the Board thinks the \$33,000 is excessive, that it could use the reasoning to reduce that by giving him credit for the 1,200 square foot building that he is going to take down; that way it does not get into a quagmire with a bunch of other people coming in as has been suggested that people are going to want to say if he receives a reduction, then they should receive reductions; and in comparing apples to apples, he is reducing his square footage, someone else could come in and say they wanted to reduce their square footage, they would have an argument.

Chair Pritchett stated she thinks the process for him is to table this because she does not have any idea if he has storage there or has it cleared out and ready to open a whole new restaurant; her recommendation to the Board is to table this and provide them time to figure out what they want to do with that other building; and if that does not happen, she still believes the impact fees are fair right now.

The Board tabled consideration of an appeal by Banana Riverfront, LLC of a denial of transportation impact fee exemption for the Squid Lips Deck Addition Project to the August 14, 2018, Board meeting.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER:	Curt Smith, Commissioner District 4
AYES:	Rita Pritchett, John Tobia, Curt Smith, Kristine Isnardi
NAYS:	Jim Barfield

ITEM VI.D.1., PRICE V. BREVARD COUNTY, CASE NO. 6:18-CV-428-ORL-22DCI AND GIL V. BREVARD COUNTY, CASE NO. 6:18-CV-642-ORL-28-DCI

Eden Bentley, County Attorney, stated she is requesting permission for an advertisement for executive session for Price vs. Brevard County and Gil vs. Brevard County on May 22, after the Board of County Commissioner Meeting.

The Board approved the cost of advertising for, and the scheduling of, a private attorney-client meeting on May 22, 2018, at the conclusion of the Regular meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statute, for the purpose of discussing strategy and settlement negotiations in the case of Price v. Brevard County, Case No. 6:18-cv-428-Orl-22DCI and Gil v. Brevard County, Case No. 6:18-CV-642-ORL-28-DCI.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Curt Smith, Commissioner District 4
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

May 8, 2018

ITEM VI.F.1., PERMISSION TO SOLICIT REQUEST FOR INFORMATION (RFI), RE: USING NEW TECH IN DISPOSAL OF SOLID WASTE

Euripides Rodriguez, Solid Waste Director, stated this is seeking a Request for Information (RFI) for new technology in the disposal of solid waste; the last time this was done was in 2012 and at that point, it was brought to the Board because the Department was facing a huge expense coming up which was Cell 1 in Cocoa; right now they are several years away from another huge expense that will be coming along, and he thinks it may be time to take a look at different technologies to see if there is something better than what they are currently doing and more cost efficient; and with that he is seeking guidance with the different technologies and whether the Department should be exempting some from being looked at during the RFI or not. He added to give a better idea, when he talks about technology, there is the traditional landfill that the County uses now; there is also incineration which is burning garbage at high temperature, and the best thing to compare that to is the old style power plant where they used to burn coal and in this case it would be burn garbage to convert it to electricity with possibly a by-product of steam also; there is another type of technology called paralysis and there are a bunch of technologies that are called different things, however, they fall within these parameters; and he explained paralysis is burning at very low temperatures with the idea of coming up with a by-product that can be useful. He noted there was a gentleman at one of the meetings whose company dries up the garbage and converts it into something that could be burned in cement and power plants outside of Brevard County because Brevard County does not have any coal plants left; the other major one is composting which is to take garbage and degrade it to the point it can be used as a soil additive; it takes going through the process of removing anything that is not wanted out of it such as metals, glass, and other things that do not compost very well; and he feels composting will not work very well for construction and demolition of lumber because it will take too long for it to degrade. He asked the Board for guidance whether to state in the RFI what the cost are right now and whether the County desires to go higher on that cost. He stated if the Board wants the County to go this route and it uses one of its properties for citing this plant, he would like the Board to consider a bond in case the project does not work, to demolish the structure; in the past they have restricted that it would be a viable technology that had been permitted, not necessarily by the Florida Department of Environmental Protection (FDEP) but certainly by Environment Protection Agency (EPA) because the Department knows there are other countries that have more restrictions and some that have less restrictions than the U.S.; he does not want to go through the process to end up with something that will not be permitted; and in the past staff had requested there be a viable plant working in the U.S. permitted already, and that would be the Board's decision.

Chair Pritchett commented those would be some good suggestions.

Commissioner Tobia inquired if there would be any cost to the County should there be an RFI.

Mr. Rodriguez stated if he is just talking about man hours, no hard costs; and if there are any hard costs it would be at the tail end to consider the technologies that have already gone through this process and had been minimized to one or two viable technologies.

Commissioner Barfield stated he thinks this is a good idea; he would suggest they do the RFI and stick to the intent, that at some point, the County will be going out for a solicitation; what he means by that is when the RFI is out, it is opened up where the new technology can come in and prove itself before it ever goes to the solicitation stage; he agrees with there being a presence in the U.S. but they can still respond to it because they may still be in the process of receiving the certifications to be in the U.S.; he does not want to close it up too much, he wants to keep it out there; and he hears what was said about incineration but things have come a long way with waste energy type plants, however, it must still be economical. He went on to say what the County needs to do is find the technology that best suits what Brevard County can do within

May 8, 2018

the budget; he thinks the County can receive all the RFI's on different systems then narrow it down from there; and that is his input.

Commissioner Isnardi stated she has not had much support for this in the past, but maybe if included in the reasons to do the RFI is to void putting that landfill out on 192, if that is the ultimate goal; she expressed pretty strongly before that is not what she wants people to see first when they drive into Brevard County; with the intent of possibly avoiding creating another massive landfill that could possibly be avoided by new technology, she would like that to be one of the reason the Board is doing this; as far as the viable plant in the U.S. maybe the U.S., Canada, or someplace close by would probably more reasonable because Canada has pretty strict regulations environmentally and otherwise; and it is close enough to where if the County needed to put its eyes on something it could.

Commissioner Smith asked Mr. Rodriguez what his reasoning is for having it restricted to an existing facility in the U.S.

Mr. Rodriguez explained that was not his preference; he does have that as a preference, but it was a preference of the Committee at that point in time in the past; they did not want to get into the situation of what happened in Indian River County where they came up with new technology to convert yard waste into ethanol; theoretically it works in small production but when they tried to scale it up, they had some issues with it; and now they have this plant down there that is not working. He noted that is not to say that not all technologies are working; some of the stuff he mentioned apart from tweaks here and there from different people the technology has been out there for a long time; he forgot to mention plasma which is a technology that is extremely high temperatures where they burn the electricity and it is very clean but expensive; however, it works in small quantities like the U. S. Navy was looking at it for aircraft carriers. He noted it exists in Japan as a compliment to other technologies; there is really no one technology that offers all the solutions; and it is his opinion that the best solution to have is an integrated system that works regardless of what part fails.

Commissioner Smith stated in the RFI the County would find out information like that; and he inquired if that is correct.

Mr. Rodriguez replied affirmatively. He stated just because someone did not put in the RFI at the beginning, they are looking at technology, they are looking at the possibilities out there; he would not want to restrict people because they had not put in for an RFI, so they cannot put in for the RFP; and he want it to be more broad.

Commissioner Smith asked Mr. Rodriguez what his thoughts are on expanding to North America which would include Canada.

Mr. Rodriguez stated as long as they have the same environmental or stricter regulations, he does not have a problem with that; he would have to have someone research that.

Chair Pritchett stated she is anticipating some good information coming back; she does not know what is out there right now; she inquired if he would be coming back with a bunch of different processes and ideas compared to the cost for doing them, and if it is going to cost the County; it would be great if he could find someone who will do and just cover the cost that would be great; she mentioned she has had a couple people come to her office and take all of their garbage and convert it into gold and roads; but she thinks that would be a wonderful concept.

Commissioner Tobia stated he would like to direct staff to initiate the process in order to pursue this information; approve an Evaluation Committee consisting of John Denninghoff, Assistant County Manager, Euripides Rodriguez, Solid Waste Director, and Jill Hayes, Budget Office

May 8, 2018

Director; authorize putting a scope on the ability to scale at least 500,000 tons per year, having an option for 10 facility options for the County to have choices for reducing trucking costs and road wear that will maintain, or reduce County expenses, and maintain/increase County revenues; approve eliminating the need for the County to purchase new or expand existing landfill's, not requiring the County to buy/donate land, will reduce/not increase smells or other negative impacts in comparison to traditional waste facilities, the facility must be bonded, can process all non-hazardous waste, must omit substantially less pollutants in comparison to traditional waste, and the guidelines of other countries geography and environments must meet the United States Environmental Protection Agency (EPA) in the State of Florida; and he does not care where it is located as long as it would be allowed under current Statutes in the State.

Mr. Rodriguez stated that is something his Department could do.

Frank Abbate, County Manager, stated he wants to get this clear, because it would not be costing the County any money, he understands that; however in terms of the tipping fee and what the County is currently paying for a tipping fee he inquired if he should be assuming that it needs to stay flat so there would not be an additional charge.

Commissioner Tobia responded that is correct.

Mr. Rodriguez advised there is a difference between tipping fee and cost, it is not the same; there is a difference between increasing the cost to the citizens and increasing the cost of operating the business; the department not only has a cost of handling that tonnage, but also there is a cost of overhead and for other services that are paid to County departments, plus the money that is separated for future closure of the landfill; when talking about costs there has to be cognizance of which one is being talked about; and the only problem is when total cost exceeds revenues, which is what they do not want to do.

Commissioner Tobia stated he is willing to pull out the will maintain or reduce County expenses, and maintain or increase revenues; he could get all the proposals and have Mr. Rodriguez aggregate that data and then tell the Board of his opinion.

Mr. Rodriguez advised he thinks that would best because at the end of the day a technology might come along that cost 50 cents more or a dollar more per tonnage, but someone else is taking the risk of the technology, so the County has to ask itself if that 50 cents or a dollar more, which would increase the County's cost but not to the citizens, and it could be absorbed internally.

Commissioner Tobia stated he would like to amend his motion to eliminate the criteria, maintain/increase County expense, and maintain/increase county revenues to see what responses we get back.

The Board granted permission to solicit an RFI using new technology in disposal of Solid Waste; approved forming an Evaluation Committee for the RFI consisting of John Denninghoff, Assistant County Manager, Euripides Rodriguez, Solid Waste Director, and Jill Hayes, Budget Office Director; authorized putting a scope on the ability to scale at least 500,000 tons per year and having an option for 10 facility options for the County to have choices for reducing trucking costs and road wear; and approved eliminating the need for the County to purchase a new or to expand existing landfill, not requiring the County to buy/donate land, will reduce/not increase smells or other negative impacts in comparison to traditional waste facilities, the facility must be bonded, can process all non-hazardous waste, must omit substantially less pollution in comparison to traditional waste, and the guidelines of other countries geography and environments must meet the United States Environmental Protection Agency (EPA) in the State of Florida.

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Tobia, Commissioner District 3
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VIII., FRANK ABBATE, COUNTY MANAGER, RE: ST. SEBASTIAN STATE PRESERVE PARK APPOINTMENT

Frank Abbate, County Manager, stated he received an email from the Florida Department of Environmental Protection that they are creating a management planning advisory group for the St. Sebastian Preserve State Park; they requested an appointment of a representative from the Brevard County Board of County Commissioners to be on that advisory group; and staff has talked internally and recommended that the Board appoint Mike McKnight.

The Board appointed Mike Knight, Environmentally Endangered Lands Program Manager, to the St. Sebastian State Preserve Park Advisory Board.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Curt Smith, Commissioner District 4
SECONDER: Kristine Isnardi, Vice Chair/Commissioner District 5
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VIII., FRANK ABBATE, COUNTY MANAGER, RE: CANCELLATION OF MAY 17, 2018 WORKSHOP

Frank Abbate, County Manager, stated there is no subject for the May 17 Workshop; and he asked the Board to cancel that Workshop.

The Board cancelled the Workshop scheduled for May 17, 2018.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Barfield, Commissioner District 2
SECONDER: Curt Smith, Commissioner District 4
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VIII. COMMISSIONER/VICE CHAIR KRISTINE ISNARDI, DISTRICT 5, RE: ORLANDO MELBOURNE INTERNATIONAL AIRPORT LEASEES

Commissioner Isnardi stated she is sure the Board has seen the emails going back and forth about the Orlando Melbourne International Airport; it started in her office; Commissioner Tobia said to go ahead and try to manage it; since there were a lot of issues, staff is looking into some of the issues with tenants; and she asked if it is okay for the Board to direct staff to not allow any major movements at this time, in regards to leases because there has been some major issue, and she does not want to influence what is being looked at right now; there may be a tenant or two that feels like they are being scrutinized because they brought up some issues and

May 8, 2018

complained about what is happening at the airport. She went on to say she does not want there to be a perception of any kind of punitive response; it is a gentleman who has been there for many years who is trashing the place; and until the audit is concluded, she asked that there not be any major movements made on anyone's lease at this time.

John Denninghoff, Assistant County Manager, replied he does not have a problem with that, except that he does want to make sure that the County is not going to endorse, or allow violation of Federal Aviation Administration (FAA) rules.

Commissioner Isnardi remarked she is not suggesting that; and she stated she is talking about something else separate of that.

Mr. Denninghoff stated he understands and he wants to make sure that others do not misunderstand.

Commissioner Isnardi advised this has nothing to do with the pancake breakfast and this is more about their lease.

Mr. Denninghoff advised he does not think there is a problem with that at all.

ITEM VIII., COMMISSIONER JOHN TOBIA, DISTRICT 3, RE: REPORT

Commissioner Tobia wished everyone a Happy Mother's Day; and he thanked all Mother's for all that they do.

Upon consensus of the Board, the meeting was adjourned at 7:34 p.m.

ATTEST:

SCOTT ELLIS, CLERK

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA