

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 March 6, 2018 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

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

INVOCATION

Chair Pritchett called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Tobia led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the February 1, 2018 zoning meeting minutes and the February 15, 2018 special 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: PROCLAIMING MARCH 12-18, 2018, AS UP WITH PEOPLE WEEK

Commissioner Tobia read aloud, and the Board adopted Resolution No. 18-024, proclaiming March 12-18, 2018 as Up with People Week.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Jim Barfield, Commissioner District 2
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM I.B., RESOLUTION, RE: RECOGNIZING AND HONORING MISS UNITED STATES, RACHAEL TODD

Commissioner Tobia inquired if the Board would temporarily postpone the resolution as the recipient is stuck in traffic.

RESOLUTION, RE: HONORING SHELLEY NELSON FOR HER CONTRIBUTION IN ORGANIZING AND IMPLEMENTING AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

Chair Pritchett read aloud, and the Board adopted Resolution No. 18-025, honoring Shelley Nelson for her tremendous contribution to the County Attorney's Office in organizing and implementing an electronic document management system.

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

PRESENTATION, RE: STATUS OF THE INDIAN RIVER LAGOON

Virginia Barker, Natural Resources Management Director, stated this picture is a series of satellite imagery that people may have seen floating around on social media the past few days; it was prepared by the Water Management District based on satellite imagery of the bloom conditions that are going on in the Indian River Lagoon (IRL); the first graph is the bloom condition back in February 2016 which was several weeks before the record breaking fish kill; the graph in the middle is from this year when the same brown tide bloom started up in earnest once again; and the last one is from February 20 data. She noted she has other data which suggests the condition of the Lagoon is worse today than it was just two weeks ago. She continued to say they are doing what they can to plan for any type of emergency that may occur following this brown tide; the Water Management District maintains several continuous monitoring stations that were installed in the Lagoon just after the 2011 super bloom; this data is from the station in the Banana River and the lines are the measure of chlorophyll; it shows daily peaks and then it drops in the afternoon when there is no sunlight; the values were close to 400; in late February they dropped down to the mid-200s and in some stations in the Lagoon they are back up around 400 this week; the peak measures from 2016 were 480 micrograms per liter; and the day those fish kills began, those peak levels were in the mid-200s and the following day they were at 74 so the bloom conditions are very familiar as to what they were in 2016, just before the fish kill. She went on to say the blooms do not actually kill the fish, it is the lack of oxygen that kills the fish; this is from that same station in the Banana River, but a measure of dissolved oxygen with the same pattern of oxygen in the day dropping at night; as the algae photosynthesizes in the day, it is pumping oxygen into the water; as it respire at night it is using up the oxygen; what happened in 2016 was after several months of this pattern, where there was sufficient oxygen in the water for marine life, there were a couple cloudy days

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so the algae did not receive enough light to photosynthesize during the day; and when they respired at night they used up all the available oxygen. She noted if there are cloudy days it is expected that there could be a similar event. She stated they have reached out beyond the agency partners this week; they had their first conference call last week trying to establish who is available to do what; they developed a SharePoint site where they are posting information and sharing the information with each other; they are collaborating what they need to do; and her staff has drafted a protocol, that they have shared with the agencies, that addresses the list of criteria from safety to tracking the event. She commented one of the key things is they rely on reports of fish kills; they then go out and verify if it is a minor, if it is at the end of one little dead-end canal and nothing that they really need to be concerned about, or if it is half of the Banana River; they need to search and verify; they need to map and coordinate who is going to respond where if it is a large event; they have also talked to the agencies about permitting a larger response than last time; in 2016 it was the first time they experienced anything of this scale and the agency's typical response was not to panic; and now they are talking to the agencies about getting permits to actually harvest the dead fish from the water. She added they will still need to coordinate loads of volunteers for the painstaking clean-up along the shore lines, if there are thousands of dead fish floating on the surface, to get them out of the water to remove the nutrients and the oxygen demand before they sink, rot, and contribute more to the problems in the Lagoon. She went on to say they will be coordinating with everyone on how they do the collection, how they transport the fish, how they dispose of them, and tracking what they have actually done; in the meantime, they need to stick with their plan and push projects forward to reduce the pollution that leads to these kinds of events and remove the decades of pollution that is already stored up in the muck in the Lagoon; just a few weeks ago they had announced finishing five projects, and now they have six finished projects; they finished septic to sewer projects, stormwater projects, some dredging projects, and Long Point Park de-nitrification barrier; and they continue to work on responsive management. She stated last year, just three months after the funding began, they updated the plan and added new projects; they are going through that same process this year; a revised plan will be going to the Citizen's Oversight Committee next Friday; the plan will include the projects proposed by the community and a contingency reserve proposal, which could be used for circumstances such as this, where they need to respond to something that was unanticipated; and they are also installing over 50 groundwater monitoring wells so that they can measure performance of projects as they progress. She noted for the public that wants to help, what is critical right now is for anyone who sees dead fish to report it to the Florida Fish and Wildlife Conservation Commission (FWC) hotline at 1-800-636-0511; and in terms of overall Lagoon help, she suggested people stay informed, talk to friends and neighbors, support the Citizen's Oversight Committee by reporting what is being seen at the Lagoon, reduce waste and pollution, and volunteer with many of the organizations helping to restore the Lagoon or that will be volunteering to help clean up if there is a catastrophic event.

Chair Prtichett stated she is hoping the County gets through this one.

Ms. Barker stated the cool weather is helping because cool water holds oxygen better than warm water; as the warmer weather months arrive, that could be a problem; and she hopes this will bloom itself out before the warmer weather occurs.

ITEM II.A.1., BINDING DEVELOPMENT PLAN AGREEMENT, RE: DONALD E. AND STACY L. CLARK

The Board executed Binding Development Plan with Donald E. and Stacy L. Clark for property located on 2.98 acres located at 3810 U.S. Highway 1, Mims. Said Binding Development Plan was recorded in OR BK/PG 8110/1694.

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

ITEM II.A.2., BOARD POLICY REVIEW, RE: BCC-40, WAIVER OF BOARD OF ADJUSTMENT APPLICATION FEES

The Board executed and continued Board Policy BCC-40, Waiver of Board of Adjustment application fees.

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

ITEM II.A.3., FINAL PLAT APPROVAL AND SUBDIVISION INFRASTRUCTURE CONTRACT WITH THE VIERA COMPANY, RE: ADELAIDE PHASE 4

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: Kristine Isnardi, Vice Chair/Commissioner District 5
SECONDER: Jim Barfield, Commissioner District 2
AYES: Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM II.A.4., APPROVAL, RE: PERMISSION TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ) FOR DESIGN ENGINEERING SERVICES; AND RESOLUTION AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENT FOR JOHN RODES BOULEVARD SIDEWALK

The Board authorized the advertisement and award of the RFQ for the engineering design of the John Rodes Boulevard Sidewalk; authorized the Chair to execute the RFQ contract and the forthcoming FDOT LAP Agreement and Resolution; authorized the Chair to execute all necessary documents, agreements, and resolutions related to this project contingent upon review and approval by the County Attorney and Risk Management; and approved any Budget Change Requests associated with this action.

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

ITEM II.A.5., APPROVAL, RE: PERMISSION TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES; AND RESOLUTION AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENT FOR PORT ST. JOHN MULTI-MODAL FEASIBILITY STUDY

The Board authorized the advertisement and award of the RFQ for the engineering services of the Port St. John Multi-Modal Feasibility Study; authorized the Chair to execute the RFQ contract and the forthcoming FDOT LAP Agreement and Resolution; authorized the Chair to execute all necessary documents, agreements, and resolutions related to this project contingent upon review and approval by the County Attorney and Risk Management; and approved any Budget Change Requests associated with this action.

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

ITEM II.A.6., RESOLUTION, RE: ADD/MODIFY QUALIFIED TRANSPORTATION PROJECTS ON THE 2007 SERIES LOCAL OPTION GAS TAX BOND PROCEEDS LIST AND OTHER TRANSPORTATION REVENUE PROCEEDS LIST

The Board adopted Resolution No. 18-026, to add and/or modify qualified transportation projects to be funded with the 2007 Series Local Option Gas Tax (LOGT) Bond Proceeds and other Transportation Revenue Proceeds; and authorized the County Manager to approve all necessary Budget Change Requests to initiate this action and expedite expenditures associated with transportation improvement projects.

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

ITEM II.B.1., APPROVAL, RE: PERMISSION TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES; AND RESOLUTION AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENT FOR FEASIBILITY STUDY FOR NORTH MERRITT ISLAND PIONEER TRAIL

The Board authorized the advertisement and award of the RFQ for the Feasibility Study of the North Merritt Island Pioneer Trail; authorized the Chair to execute the RFQ contract and the forthcoming FDOT LAP Agreement and Resolution; authorized the Chair to execute all

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necessary documents, agreements, and resolutions related to this project contingent upon review and approval by the County Attorney and Risk Management; and approved any Budget Change Requests associated with this action.

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

ITEM II.B.2., PERMISSION TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ)/BIDS FOR DESIGN/ENGINEERING SERVICES AND CONSTRUCTION; AND RESOLUTIONS AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENTS FOR DESIGN AND CONSTRUCTION OF FLORIDA COAST-TO-COAST PARRISH PARK TRAILHEAD

The Board authorized the advertisement and award of the RFQ/Bids for Design/Engineering Services and award the construction bid for the Florida Coast to Coast Parrish Park Trailhead; authorized the Chair to execute the RFQ/Bid contracts and the forthcoming FDOT LAP Agreements and Resolutions; authorized the Chair to execute all necessary documents, agreements, and resolutions related to this project contingent upon review and approval by the County Attorney and Risk Management; and approved any Budget Change Requests associated with this action.

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

ITEM II.B.3., APPROVAL, RE: FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

The Board approved the Fiscal Year 2018 Certifications and Assurances for Federal Transit Administration Grants; and authorized the Interim Transit Services Director to execute the Certification and Assurance electronically.

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

ITEM II.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests.

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

ITEM II.C.2., ACKNOWLEDGE RECEIPT, RE: AUDITED FY 2016-2017 FINANCIAL STATEMENTS FOR THE ECONOMIC DEVELOPMENT COMMISSION OF FLORIDA'S SPACE COAST, INCORPORATED (THEREAFTER REFERRED TO AS THE "EDC")

The Board acknowledged receipt of audited FY 2016-2017 Financial Statements for the EDC.

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

ITEM II.C.3., PERMISSION TO ADVERTISE REQUEST FOR PROPOSALS; AND AMENDMENT TO AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT, INC., RE: COUNTY FINANCIAL ADVISOR

The Board approved Amendment to Agreement to accept assignment of all work previously performed by Public Financial Management, Inc. to PFM Financial Advisors, LLC; authorized the Chair to sign the Amendment to Agreement; authorized Purchasing Services to solicit and award the RFP for Financial Advisor services; established a selection and negotiation committee consisting of the County Manager, County Attorney, County Finance Director, Solid Waste Management Director, and the Budget Director, or their designees; and authorized the Chair to execute the agreement once approved by the County Attorney's Office and Risk Management.

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

ITEM II.C.4., APPROVAL, RE: PERMISSION TO REJECT REQUEST FOR PROPOSALS (RFP) RECEIVED FOR PROPOSAL #P-3-17-10, BREVARD COUNTY BEACH CLEANUP AND MAINTENANCE; AND AGREEMENT WITH CITY OF COCOA BEACH FOR COUNTY BEACH MAINTENANCE SERVICES

The Board authorized Purchasing Services to reject the proposals submitted for RFP #P-3-17-10, Brevard County Beach Cleanup and Maintenance; approved an alternative partnership Agreement with City of Cocoa Beach; authorized the Chair to execute the Agreement; and authorized any associated budgetary and asset management changes.

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

ITEM II.D.1., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed **John Craig** to the Titusville-Cocoa Airport Authority, with term expiring March 4, 2020.

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

ITEM III., PUBLIC COMMENTS

Alvina Pitches stated she worked in the field of animal protection and welfare, shelter management, and public protection from certain animals; she was a humane investigator, a humane society and shelter director, and a wildlife rehabilitator; she served as president of the Virginia Federation of Humane Societies, and she was a member of the legislative circle of HSUS; and she worked extensively for 10 years with the Virginia legislature and other agencies, including the Governor, establishing laws and policies for the protection of animals, as well as animal control training and humane investigator training. She went on to say she would like the Board to order a legal review of certain sections of the Animal Ordinance that do not appear to be in conformance with State Statute; she submitted questions to the County Attorney, and she was advised that direction would need to come from the Board; and she stated she is hoping the outcome of the review may reveal areas that are in the Brevard Animal Services postings on their website, that appear to be conflicting with Statute in regards to animal cruelty and abandonment. She noted, in her opinion, the items posted on Brevard Animal Services website are in conflict with the Statutes; it asks for volunteers who participate in this activity; and she would suggest the Board suspend, subject to review, the current activities of Animal Services and its volunteers that appear to be in violation of state law and some of the County Ordinance.

Bill Kowalczyk stated he is the chairman of the Brevard Veterans Council and Vice President of the Veterans Memorial Center on Merritt Island; they sustained some heavy damage during the hurricane and as of today, nothing has been done to facilitate the safety aspect, other than putting up yellow barriers, to keep people from going onto the boardwalk behind the facilities; the erosion was so bad that they had several out buildings behind that building that are now sagging; they have had to place supports on them so they can enter the buildings; they have had sidewalks buckle within the last week, which prevents them from getting the golf carts out to maintain the new 80 acre park; and from what they are being told by the Parks and Recreation Department, is that they are holding for the Board to release the funds so they can do the work. He stated he is hoping after today, they will see some activity, because not only is it a safety violation, but they have an event happening this weekend which is the anniversary of the final naval battle; and their sign is laying over, so it is not very nice for them. He advised they are losing revenue from not booking parties at the facility because they cannot use the back property; and he asked what the Board can do to get Parks and Recreation out there. He noted

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it took three months to get the inside of the building fixed from the storm damage, when the roof leaked and the walls were destroyed.

Chair Pritchett stated she believes it is not the Board that is holding up the funds.

Jim Liesenfelt, Interim Assistant County Manager, stated he will speak with him; there are 19 different hurricane damaged projects on the list; on the preliminary priority list, this one is listed as number two; they are estimating it at \$500,000 to \$1 million for repairs and replacements; and that should go out to everyone by the end of this week.

Charles Tovey stated he may be a little off tonight; he is there to speak about the algae blooms that can be prevented by doing things to overt the extent of the damage if it is looked at now, instead of waiting until it happens; he explained if the cup he is holding is the retention pond that holds the water, the water is sitting there stagnant, with the first significant amount of rainfall, it will flush those areas and all that stuff will go into the Lagoon; the Lagoon is the end result and the symptom of the problem; and what he is looking at is recycling the water before it ever gets to the Lagoon. He reiterated the water in the retention ponds just sits there, festers, and spoils; it is not being utilized, it is not getting soaked, it is not being absorbed, it is not being transported through the foliage; the County needs to drain these areas, especially where the highest concentration of these algae blooms are; like a volcano that produces lava, and to look at the end result of where the lava is; and he stated to follow the source of where it comes from especially in the highest area of algae blooms. He went on to say he has other programs and things; he does not want to reveal them right now; the algae bloom is a symptom of what is being done on the lands and all over the nation; this situation can be reverted; and if any of the Board would give him some time at the office, he can explain part of his program. He advised it is instilled with a designated environmental recharge area; it is taking these retention ponds and the dirty water areas and utilizing it to be productive; it is recycling the water for sales and other ideas he has; and he mentioned the criminals can be also utilized. He reiterated he would like to explain his whole package of environmental remedies that will help offset the result; it is a big bathtub and what is being done is it is being washed down; during hurricane situations, the pumps can be used to drain these areas; and he requested time at one of the Commissioner's offices.

ITEM IV.A., RESOLUTION, RE: PETITION TO VACATE PARTIAL VACATING OF TWO PUBLIC UTILITY AND DRAINAGE EASEMENTS - ILLINOIS ROAD - NORTH PORT ST. JOHN UNIT TWO PART ONE - COCOA - BORRELLI HOMES, LLC

Chair Pritchett called for public hearing on a petition to partially vacate two public utility and drainage easements on Illinois Road in North Port St. John, Unit 2, Part One, Cocoa for Borrelli Homes, LLC.

Andy Holmes, Public Works Director, stated this is a petition to partially vacate two public utility and drainage easements locate on Illinois Road; the petitioner is requesting this for removal of a shed and pool, as encroachments to these easements; and there have been no objections.

There being no further comments or objections, the Board adopted Resolution No. 18-027, partially vacating two public utility and drainage easements on Illinois Road in North Port St. John, Unit Two Part One, Cocoa, as petitioned by Sue Borelli.

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

ITEM VI.A.1., WAIVER, RE: SIX FOOT MASONRY OR SOLID WALL FOR A SUBARU PARKING ADDITION - VAHEED B. TEIMOURI

Tad Calkins, Planning and Development Director, stated this is a request for a waiver of Section 62-3202(h)(10), to allow a six foot high chain link fence with white slats or a six foot high vinyl fence in lieu of the required six foot high masonry or solid wall by the Land Development Code when a commercial property abuts a residential property; this Item came before the Board last March with the zoning change and the Binding Development Plan (BDP) with the provision to allow the six foot high chain link and vinyl fence; however, the BDP does not waive a Code requirement, therefore, it had to be brought back before the Board as a matter of bookkeeping.

Philip Nohr stated his neighbor to the north wanted the fence instead of the wall and they were happy to accommodate him; he is unaware of any opposition to this; and he asked the Board to approve the request.

Commissioner Isnardi stated she thinks it is the best option not just for the neighbor but for the property.

The Board granted waiver to Section 62-3202(h)(10) to install six foot high chain link fence with white slats or six foot high vinyl fence, in lieu of the six foot high masonry or solid wall required by the Land Development Code.

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

ITEM VI.D.1., REQUEST FOR EXECUTIVE SESSION, RE: BREVARD COUNTY V. EUGENE GARROTE, ET AL

Scott Knox, County Attorney, stated this is request for an attorney client private session on the case of Brevard County versus Eugene Garrote, et al.

The Board approved the cost of advertising for, and the scheduling of, an Executive Session on March 15, 2018, at the conclusion of the Workshop meeting of the Board of County Commissioners, pursuant to Section 286.011(8), Florida Statute, for the purpose of discussing strategy and granting authorization in the case of Brevard County v. Eugene Garrote, et al.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Barfield, Commissioner District 2
SECONDER:	John Tobia, Commissioner District 3
AYES:	Pritchett, Barfield, Tobia, Smith, Isnardi

ITEM VI.E.1., AUTHORIZATION TO SEND LETTERS TO GOVERNOR RICK SCOTT AND BREVARD'S LEGISLATIVE DELEGATION, RE: REQUESTING ADDITIONAL APPROPRIATION FOR HURRICANE IRMA WATERWAY DEBRIS AND DERELICT VESSEL CLEANUP

Kimberly Prosser, Emergency Management Director, stated following Hurricane Irma the County had a variety of waterway debris as well as derelict vessels that were created by the hurricane and have been in the waterways of Brevard County; while the State had hired contractors to do that work, the funding has since been depleted; it has left the County with approximately half of the derelict vessels, about 50, still in the waterways, and about 20 percent of the debris to still be collected; and she requested a letter be sent to Governor Rick Scott and the Brevard Legislative Delegation asking for funding to be provided to continue the clean-up of such.

Frank Abbate, County Manager, added this is something similar to what had occurred after Hurricane Matthew; the County was successful when they requested help the last time; and they are very hopeful, if the Board allows, having another favorable response from the State.

The Board executed and authorized the Chair to send letters to Governor Rick Scott and Brevard Legislative Delegation requesting the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission receive additional appropriation for the Hurricane Irma waterway debris collection and derelict vessel removal completion.

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

ITEM VI.F.1., LEGISLATIVE INTENT AND PERMISSION TO ADVERTISE, RE: AMENDING SECTION 82-6(2), BREVARD COUNTY ORDINANCES, TO CREATE TERM LIMITS

Commissioner Tobia stated in 2000 the Brevard voters approved implementing term limits on County Commissioners; this would implement term limits on the Personnel Council; there was no rhyme or reason why this was the first council he chose to institute term limits; and the intent is just to have term limits on the many citizen boards.

Commissioner Isnardi stated she thinks this is a fair compromise; Commissioner Tobia's suggestion is to allow eight years, which is still a very long term, with yearly appointments; she thinks if a board has a good member and wants to engage in a board then they are welcome to do so, with a break in the board, so it does not become political or a mundane act; and she is in support of it.

Commissioner Barfield stated the Board needs to remember these citizens are volunteers and a lot of times it is hard to get people to volunteer for certain committees; with exception to the

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Board of Adjustment, these volunteers are not the ones who make the final decisions, they just provide recommendations; it is hard to get people who have a lot of experience in certain things like Planning and Zoning; he would hate to see someone eliminated from being on a board because of term limits when they are very informative; and he is opposed to this.

Commissioner Smith stated he is very much in favor of term limits, however, he does not see a real purpose here because they are volunteers; these people are appointed by the Commissioners and the Commissioners are term limited; if a Commissioner comes in to a situation where there is a board appointee who he or she is unhappy with, they can easily remove that member, so to him that is a form of term limits; and he will not be supporting this.

Commissioner Tobia commented although Commissioner Barfield and Commissioner Smith have brought up some good points, appointees of previous Commissioners cannot be removed by the Board; he has one individual who is serving his office, and while he appreciates that, he would rather have someone else on that board; he asked the individual to step down, and this gentleman decided against it; and he reiterated that this Board does not have the ability to remove people.

Chair Pritchett inquired if the Board re-appoints or removes the members yearly.

Scott Knox, County Attorney, stated there are some boards that are established by State Statute that have set terms to abide by.

Chair Pritchett inquired for how many years.

Attorney Knox replied it depends on what board it is; and he believes the LPA has four-year terms.

Chair Pritchett inquired if the Board would have to wait four years, if there was a conflict of interest.

Attorney Knox responded affirmatively. He stated unless the member voluntarily stepped down, which is what Commissioner Tobia wanted, and the member refused.

Commissioner Smith stated Commissioner Tobia makes a valid point; he does not know how many boards there are but there are some boards where the members cannot be removed by the Board of County Commissioners; and he asked if the Board were to take it upon itself to remove these people, if that would apply to those ensconced in these boards.

Attorney Knox stated if the appointments are made pursuant to a statute that requires the assistance of the board and sets forth those terms, the Board cannot change the terms by ordinance or any other means.

Commissioner Smith inquired if this motion would work for this.

Attorney Knox pointed out it would not do anything for the State law appointed boards.

Chair Pritchett inquired if there are any State board appointments longer than four years.

Attorney Knox stated he could not think of any at this time.

Chair Pritchett stated she gets this; she would be frustrated too if she had someone who was in direct conflict of what she was elected to do; and she noted she would struggle too because she is having a hard enough time finding volunteers for some of the boards.

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Commissioner Isnardi stated with those appointments, an incoming Commissioner would be able to modify that if they were not satisfied with their term; it would at least limit them as far as the Commissioner coming in and not being obligated to reappoint; she has board members who want to serve, but it puts her in a bind to remove someone; it looks either retaliatory, or personal even though it may not be; she looks at it as though it is getting some new and fresh ideas; bringing someone new to the finance committee was great because the committee had someone with a new perspective; and she mentioned it is sometimes difficult to get new volunteers, but they had put out a public announcement on Facebook and received several volunteers for her board appointees. She noted there have been several people who have reached out to her office asking for positions. She continued there are too many boards; she believes that term limits are not a bad thing; and maybe the compromise is instead of an eight year term limit in a 20-year period, maybe an eight-year with a two-year stop out would work, if someone does not serve for two years he or she could come back; and she stated she has been asked several times by people who want to go on one of the boards, but she hesitates to remove someone who has been on the board for a long time only because they may be a valuable member and she almost feels obligated because they have dedicated all that time. She went on to say this would take that factor out of the mix; and she likes the idea of a fresh mind and a fresh perspective.

Commissioner Barfield stated for those boards that the Board of County Commissioners cannot change; it might be good to get with the Brevard Delegation and see if the Statute can be changed.

Chair Pritchett stated she thinks that is a real good idea.

Commissioner Barfield noted he is sure that this Board is not the only one who has been faced with this.

Commissioner Tobia stated this is just for permission to advertise, so he would like to make that motion.

Commissioner Isnardi stated she would like to second that with discussion. She asked if Commissioner Tobia would be willing to support the one or two year stop out rather than the 20 year restriction, because for 12 years the person would not be able to serve again; she thinks they may lose a good volunteer if someone new comes in, or there is a new Commissioner; and she thinks that is a potential conflict.

Commissioner Tobia stated this is one of the negatives with Sunshine Law; he thinks that is a good suggestion and one he would have put in there, had he thought of it; and he would be more than amenable to adding it immediately to win her support on this.

Chair Pritchett stated she really does not like the fact that there are boards that this Board cannot make changes to; she has no problem with removing someone from a board if they are not doing what is expected of them; she is not going to vote with this tonight because there are numerous boards where people volunteer, and she has a community where only one percent of the people are willing to do the work; and she is not willing to lose that work force.

Attorney Knox stated if the Board had a piece of legislation prepared that would allow County Commissioners to have the discretion to remove people, that are reasonably deemed under certain circumstances to be removed, it would make it easier to replace people and may get some traction in Tallahassee; and typically when preparing legislation or draft legislation and provide it to the legislators, it is a lot easier for them to envision what is trying to be accomplished.

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Chair Pritchett inquired if the Board needed a vote to get moving on that.

Attorney Knox responded if that is what the Board wants to do, he would be willing to put something together for it.

Chair Pritchett stated she would like that.

The Board denied legislative intent and permission to advertise an amendment to Section 82-6(2), Brevard County Ordinance, in order to add a provision for term limits.

RESULT:	DEFEATED [2 TO 3]
MOVER:	John Tobia, Commissioner District 3
SECONDER:	Kristine Isnardi, Vice Chair/Commissioner District 5
AYES:	John Tobia, Kristine Isnardi
NAYS:	Rita Pritchett, Jim Barfield, Curt Smith

Commissioner Smith stated if the County Commissioners have people who have a lot of talent and the Commissioner wants to place them on a board, he or she cannot be squeamish about replacing someone else, if the opportunity allows for it.

Chair Pritchett thanked Commissioner Tobia for bringing this up.

Commissioner Tobia commented he had this lined up with a lot of other councils and volunteer boards, so he will not be bringing those back to the Board in the future; should the Board's opinion change on this for one reason or another, he would appreciate bringing it forward because one more vote could swing this; and until that time arises he does not plan on bringing any more of these to the Board.

Chair Pritchett stated she is going to start looking into the boards where this Board cannot make changes.

ITEM VIII.C., JIM BARFIELD, COMMISSIONER DISTRICT 2, RE: REPORT

Commissioner Barfield stated the Central Florida Expressway meeting is on Thursday; there are various different Project Development and Environment (PD&E) studies that may be kicking off; there are six of them and three of them will affect future access coming into Brevard County, so he will report on it at the next meeting; and he will report it at TPO as well.

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

Commissioner Tobia requested the resolution for Miss Rachael Todd be postponed until the next meeting.

ITEM VIII.E., CURT SMITH, COMMISSIONER DISTRICT 4, RE: REPORT

Commissioner Smith stated he would like to publicly recognize Commissioner Barfield and Larry McIntyre as inductees into the Junior Achievement of the Space Coast Business Hall of Fame; Commissioner Barfield gave a wonderful talk; and he just wanted to recognize his achievements in the County.

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Upon consensus of the Board, the meeting adjourned at 5:49 p.m.

ATTEST:

SCOTT ELLIS, CLERK

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

DRAFT